

2018 -- S 2145 SUBSTITUTE A

LC004023/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO PROPERTY -- ELECTRONIC RECORDING

Introduced By: Senators Crowley, and Seveney

Date Introduced: January 23, 2018

Referred To: Senate Judiciary

(Clerk's Association)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 34 of the General Laws entitled "PROPERTY" is hereby amended by  
2 adding thereto the following chapter:

3 CHAPTER 13.2

4 UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

5 **34-13.2-1. Short title.**

6 This chapter shall be known and may be cited as the "Uniform Real Property Electronic  
7 Recording Act."

8 **34-13.2-2. Definitions.**

9 As used in this chapter:

10 (1) "Document" means information that is:

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

13 (ii) Eligible to be recorded in the land records maintained by the recorder of deeds.

14 (2) "Electronic" means relating to technology having electrical, digital, magnetic,  
15 wireless, optical, electromagnetic, or similar capabilities.

16 (3) "Electronic document" means a document that is received by the recorder of deeds in  
17 an electronic form.

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

1 the document.

2 (5) "Jurisdiction" means any municipality, city, or town incorporated in the state of  
3 Rhode Island.

4 (6) "Person" means an individual, corporation, business trust, estate, trust partnership,  
5 limited liability company, association, joint venture, public corporation, government, or  
6 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

7 (7) "Recorder of deeds" means the officer who has authority under state law to accept  
8 documents for recording in the land records office. This could include such officers as the  
9 "registrar" "clerk", and/or the "recorder".

10 (8) "State" means the state of Rhode Island.

11 **34-13.2-3. Validity of electronic documents.**

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

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

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

22 **34-13.2-4. Recording of documents.**

23 (a) In this section, "paper document" means a document that is received by the recorder  
24 of deeds in a form that is not electronic.

25 (b) A recorder of deeds:

26 (1) Who implements any of the functions listed in this section shall do so in compliance  
27 with the most recent standards and best practices.

28 (2) May receive, index, store, archive, and transmit electronic documents.

29 (3) May provide for access to, and for search and retrieval of, documents and information  
30 by electronic means.

31 (4) Who accepts electronic documents for recording shall continue to accept paper  
32 documents as authorized by state law and shall place entries for both types of documents in the  
33 same index.

34 (5) May convert paper documents accepted for recording into electronic form.

1           (6) May convert into electronic form information recorded before the recorder of deeds  
2 began to record electronic documents.

3           (7) May accept electronically any fee or tax that the recorder of deeds is authorized to  
4 collect pursuant to § 34-13-7.

5           (8) May agree with other officials of other cities or towns within the state, on procedures  
6 or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to  
7 recording and the electronic payment of fees and taxes.

8           **34-13.2-5. Administration and standards.**

9           To keep the standards and practices of recorder of deeds in this state in harmony with  
10 other jurisdictions in this state, the recorder of deeds so far as is consistent with the purposes,  
11 policies, and provisions of this chapter, in adopting, amending, and repealing standards shall  
12 consider the following:

13           (1) Standards and practices of other jurisdictions;

14           (2) Best practices that are accepted or prescribed as being correct or most effective;

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

16           (4) The needs of municipalities of varying size, population, and resources; and

17           (5) Standards requiring adequate information security protection to ensure that electronic  
18 documents are accurate, authentic, adequately preserved, and resistant to tampering.

19           **34-13.2-6. Relation to electronic signatures in global and national commerce act.**

20           This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global  
21 and National Commerce Act (15 U.S.C. §7001, et seq.), but does not modify, limit, or supersede  
22 §101(c) of that act (15 U.S.C. §7001(c)) or authorize electronic delivery of any of the notices  
23 described in §103(b) of that chapter (15 U.S.C. §7003(b)).

24           SECTION 2. This act shall take effect on January 1, 2019.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO PROPERTY -- ELECTRONIC RECORDING

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1           This act would authorize a city or town clerk/recorder of deeds, at the clerk's/recorder's  
2 option, to accept electronic documents for recording real property and land records and to index  
3 and store those documents.

4           This act would take effect on January 1, 2019.

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