

SECOND REGULAR SESSION

# HOUSE BILL NO. 1324

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LIPKE (Sponsor) AND BIVINS (Co-sponsor).

Read 1st time January 10, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3951L.01I

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### AN ACT

To amend chapter 59, RSMo, by adding thereto eight new sections relating to the uniform real property electronic recording act.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 59, RSMo, is amended by adding thereto eight new sections, to be  
2 known as sections 59.900, 59.903, 59.906, 59.909, 59.912, 59.915, 59.918, and 59.921, to read  
3 as follows:

2 **59.900. Sections 59.900 to 59.921 may be cited as the "Uniform Real Property  
Electronic Recording Act".**

**59.903. As used in sections 59.900 to 59.921, the following terms mean:**

2 (1) **"Document", information that is:**

3 (a) **Inscribed on a tangible medium or that is stored in an electronic or other  
4 medium and is retrievable in perceivable form; and**

5 (b) **Eligible to be recorded in the land records maintained by the recorder;**

6 (2) **"Electronic", relating to technology having electrical, digital, magnetic, wireless,  
7 optical, electromagnetic, or similar properties;**

8 (3) **"Electronic document", a document that is received by the recorder in an  
9 electronic format;**

10 (4) **"Electronic signature", an electronic sound, symbol, or process attached to or  
11 logically associated with a document and executed or adopted by a person with the intent  
12 to sign the document;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (5) "Person", an individual, corporation, business trust, estate, trust, partnership,  
14 limited liability company, association, joint venture, public corporation, government, or  
15 governmental subdivision, agency, or instrumentality, or any other legal or commercial  
16 entity;

17 (6) "Recorder", the separate recorder of deeds in those counties where separate  
18 from the circuit clerk and the circuit clerk and ex officio recorder of deeds in those  
19 counties where the offices are combined;

20 (7) "State", a state of the United States, the District of Columbia, Puerto Rico, the  
21 United States Virgin Islands, or any territory or insular possession subject to the  
22 jurisdiction of the United States.

59.906. 1. If a law requires, as a condition for recording, that a document be an  
2 original, be on paper or another tangible medium, or be in writing, the requirement is  
3 satisfied by an electronic document satisfying sections 59.900 to 59.921.

4 2. If a law requires, as a condition for recording, that a document be signed, the  
5 requirement is satisfied by an electronic signature.

6 3. A requirement that a document or a signature associated with a document be  
7 notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the  
8 electronic signature of the person authorized to perform that act, and all other information  
9 required to be included, is attached to or logically associated with the document or  
10 signature. A physical or electronic image of a stamp, impression, or seal need not  
11 accompany an electronic signature.

59.909. 1. As used in this section, the term "paper document" means a document  
2 that is received by the recorder in a form that is not electronic.

3 2. A recorder:

4 (a) Who implements any of the functions listed in this section shall do so in  
5 compliance with standards established by the electronic recording commission created  
6 under section 59.912;

7 (b) May receive, index, store, archive, and transmit electronic documents;

8 (c) May provide for access to, and for search and retrieval of, documents and  
9 information by electronic means;

10 (d) Who accepts electronic documents for recording shall continue to accept paper  
11 documents as authorized by state law and shall place entries for both types of documents  
12 in the same index;

13 (e) May convert paper documents accepted for recording into electronic form;

14 (f) May convert into electronic form information recorded before the recorder  
15 began to record electronic documents;

16 (g) May accept electronically any fee or tax that the recorder is authorized to  
17 collect;

18 (h) May agree with other officials of a state or a political subdivision thereof, or of  
19 the United States, on procedures or processes to facilitate the electronic satisfaction of prior  
20 approvals and conditions precedent to recoding and the electronic payment of fees and  
21 taxes.

59.912. 1. An "Electronic Recording Commission", consisting of seven members  
2 appointed by the governor by and with the advice and consent of the senate, is hereby  
3 created to adopt standards to implement the provisions of sections 59.900 to 59.921. A  
4 majority of the members of the commission shall be recorders. The commission shall  
5 consist of the following:

- 6 (1) A recorder elected to serve a county of the first classification;
- 7 (2) A recorder elected to serve a county of the second classification;
- 8 (3) A recorder elected to serve a county of the third classification;
- 9 (4) A recorder elected to serve a county regardless of classification;
- 10 (5) A member of the Missouri Bar;
- 11 (6) A representative of a company authorized to issue title insurance in the state of  
12 Missouri; and
- 13 (7) A member at large who is not a member of any group identified in subdivisions  
14 (1) to (6) of this subsection.

15 2. To keep the standards and practices of recorders in this state in harmony with  
16 the standards and practices of recording offices in other jurisdictions that enact  
17 substantially the provisions of sections 59.900 to 59.921, the commission, so far as it is  
18 consistent with the purposes, policies, and provisions of sections 59.900 to 59.921, in  
19 adopting, amending, and repealing standards shall consider the following:

- 20 (1) Standards and practices of other jurisdictions;
- 21 (2) The most recent standards promulgated by national standard-setting bodies,  
22 including the Property Records Industry Association;
- 23 (3) The views of interested persons and governmental officials and entities;
- 24 (4) Standards requiring adequate information security protection to ensure that  
25 electronic documents are accurate, authentic, adequately preserved, and resistant to  
26 tampering.

59.915. In applying and construing the provisions of sections 59.900 to 59.921,  
2 consideration shall be given to the need to promote uniformity of the law with respect to  
3 its subject matter among states that enact such provisions.

**59.918. The provisions of sections 59.900 to 59.921 modify, limit, and supersede the**  
2 **federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section**  
3 **7001, et seq., but do not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C.**  
4 **7001(c), or authorize electronic delivery of any of the notices described in section 103(b)**  
5 **of that act, 15 U.S.C. Section 7003(b).**

**59.921. The provisions of sections 59.900 to 59.921 shall become effective January**  
2 **1, 2007.**

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