

TITLE 31  
COUNTIES AND COUNTY LAW

CHAPTER 29  
UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

31-2901. SHORT TITLE. This chapter shall be known and may be cited as the "Uniform Real Property Electronic Recording Act."

[31-2901, added 2007, ch. 63, sec. 1, p. 155.]

31-2902. DEFINITIONS. In this chapter:

(1) "Document" means 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" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

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

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

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

[31-2902, added 2007, ch. 63, sec. 1, p. 155.]

31-2903. VALIDITY OF ELECTRONIC DOCUMENTS. (1) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying this chapter.

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

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

[31-2903, added 2007, ch. 63, sec. 1, p. 155.]

31-2904. RECORDING OF DOCUMENTS. (1) In this section, "paper document" means a document that is received by the recorder in a form that is not electronic.

(2) A recorder:

- (a) Who implements any of the functions listed in this section shall do so in compliance with standards established by the secretary of state;
- (b) May receive, index, store, archive and transmit electronic documents;
- (c) May provide for access to, and for search and retrieval of, documents and information by electronic means;
- (d) Who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index;
- (e) May convert paper documents accepted for recording into electronic form;
- (f) May convert into electronic form information recorded before the recorder began to record electronic documents;
- (g) May accept electronically any fee that the recorder is authorized to collect; and
- (h) May agree with other officials of a state or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees.

[31-2904, added 2007, ch. 63, sec. 1, p. 155; am. 2020, ch. 43, sec. 1, p. 97.]

31-2906. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

[31-2906, added 2007, ch. 63, sec. 1, p. 157.]

31-2907. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. section 7001, et seq., but does not modify, limit, or supersede section 101(c) of that act or authorize electronic delivery of any of the notices described in section 103(b) of that act.

[31-2907, added 2007, ch. 63, sec. 1, p. 157.]