



General Assembly

Substitute Bill No. 1295

January Session, 2005

* SB01295GAEJUD032405 *

AN ACT ESTABLISHING AN ELECTRONIC RECORDING COMMISSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in this section and
2 section 2 of this act:

3 (1) "State real property electronic recording system" means a state-
4 wide real property electronic recording system, consisting of
5 information, data bases, hardware, software and all components of
6 each town electronic recording system.

7 (2) "Document" means any instrument, in either electronic or paper
8 form, that creates, transfers, asserts or explains an interest in real
9 estate, including a deed, patent, mortgage, will, lien instrument, grant
10 of easement, affidavit, court order or decree, notice, order of fence
11 viewers and any other instrument that affects an interest in real estate.

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

15 (4) "Electronic document" means a document created by electronic
16 means.

17 (5) "Electronic signature" means an electronic sound, symbol or
18 process, attached to or logically associated with an electronic

19 document and executed or adopted by a person with the intent to sign
20 the electronic document.

21 (6) "Paper document" means a document printed in paper form.

22 (7) "Town electronic recording system" means any real property
23 electronic recording system that may be maintained by a town in this
24 state, consisting of information, data bases, hardware, software and all
25 components of such system.

26 Sec. 2. (NEW) (*Effective from passage*) (a) There is established an
27 Electronic Recording Commission, which shall be within the State
28 Library for administrative purposes only. The commission shall consist
29 of:

30 (1) The Secretary of the State, or a designee;

31 (2) The Chief Information Officer of the Department of Information
32 Technology, or a designee;

33 (3) The Public Records Administrator, or a designee;

34 (4) A member of the real property section of the Connecticut Bar
35 Association, appointed by the speaker of the House of Representatives;

36 (5) A town clerk representing the Connecticut Town Clerk's
37 Association, appointed by the president pro tempore of the Senate;

38 (6) A representative of a title insurance company, appointed by the
39 minority leader of the House of Representatives; and

40 (7) A representative of the mortgage banking industry, appointed
41 by the minority leader of the Senate.

42 (b) The members initially appointed under subdivisions (4) and (7)
43 of subsection (a) of this section shall serve for a term of two years from
44 July 1, 2005, and the members subsequently appointed under said
45 subdivisions (4) and (7) shall serve for terms of three years from July
46 first in the year of their appointment. The members appointed under

47 subdivisions (5) and (6) of subsection (a) of this section shall serve for
48 terms of three years from July first in the year of their appointment.
49 Initial appointments under subdivisions (4) to (7), inclusive, of
50 subsection (a) of this section shall be made not later than sixty days
51 after the effective date of this section. Vacancies on the commission
52 shall be filled by the appointing authority. The commission shall elect
53 a chairperson and a vice-chairperson from among its members.
54 Members of the commission shall serve without compensation but
55 shall, within the limits of available funds, be reimbursed for expenses
56 necessarily incurred in the performance of their duties.

57 (c) The Electronic Recording Commission shall submit
58 recommendations to the General Assembly for standards to be used in
59 the development, implementation and operation of a state real
60 property electronic recording system. Such recommended standards
61 shall set forth:

62 (1) The manner and format in which an electronic document shall be
63 submitted, received, returned, stored and retrieved, and specifications
64 for the systems established for such purposes;

65 (2) The type of electronic signature required, the manner, format
66 and technological processes in which an electronic signature shall be
67 affixed to an electronic document, the manner, format and
68 technological processes for certifying authorities for such electronic
69 signatures, and the identity of, or criteria that shall be met by, any
70 third party used by town clerks to facilitate the process of affixing
71 electronic signatures and filing electronic documents. Such formats
72 and technological processes shall be capable of assuring that (A) the
73 party indicated to have signed an electronic document is the party who
74 actually signed the electronic document, and (B) the electronic
75 document and its electronic signature have been electronically sealed
76 to protect the document and signature from being changed after
77 execution;

78 (3) Processes and procedures to ensure (A) adequate preservation,

79 disposition, integrity, security and confidentiality of electronic
80 documents, and (B) the ability to adequately audit electronic
81 documents;

82 (4) Any other attributes for electronic documents that are required
83 by law for corresponding paper documents or reasonably necessary
84 for the purpose of filing such electronic documents;

85 (5) The manner and format in which an electronic version of a paper
86 document shall be created;

87 (6) Qualifications for town clerks and other authorized persons
88 entering information into a state real property electronic recording
89 system, and procedures for the commission's determination as to
90 whether such qualifications are met;

91 (7) The procedure for payment of recording fees required under
92 section 7-34a of the general statutes by electronic funds transfer;

93 (8) The procedure for searching for real estate information in a state
94 real property electronic recording system;

95 (9) Any such fee schedule for remote access searches for real estate
96 information in a state real property electronic recording system as the
97 commission may establish, and procedures for the collection and
98 allocation of any such fees by and among town clerks; and

99 (10) Any other requirements or procedures necessary for the
100 development, implementation or operation of a state real property
101 electronic recording system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

GAE

Joint Favorable Subst. C/R

JUD

