

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 38

Introduced by Harr, 8.

Read first time January 05, 2017

Committee:

- 1 A BILL FOR AN ACT relating to the register of deeds; to amend section
- 2 23-1503.01, Reissue Revised Statutes of Nebraska; to authorize
- 3 digital or electronic signatures as prescribed; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-1503.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 23-1503.01 (1) Any instrument submitted for recording in the office
4 of the register of deeds shall contain a blank space at the top of the
5 first page which is at least three inches by eight and one-half inches in
6 size for recording information required by section 23-1510 by the
7 register of deeds. If this space or the information required by such
8 section is not provided, the register of deeds may add a page or use the
9 back side of an existing page and charge for the page a fee established
10 by section 33-109 for the recording of an instrument. No attachment or
11 affirmation shall be used in any way to cover any information or printed
12 material on the instrument.

13 (2) Printed forms primarily intended to be used for recordation
14 purposes shall have a one-inch margin on the two vertical sides and a
15 one-inch margin on the bottom of the page. Nonessential information such
16 as page numbers or customer notations may be placed within the side and
17 bottom margins.

18 (3) All instruments submitted for recording shall be on paper
19 measuring at least eight and one-half inches by eleven inches and not
20 larger than eight and one-half inches by fourteen inches. The instrument
21 shall be printed, typewritten, or computer-generated in black ink on
22 white paper of not less than twenty-pound weight without watermarks or
23 other visible inclusions. The instrument shall be sufficiently legible to
24 allow for a readable copy to be reproduced using the method of
25 reproduction used by the register of deeds. A font size of at least eight
26 points shall be presumed to be sufficiently legible. Each signature on an
27 instrument shall be in black or dark blue ink and of sufficient color and
28 clarity to ensure that the signature is readable when the instrument is
29 reproduced. The signature may be a digital signature or an electronic
30 signature. The name of each party to the instrument shall be typed,
31 printed, or stamped beneath the original signature. An embossed or inked

1 stamp shall not cover or otherwise materially interfere with any part of
2 the instrument.

3 (4) This section does not apply to:

4 (a) Instruments signed before August 27, 2011;

5 (b) Instruments executed outside of the United States;

6 (c) Certified copies of instruments issued by governmental agencies,
7 including vital records;

8 (d) Instruments signed by an original party who is incapacitated or
9 deceased at the time the instruments are presented for recording;

10 (e) Instruments formatted to meet court requirements;

11 (f) Federal and state tax liens;

12 (g) Forms prescribed by the Uniform Commercial Code; and

13 (h) Plats, surveys, or drawings related to plats or surveys.

14 (5) The changes made to this section by Laws 2011, LB254, do not
15 affect the duty of a register of deeds to file an instrument presented
16 for recordation as set forth in sections 23-1506 and 76-237.

17 Sec. 2. Original section 23-1503.01, Reissue Revised Statutes of
18 Nebraska, is repealed.