

UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT *

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UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

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RECORDING ACT**

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UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

SECTION 1. SHORT TITLE. This [act] may be cited as the Uniform Real Property Electronic Recording Act.

SECTION 2. DEFINITIONS. In this [act]:

(1) “Document” means information that is:

(A) inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(B) eligible to be recorded in the land records maintained by the [recorder].

(2) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) “Electronic document” means a document that is received by the [recorder] in an electronic form.

(4) “[Electronic recording commission]” means the [commission] [name of state agency] established by Section 5 of this [act].

(5) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(6) “Paper document” means a document that is received by the [recorder] in a form that is not electronic.

(7) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(8) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

SECTION 3. VALIDITY OF ELECTRONIC DOCUMENTS.

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or other tangible medium, or be in writing, an electronic document satisfying this [act] satisfies the law.

(b) If a law requires, as a condition for recording, that a document be signed, an electronic signature satisfies the law.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal is not required to accompany an electronic signature.

SECTION 4. RECORDING OF DOCUMENTS.

(a) A [recorder] who implements any of the functions described in this section shall do so in compliance with standards established by the [electronic recording commission].

(b) A [recorder] may receive, index, store, archive, and transmit electronic documents.

(c) A [recorder] may provide for access to, and for search and retrieval of, documents and information by electronic means.

(d) A [recorder] who accepts electronic documents for recording shall continue to accept paper documents and shall place entries for both types of documents in the same index.

(e) A [recorder] may convert paper documents accepted for recording into electronic form. The [recorder] may convert into electronic form information recorded before the [recorder] began to record electronic documents.

(f) Any fee [or tax] that a [recorder] is authorized to collect may be collected electronically.

(g) A [recorder] and other officials of a state or a political subdivision thereof, or of the United States, may agree on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees and taxes.

SECTION 5. UNIFORM STANDARDS.

[Alternative A]

(a) An [electronic recording commission] is created to adopt standards to implement this [act]. The [commission] must consist of [number] members appointed by [the governor]. The majority of the members of the [commission] must be [recorders].

[End of Alternative A]

[Alternative B]

(a) The [name of state agency] shall adopt standards to implement this [act].

[End of Alternative B]

(b) The [electronic recording commission] [name of state agency] shall promote harmony and uniformity in the standards and practices of [recorders] in States that use electronic recording under this [act] or a substantially equivalent law, so far as is consistent with the purposes, policies, and provisions of this [act]. When adopting, amending, and repealing standards, the [commission] [name of state agency] shall consider standards and practices of other jurisdictions; consider the most recent standards promulgated by national standard-setting bodies, such as the Property Records Industry Association; consider the views of interested persons and other governmental entities; and consider the needs of [counties] of varying size, population, and resources.

SECTION 6. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 7. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This [act] modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Section 7001, et seq.)

but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)) or Section 104 of that act (15 U.S.C. Section 7004), or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. Section 7003(b)).

SECTION 8. EFFECTIVE DATE. This [act] takes effect [date].