

# HOUSE BILL NO. 2895

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE REEDY.

3938H.011

DANA RADEMAN MILLER, Chief Clerk

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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 known as sections 59.900, 59.903, 59.906, 59.909, 59.912, 59.915, 59.918, and 59.921, to read as follows:

**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:**

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

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

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

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

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

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

**(5) "Person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation,**

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.

15 **government, or governmental subdivision, agency, or instrumentality, or any other legal**  
16 **or commercial 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,**  
21 **the 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 meeting the requirements of sections 59.900 to**  
4 **59.921.**

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

7 **3. A requirement that a document or a signature associated with a document be**  
8 **notarized, acknowledged, verified, witnessed, or made under oath or affirmation is**  
9 **satisfied if:**

10 **(1) The electronic signature of the person authorized to perform that act, and all**  
11 **other information required to be included, is attached to or logically associated with the**  
12 **document or signature; and**

13 **(2) For notarized documents, the requirements of sections 486.900 to 486.1010**  
14 **and sections 486.1100 to 486.1205 are met.**

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16 **A physical or electronic image of a stamp, impression, or seal is not required to**  
17 **accompany an electronic signature.**

**59.909. 1. As used in this section, the term "paper document" means a**  
2 **document 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**  
11 **paper documents as authorized by state law and shall place entries for both types of**  
12 **documents 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**  
19 **of the United States, on procedures or processes to facilitate the electronic satisfaction of**  
20 **prior approvals and conditions precedent to recording and the electronic payment of**  
21 **fees and 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**  
3 **to adopt standards to implement the provisions of sections 59.900 to 59.921. However,**  
4 **the commission shall not impose standards that would compel counties currently using**  
5 **secure electronic recording practices from abandoning any substantive investment in**  
6 **technology used in such electronic recording. A majority of the members of the**  
7 **commission shall be recorders. The commission shall consist of the following:**

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

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26 **The nominees submitted by the Recorders' Association of Missouri shall be chosen**  
27 **based upon their experience as recorders of deeds and knowledge of technology and**  
28 **procedures related to sections 59.900 to 59.921.**

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

34           **(1) Standards and practices of other jurisdictions;**

35           **(2) The most recent standards promulgated by national standard-setting bodies,**  
36 **including the Property Records Industry Association;**

37           **(3) The views of interested persons and governmental officials and entities;**

38           **(4) Standards requiring adequate information security protection to ensure that**  
39 **electronic documents are accurate, authentic, adequately preserved, and resistant to**  
40 **tampering; and**

41           **(5) Current electronic recording practices of Missouri recorders of deeds that**  
42 **adhere to standards promulgated by national standard-setting bodies.**

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

**59.921. The provisions of sections 59.900 to 59.921 shall become effective**  
2 **January 1, 2023.**

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