

FIRST REGULAR SESSION

HOUSE BILL NO. 920

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHNEIDER (Sponsor), LIPKE, DONNELLY, JONES (89),
BURNETT, BRINGER, GRILL, DEEKEN AND SMITH (150) (Co-sponsors).

Read 1st time February 20, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2119L.01I

AN ACT

To amend chapter 59, RSMo, by adding thereto seven new sections relating to the uniform real property electronic recording act, with an effective date.

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

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

**59.900. Sections 59.900 to 59.918 may be cited as the "Uniform Real Property
2 Electronic Recording Act".**

59.903. As used in sections 59.900 to 59.918, 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;**

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.

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;

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 59.918.

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 (1) 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 (2) May receive, index, store, archive, and transmit electronic documents;

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

10 (4) 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 (5) May convert paper documents accepted for recording into electronic form;
14 (6) May convert into electronic form information recorded before the recorder
15 began to record electronic documents;
16 (7) May accept electronically any fee or tax that the recorder is authorized to
17 collect; and
18 (8) 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 recording and the electronic payment of fees and
21 taxes.

59.912. 1. An "Electronic Recording Commission", consisting of nine members
2 appointed by the governor with the advice and consent of the senate, is hereby created to
3 adopt standards to implement the provisions of sections 59.900 to 59.918. However, the
4 commission shall not impose standards that would compel counties currently using secure
5 electronic recording practices from abandoning any substantive investment in technology
6 used in such electronic recording. A majority of the members of the commission shall be
7 recorders. The commission shall consist of the following:

- 8 (1) A recorder elected to serve a county of the first classification selected from a list
9 of two nominees submitted by the Recorders' Association of Missouri, or its successor
10 organization;
11 (2) A recorder elected to serve a county of the second classification selected from
12 a list of two nominees submitted by the Recorders' Association of Missouri, or its successor
13 organization;
14 (3) A recorder elected to serve a county of the third classification selected from a
15 list of two nominees submitted by the Recorders' Association of Missouri, or its successor
16 organization;
17 (4) Two recorders elected to serve counties regardless of classification selected from
18 a list of four nominees submitted by the Recorders' Association of Missouri, or its successor
19 organization;
20 (5) A member of the Missouri Bar selected from a list of two nominees submitted
21 by the Missouri Bar, or its successor organization;
22 (6) A representative of a company authorized to issue title insurance in the state of
23 Missouri selected from a list of two nominees submitted by the Missouri Land Title
24 Association, or its successor organization;
25 (7) A person representing the interests of the banking industry selected from a list
26 of two nominees submitted by the Missouri Bankers Association, or its successor
27 organization; and

28 **(8) A realtor selected from a list of two nominees submitted by the Missouri**
29 **Association of Realtors, or its successor organization.**
30 **The nominees submitted by the Recorders' Association of Missouri shall be chosen based**
31 **upon their experience as a recorder of deeds and knowledge of technology and procedures**
32 **related to sections 59.900 to 59.918.**

33 **2. To keep the standards and practices of recorders in this state in harmony with**
34 **the standards and practices of recording offices in other jurisdictions that enact**
35 **substantially the provisions of sections 59.900 to 59.918, the commission, so far as it is**
36 **consistent with the purposes, policies, and provisions of sections 59.900 to 59.918, in**
37 **adopting, amending, and repealing standards shall consider the following:**

- 38 **(1) Standards and practices of other jurisdictions;**
- 39 **(2) The most recent standards promulgated by national standard-setting bodies,**
40 **including the Property Records Industry Association;**
- 41 **(3) The views of interested persons and governmental officials and entities;**
- 42 **(4) Standards requiring adequate information security protection to ensure that**
43 **electronic documents are accurate, authentic, adequately preserved, and resistant to**
44 **tampering; and**
- 45 **(5) Current electronic recording practices of Missouri recorders of deeds that**
46 **adhere to standards promulgated by national standard-setting bodies.**

59.915. In applying and construing the provisions of sections 59.900 to 59.918,
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 59.918 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 15 U.S.C. 7001(c), or authorize**
4 **electronic delivery of any of the notices described in 15 U.S.C. Section 7003(b).**

 Section B. The provisions of sections 59.900 to 59.918 shall become effective January
2 1, 2008.

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