



General Assembly

Substitute Bill No. 1295

January Session, 2005

* SB01295PD 050905 *

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 received for recording
16 in an electronic form.

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) One member who is a member of the real property section of the
35 Connecticut Bar Association and one member who represents the
36 banking industry in this state, each appointed by the speaker of the
37 House of Representatives;

38 (5) One member who is a town clerk for a municipality that records
39 fewer than ten thousand documents annually and one member who is
40 both a title agent and a commissioner of the Superior Court, each
41 appointed by the president pro tempore of the Senate;

42 (6) One member who represents a title insurance company,
43 appointed by the minority leader of the House of Representatives;

44 (7) One member who is an attorney who represents the mortgage
45 banking industry, appointed by the minority leader of the Senate;

46 (8) One member who is a town clerk for a municipality that records
47 more than ten thousand documents annually, appointed by the
48 majority leader of the House of Representatives; and

49 (9) One member who is a member of the executive committee of the
50 real property section of the Connecticut Bar Association, appointed by
51 the majority leader of the Senate.

52 (b) The members initially appointed under subdivisions (4) and (7)
53 of subsection (a) of this section shall serve for a term of two years from
54 July 1, 2005, and the members subsequently appointed under
55 subdivisions (4) and (7) of subsection (a) of this section shall serve for
56 terms of three years from July first in the year of their appointment.
57 The members appointed under subdivisions (5) and (6) of subsection
58 (a) of this section shall serve for terms of three years from July first in
59 the year of their appointment. Initial appointments under subdivisions
60 (4) to (7), inclusive, of subsection (a) of this section shall be made not
61 later than sixty days after the effective date of this section. Vacancies
62 on the commission shall be filled by the appointing authority. The
63 commission shall elect a chairperson and a vice-chairperson from
64 among its members. Members of the commission shall serve without
65 compensation but shall, within the limits of available funds, be
66 reimbursed for expenses necessarily incurred in the performance of
67 their duties.

68 (c) The Electronic Recording Commission shall submit
69 recommendations to the General Assembly for standards to be used in
70 the development, implementation and operation of a state real
71 property electronic recording system. Such recommended standards
72 shall set forth:

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

76 (2) The type of electronic signature required, the manner, format
77 and technological processes in which an electronic signature shall be

78 affixed to an electronic document, the manner, format and
79 technological processes for certifying authorities for such electronic
80 signatures, and the identity of, or criteria that shall be met by, any
81 third party used by town clerks to facilitate the process of affixing
82 electronic signatures and filing electronic documents. Such formats
83 and technological processes shall be capable of assuring that (A) the
84 party indicated to have signed an electronic document is the party who
85 actually signed the electronic document, and (B) the electronic
86 document and its electronic signature have been electronically sealed
87 to protect the document and signature from being changed after
88 execution;

89 (3) Processes and procedures to ensure (A) adequate preservation,
90 disposition, integrity, security and confidentiality of electronic
91 documents, and (B) the ability to adequately audit electronic
92 documents;

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

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

98 (6) Qualifications for town clerks and other authorized persons who
99 enter information into a state real property electronic recording
100 system, and procedures for the commission's determination as to
101 whether such qualifications are met;

102 (7) Standards concerning the qualifications of persons authorized to
103 submit documents into a state real property electronic recording
104 system and the regulation of such persons;

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

107 (9) The procedure for searching for real estate information in a state

