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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO PROPERTY - ELECTRONIC RECORDING

Introduced By: Senator Christopher B. Maselli

Date Introduced: February 12, 2009

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 34 of the General Laws entitled "PROPERTY" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 13.2

4 UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

5 **34-13.2-1. Short title.** -- This chapter may be cited as the "Uniform Real Property
6 Electronic Recording Act."

7 **34-13.2-2. Definitions.** -- As used in this chapter:

8 (1) "Document" means information that is:

9 (i) Inscribed on a tangible medium or that is stored in an electronic or other medium and
10 is retrievable in perceivable form; and

11 (ii) Eligible to be recorded in the land records maintained by the recorder of deeds.

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

14 (3) "Electronic document" means a document that is received by the recorder of deeds in
15 an electronic form.

16 (4) "Electronic signature" means an electronic sound, symbol, or process attached to or
17 logically associated with a document and executed or adopted by a person with the intent to sign
18 the document.

19 (5) "Person" means an individual, corporation, business trust, estate, trust partnership,

1 limited liability company, association, joint venture, public corporation, government, or
2 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

3 (6) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
4 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of
5 the United States.

6 **34-13.2-3. Validity of electronic documents.** -- (a) If a law requires, as a condition for
7 recording, that a document be an original, be on paper or another tangible medium, or be in
8 writing, the requirement is satisfied by an electronic document satisfying this chapter.

9 (b) If a law requires, as a condition for recording, that a document be signed, the
10 requirement is satisfied by an electronic signature.

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

16 **34-13.2-4. Recording of documents.** – (a) In this section, "paper document" means a
17 document that is received by the recorder of deeds in a form that is not electronic.

18 (b) Recorder of deeds:

19 (1) Who implements any of the functions listed in this section shall do so in compliance
20 with standards established by the secretary of state's office.

21 (2) May receive, index, store, archive, and transmit electronic documents.

22 (3) May provide for access to, and for search and retrieval of, documents and information
23 by electronic means.

24 (4) Who accepts electronic documents for recording shall continue to accept paper
25 documents as authorized by state law and shall place entries for both types of documents in the
26 same index.

27 (5) May convert paper documents accepted for recording into electronic form.

28 (6) May convert into electronic form information recorded before the recorder of deeds
29 began to record electronic documents.

30 (7) May accept electronically any fee or tax that the recorder of deeds is authorized to
31 collect.

32 (8) May agree with other officials of a state or a political subdivision thereof, or of the
33 United States, on procedures or processes to facilitate the electronic satisfaction of prior
34 approvals and conditions precedent to recording and the electronic payment of fees and taxes.

1 **34-13.2-5. Administration and standards.** – (a) The secretary of state's office shall
2 adopt standards to implement this chapter.

3 (b) To keep the standards and practices of recorder of deeds in this state in harmony with
4 the standards and practices of recording offices in other jurisdictions that enact substantially this
5 chapter and to keep the technology used by recorder of deeds in this state compatible with
6 technology used by recording offices in other jurisdictions that enact substantially this chapter,
7 the secretary of state's office, so far as is consistent with the purposes, policies, and provisions of
8 this chapter, in adopting, amending, and repealing standards shall consider:

- 9 (1) Standards and practices of other jurisdictions;
- 10 (2) The most recent standards promulgated by national standard-setting bodies, such as
11 the Property Records Industry Association;
- 12 (3) The views of interested persons and governmental officials and entities; and
- 13 (4) The needs of municipalities of varying size, population, and resources.

14 **34-13.2-6. Uniformity of application and construction.** -- In applying and construing
15 the Uniform Real Property Electronic Recording Act, consideration must be given to the need to
16 promote uniformity of the law with respect to its subject matter among states that enact it.

17 **34-13.2-7. Relation to electronic signatures in global and national commerce act.** –
18 This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and
19 National Commerce Act (15 U.S.C. Section 7001, et seq.) but does not modify, limit, or
20 supersede Section 101(c) of that chapter (15 U.S.C. Section 7001(c)) or authorize electronic
21 delivery of any of the notices described in Section 103(b) of that chapter (15 U.S.C. Section
22 7003(b)).

23 SECTION 2. This act shall take effect on January 1, 2009.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PROPERTY - ELECTRONIC RECORDING

1 This act would specifically authorize the municipal recorder of deeds, at the recorder's
2 option, to accept electronic documents for recording and to index and store those documents.

3 This act would also be designed to foster interim and interstate having uniformity in
4 electronic recording process.

5 This act would take effect on January 1, 2009.

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