

2018 -- S 2093

LC003292

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO PROPERTY -- ELECTRONIC RECORDING

Introduced By: Senators Seveney, DiPalma, Coyne, Calkin, and Felag

Date Introduced: January 18, 2018

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.**

6 This chapter shall be known and may be cited as the "Uniform Real Property Electronic
7 Recording Act."

8 **34-13.2-2. Definitions.**

9 As used in this chapter:

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

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

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

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

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

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

1 the document.

2 (5) "Person" means an individual, corporation, business trust, estate, trust partnership,
3 limited liability company, association, joint venture, public corporation, government, or
4 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

5 (6) "Recorder of deeds" means the officer who has authority under state law to accept
6 documents for recording in the land records office. This could include such officers as the
7 "registrar" "clerk", and/or the "recorder".

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

11 **34-13.2-3. Validity of electronic documents.**

12 (a) If a law requires, as a condition for recording, that a document be an original, be on
13 paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic
14 document satisfying this chapter.

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

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

22 **34-13.2-4. Recording of documents.**

23 (a) In this section, "paper document" means a document that is received by the recorder
24 of deeds in a form that is not electronic.

25 (b) A recorder of deeds:

26 (1) Who implements any of the functions listed in this section shall do so in compliance
27 with the most recent standards established by the national standard-setting body, Property
28 Records Industry Association.

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

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

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

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

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

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

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

9 **34-13.2-5. Administration and standards.**

10 To keep the standards and practices of recorder of deeds in this state in harmony with the
11 standards and practices of recording offices in other jurisdictions that enact substantially this
12 chapter and to keep the technology used by recorder of deeds in this state compatible with
13 technology used by recording offices in other jurisdictions that enact substantially this chapter,
14 the recorder of deeds so far as is consistent with the purposes, policies, and provisions of this
15 chapter, in adopting, amending, and repealing standards shall consider the following:

16 (1) Standards and practices of other jurisdictions;

17 (2) The most recent standards promulgated by national standard-setting bodies, such as
18 the Property Records Industry Association;

19 (3) The views of interested persons and governmental officials and entities;

20 (4) The needs of municipalities of varying size, population, and resources; and

21 (5) Standards requiring adequate information security protection to ensure that electronic
22 documents are accurate, authentic, adequately preserved, and resistant to tampering.

23 **34-13.2-6. Uniformity of application and construction.**

24 In applying and construing this uniform act, consideration must be given to the need to
25 promote uniformity of the law with respect to its subject matter among states that enact it.

26 **34-13.2-7. Relation to electronic signatures in global and national commerce act.**

27 This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global
28 and National Commerce Act (15 U.S.C. §7001, et seq.), but does not modify, limit, or supersede
29 §101(c) of that act (15 U.S.C. §7001(c)) or authorize electronic delivery of any of the notices
30 described in §103(b) of that chapter (15 U.S.C. §7003(b)).

31 SECTION 2. This act shall take effect on January 1, 2019.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PROPERTY -- ELECTRONIC RECORDING

1 This act would authorize a city or town clerk/recorder of deeds, at the clerk's/recorder's
2 option, to accept electronic documents for recording real property and land records and to index
3 and store those documents.

4 This act would take effect on January 1, 2019.

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