

**SENATE . . . . . No. 636**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Gale D. Candaras***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the uniform real property electronic recording act.

PETITION OF:

NAME:

*Gale D. Candaras*

DISTRICT/ADDRESS:

*First Hampden and Hampshire*

**SENATE . . . . . No. 636**

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By Ms. Candaras, a petition (accompanied by bill, Senate, No. 636) of Gale D. Candaras for legislation relative to the uniform real property electronic recording act. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ SENATE  
□ , NO. 670 OF 2011-2012.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Thirteen**  
\_\_\_\_\_

An Act relative to the uniform real property electronic recording act.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter \_\_ of the General Laws is hereby amended by inserting after  
2 section \_\_ the following section:—

3 SECTION 2. DEFINITIONS. In this act:

4 (1) “Document” means information that is:

5 (A) inscribed on a tangible medium or that is stored in an electronic  
6 or other medium and is retrievable in perceivable form; and

7 (B) eligible to be recorded in the land records maintained by the  
8 registrar.

9 (2) “Electronic” means relating to technology having electrical, digital,  
10 magnetic, wireless, optical, electromagnetic, or similar capabilities.

11 (3) “Electronic document” means a document that is received by the registrar in  
12 an electronic form.

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

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

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

### 23 SECTION 3. VALIDITY OF ELECTRONIC DOCUMENTS.

24 (a) If a law requires, as a condition for recording, that a document be an  
25 original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by  
26 an electronic document satisfying this act.

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

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

### 34 SECTION 4. RECORDING OF DOCUMENTS.

35 (a) In this section, “paper document” means a document that is received by the  
36 registrar in a form that is not electronic.

37 (b) A registrar:

38 (1) who implements any of the functions listed in this section shall  
39 do so in compliance with standards established by the Secretary of State.

40 (2) may receive, index, store, archive, and transmit electronic  
41 documents.

42 (3) may provide for access to, and for search and retrieval of,  
43 documents and information by electronic means.

44 (4) who accepts electronic documents for recording shall continue to  
45 accept paper documents as authorized by state law and shall place entries for both types of  
46 documents in the same index.

47 (5) may convert paper documents accepted for recording into  
48 electronic form.

49 (6) may convert into electronic form information recorded before the  
50 registrar began to record electronic documents.

51 (7) may accept electronically any fee or tax that the registrar is  
52 authorized to collect.

53 (8) may agree with other officials of a state or a political subdivision  
54 thereof, or of the United States , on procedures or processes to facilitate the electronic  
55 satisfaction of prior approvals and conditions precedent to recording and the electronic payment  
56 of fees and taxes.

57 SECTION 5. ADMINISTRATION AND STANDARDS.

58 (a) The Secretary of State shall adopt standards to implement this act.

59 (b) To keep the standards and practices of registrars in this state in harmony  
60 with the standards and practices of recording offices in other jurisdictions that enact substantially  
61 this act and to keep the technology used by registrars in this state compatible with technology  
62 used by recording offices in other jurisdictions that enact substantially this act, the Secretary of  
63 State, so far as is consistent with the purposes, policies, and provisions of this act, in adopting,  
64 amending, and repealing standards shall consider:

65 (1) standards and practices of other jurisdictions;

66 (2) the most recent standards promulgated by national standard-  
67 setting bodies, such as the Property Records Industry Association;

68 (3) the views of interested persons and governmental officials and  
69 entities; and

70 (4) the needs of counties of varying size, population, and resources.

71 SECTION 6. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In  
72 applying and construing this Uniform Act, consideration must be given to the need to promote  
73 uniformity of the law with respect to its subject matter among states that enact it.

74 SECTION 7. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND  
75 NATIONAL COMMERCE ACT. This act modifies, limits, and supersedes the federal

76 Electronic Signatures in Global and National Commerce Act (15 U.S.C. Section 7001, et seq.)  
77 but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. Section 7001(c)) or  
78 authorize electronic delivery of any of the notices described in Section 103(b) of that act (15  
79 U.S.C. Section 7003(b)).