



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0227

Introduced 1/19/2007, by Rep. Barbara Flynn Currie - Mark H. Beaubien, Jr.

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Uniform Real Property Electronic Recording Act. Authorizes a recorder to receive, index, store, archive, and transmit documents eligible to be recorded in the recorder's land records in the form of electronic documents, subject to specified requirements. Provides that, if a law requires a document eligible to be recorded in the recorder's land records to be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying the Act. Provides that, if a law requires that such a document be signed, the requirement is satisfied by an electronic signature. Provides that a requirement that a document or a signature be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the appropriate electronic signature and other required information is attached to or logically associated with the document or signature. Provides that the Secretary of State shall adopt standards to implement the Act. Contains provisions regarding recording, conversion of documents, administration, standards, application, construction, other laws, and other matters.

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FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Uniform Real Property Electronic Recording Act.

6 Section 2. Definitions. In this Act:

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

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

11 (B) eligible to be recorded in the land records  
12 maintained by the recorder.

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

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

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

22 (5) "Person" means an individual, corporation, business  
23 trust, estate, trust, partnership, limited liability company,

1 association, joint venture, public corporation, government, or  
2 governmental subdivision, agency, or instrumentality, or any  
3 other legal or commercial entity.

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

8 Section 3. Validity of electronic documents.

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

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

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

24 Section 4. Recording of documents.

1 (a) In this Section, "paper document" means a document that  
2 is received by the recorder in a form that is not electronic.

3 (b) A recorder:

4 (1) who implements any of the functions listed in this  
5 Section shall do so in compliance with standards  
6 established by the Secretary of State.

7 (2) may receive, index, store, archive, and transmit  
8 electronic documents.

9 (3) may provide for access to, and for search and  
10 retrieval of, documents and information by electronic  
11 means.

12 (4) who accepts electronic documents for recording  
13 shall continue to accept paper documents as authorized by  
14 State law and shall place entries for both types of  
15 documents in the same index.

16 (5) may convert paper documents accepted for recording  
17 into electronic form.

18 (6) may convert into electronic form information  
19 recorded before the recorder began to record electronic  
20 documents.

21 (7) may accept electronically any fee or tax that the  
22 recorder is authorized to collect.

23 (8) may agree with other officials of a state or a  
24 political subdivision thereof, or of the United States, on  
25 procedures or processes to facilitate the electronic  
26 satisfaction of prior approvals and conditions precedent

1 to recording and the electronic payment of fees and taxes.

2 Section 5. Administration and standards.

3 (a) The Secretary of State shall adopt standards to  
4 implement this Act.

5 (b) To keep the standards and practices of recorders in  
6 this State in harmony with the standards and practices of  
7 recording offices in other jurisdictions that enact  
8 substantially this Act and to keep the technology used by  
9 recorders in this State compatible with technology used by  
10 recording offices in other jurisdictions that enact  
11 substantially this Act, the Secretary of State, so far as is  
12 consistent with the purposes, policies, and provisions of this  
13 Act, in adopting, amending, and repealing standards shall  
14 consider:

15 (1) standards and practices of other jurisdictions;

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

19 (3) the views of interested persons and governmental  
20 officials and entities;

21 (4) the needs of counties of varying size, population,  
22 and resources; and

23 (5) standards requiring adequate information security  
24 protection to ensure that electronic documents are  
25 accurate, authentic, adequately preserved, and resistant

1 to tampering.

2 Section 6. Uniformity of application and construction. In  
3 applying and construing this Uniform Act, consideration must be  
4 given to the need to promote uniformity of the law with respect  
5 to its subject matter among states that enact it.

6 Section 7. Relation to electronic signatures in Global and  
7 National Commerce Act. This Act modifies, limits, and  
8 supersedes the federal Electronic Signatures in Global and  
9 National Commerce Act (15 U.S.C. Section 7001, et seq.) but  
10 does not modify, limit, or supersede Section 101(c) of that Act  
11 (15 U.S.C. Section 7001(c)) or authorize electronic delivery of  
12 any of the notices described in Section 103(b) of that Act (15  
13 U.S.C. Section 7003(b)).