



General Assembly

January Session, 2007

Committee Bill No. 594

LCO No. 4750

04750SB00594JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT ADOPTING THE UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT.

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

1 Section 1. (NEW) (*Effective October 1, 2007*) Sections 1 to 7, inclusive,
2 of this act may be cited as the "Uniform Real Property Electronic
3 Recording Act".

4 Sec. 2. (NEW) (*Effective October 1, 2007*) As used in sections 1 to 7,
5 inclusive, of this act:

6 (1) "Document" means information that is: (A) Inscribed on a
7 tangible medium or that is stored in an electronic or other medium and
8 is retrievable in perceivable form; and (B) eligible to be recorded in the
9 land records maintained by the town clerk.

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

13 (3) "Electronic document" means a document that is received by the
14 town clerk in an electronic form.

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

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

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

26 Sec. 3. (NEW) (*Effective October 1, 2007*) (a) If a law requires, as a
27 condition for recording, that a document be an original, be on paper or
28 another tangible medium, or be in writing, the requirement is satisfied
29 by an electronic document satisfying sections 1 to 7, inclusive, of this
30 act.

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

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

40 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) As used in this section,
41 "paper document" means a document that is received by the town
42 clerk in a form that is not electronic.

43 (b) A town clerk:

44 (1) Who implements any of the functions listed in this section shall
45 do so in compliance with regulations adopted by the Public Records
46 Administrator.

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

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

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

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

56 (6) May convert into electronic form information recorded before
57 the town clerk began to record electronic documents.

58 (7) May accept electronically any fee or tax that the town clerk is
59 authorized to collect.

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

64 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) The Public Records
65 Administrator, in consultation with the Department of Information
66 Technology, shall adopt regulations, in accordance with chapter 54 of
67 the general statutes, to implement sections 1 to 7, inclusive, of this act.

68 (b) To keep the standards and practices of town clerks in this state in
69 harmony with the standards and practices of recording offices in other
70 jurisdictions that enact legislation substantially the same as sections 1
71 to 7, inclusive, of this act and to keep the technology used by town

72 clerks in this state compatible with technology used by recording
 73 offices in other jurisdictions that enact legislation substantially the
 74 same as sections 1 to 7, inclusive, of this act, the Public Records
 75 Administrator, so far as is consistent with the purposes, policies and
 76 provisions of sections 1 to 7, inclusive, of this act, in adopting,
 77 amending and repealing regulations shall consider: (1) Standards and
 78 practices of other jurisdictions; (2) the most recent standards
 79 promulgated by national standard-setting bodies, such as the Property
 80 Records Industry Association; (3) the views of interested persons and
 81 governmental officials and entities; (4) the needs of municipalities of
 82 varying size, population and resources; and (5) standards requiring
 83 adequate information security protection to ensure that electronic
 84 documents are accurate, authentic, adequately preserved and resistant
 85 to tampering.

86 Sec. 6. (NEW) (*Effective October 1, 2007*) In applying and construing
 87 the uniform provisions of sections 1 to 7, inclusive, of this act,
 88 consideration must be given to the need to promote uniformity of the
 89 law with respect to its subject matter among states that enact such
 90 uniform provisions.

91 Sec. 7. (NEW) (*Effective October 1, 2007*) Sections 1 to 7, inclusive, of
 92 this act modify, limit and supersede the federal Electronic Signatures
 93 in Global and National Commerce Act, 15 USC 7001 et seq., but does
 94 not modify, limit or supersede Section 101(c) of said act, 15 USC
 95 7001(c), or authorize electronic delivery of any of the notices described
 96 in Section 103(b) of said act, 15 USC 7003(b).

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section

Sec. 6	October 1, 2007	New section
Sec. 7	October 1, 2007	New section

Statement of Purpose:

To adopt the Uniform Real Property Electronic Recording Act, providing town clerks with the legal authority to prepare for electronic recording of real property instruments.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. HARRIS, 5th Dist.

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