



Rep. Barbara Flynn Currie

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1 AMENDMENT TO HOUSE BILL 227

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 227, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 Section 2. Definitions. In this Act:

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

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

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

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

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

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

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

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

17           (7) "Secretary" means the Secretary of State.

18           (8) "Commission" means the Illinois Electronic  
19 Recording Commission.

20           Any notifications required by this Act must be made in  
21 writing and may be communicated by certified mail, return  
22 receipt requested or electronic mail so long as receipt is  
23 verified.

24           Section 3. Validity of electronic documents.

25           (a) If a law requires, as a condition for recording, that a

1 document be an original, be on paper or another tangible  
2 medium, or be in writing, the requirement is satisfied by an  
3 electronic document satisfying this Act.

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

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

15 Section 4. Recording of documents.

16 (a) In this Section, "paper document" means a document that  
17 is received by the county recorder in a form that is not  
18 electronic.

19 (b) A county recorder:

20 (1) who implements any of the functions listed in this  
21 Section shall do so in compliance with standards  
22 established by the Illinois Electronic Recording  
23 Commission.

24 (2) may receive, index, store, archive, and transmit  
25 electronic documents.

1           (3) may provide for access to, and for search and  
2 retrieval of, documents and information by electronic  
3 means, including the Internet, and on approval by the  
4 county recorder of the form and amount, the county board  
5 may adopt a fee for document detail or image retrieval on  
6 the Internet.

7           (4) who accepts electronic documents for recording  
8 shall continue to accept paper documents as authorized by  
9 State law and shall place entries for both types of  
10 documents in the same index.

11           (5) may convert paper documents accepted for recording  
12 into electronic form.

13           (6) may convert into electronic form information  
14 recorded before the county recorder began to record  
15 electronic documents.

16           (7) may accept electronically any fee or tax that the  
17 county recorder is authorized to collect.

18           (8) may agree with other officials of a state or a  
19 political subdivision thereof, or of the United States, on  
20 procedures or processes to facilitate the electronic  
21 satisfaction of prior approvals and conditions precedent  
22 to recording and the electronic payment of fees and taxes.

23           Section 5. Administration and standards.

24           (a) To adopt standards to implement this Act, there is  
25 established, within the Office of the Secretary of State, the

1 Illinois Electronic Recording Commission consisting of 15  
2 commissioners as follows:

3 (1) The Secretary of State or the Secretary's designee  
4 shall be a permanent commissioner.

5 (2) The Secretary of State shall appoint the following  
6 additional 14 commissioners:

7 (A) Three who are from the land title profession.

8 (B) Three who are from lending institutions.

9 (C) One who is an attorney.

10 (D) Seven who are county recorders, no more than 4  
11 of whom are from one political party, representative of  
12 counties of varying size, geography, population, and  
13 resources.

14 (3) On the effective date of this Act, the Secretary of  
15 State or the Secretary's designee shall become the Acting  
16 Chairperson of the Commission. The Secretary shall appoint  
17 the initial commissioners within 60 days and hold the first  
18 meeting of the Commission within 120 days, notifying  
19 commissioners of the time and place of the first meeting  
20 with at least 14 days' notice. At its first meeting the  
21 Commission shall adopt, by a majority vote, such rules and  
22 structure that it deems necessary to govern its operations,  
23 including the title, responsibilities, and election of  
24 officers. Once adopted, the rules and structure may be  
25 altered or amended by the Commission by majority vote. Upon  
26 the election of officers and adoption of rules or by-laws,

1 the duties of the Acting Chairperson shall cease.

2 (4) The Commission shall meet at least once every year  
3 within the State of Illinois. The time and place of  
4 meetings to be determined by the Chairperson and approved  
5 by a majority of the Commission.

6 (5) Eight commissioners shall constitute a quorum.

7 (6) Commissioners shall receive no compensation for  
8 their services but may be reimbursed for reasonable  
9 expenses at current rates in effect at the Office of the  
10 Secretary of State, directly related to their duties as  
11 commissioners and participation at Commission meetings or  
12 while on business or at meetings which have been authorized  
13 by the Commission.

14 (7) Appointed commissioners shall serve terms of 3  
15 years, which shall expire on December 1st. Five of the  
16 initially appointed commissioners, including at least 2  
17 county recorders, shall serve terms of one year, 5 of the  
18 initially appointed commissioners, including at least 2  
19 county recorders, shall serve terms of 2 years, and 4 of  
20 the initially appointed commissioners shall serve terms of  
21 3 years, to be determined by lot. The calculation of the  
22 terms in office of the initially appointed commissioners  
23 shall begin on the first December 1st after the  
24 commissioners have served at least 6 months in office.

25 (8) The Chairperson shall declare a commissioner's  
26 office vacant immediately after receipt of a written

1 resignation, death, a recorder commissioner no longer  
2 holding the public office, or under other circumstances  
3 specified within the rules adopted by the Commission, which  
4 shall also by rule specify how and by what deadlines a  
5 replacement is to be appointed.

6 (c) The Commission shall adopt and transmit to the  
7 Secretary of State standards to implement this Act and shall be  
8 the exclusive entity to set standards for counties to engage in  
9 electronic recording in the State of Illinois.

10 (d) To keep the standards and practices of county recorders  
11 in this State in harmony with the standards and practices of  
12 recording offices in other jurisdictions that enact  
13 substantially this Act and to keep the technology used by  
14 county recorders in this State compatible with technology used  
15 by recording offices in other jurisdictions that enact  
16 substantially this Act, the Commission, so far as is consistent  
17 with the purposes, policies, and provisions of this Act, in  
18 adopting, amending, and repealing standards shall consider:

19 (1) standards and practices of other jurisdictions;

20 (2) the most recent standards promulgated by national  
21 standard-setting bodies, such as the Property Records  
22 Industry Association;

23 (3) the views of interested persons and governmental  
24 officials and entities;

25 (4) the needs of counties of varying size, population,  
26 and resources, and;

1           (5) standards requiring adequate information security  
2           protection to ensure that electronic documents are  
3           accurate, authentic, adequately preserved, and resistant  
4           to tampering.

5           (e) The Commission shall review the statutes related to  
6           real property and the statutes related to recording real  
7           property documents and shall recommend to the General Assembly  
8           any changes in the statutes that the Commission deems necessary  
9           or advisable.

10          (f) Funding. The Secretary of State may accept for the  
11          Commission, for any of its purposes and functions, donations,  
12          gifts, grants, and appropriations of money, equipment,  
13          supplies, materials, and services from the federal government,  
14          the State or any of its departments or agencies, a county or  
15          municipality, or from any institution, person, firm, or  
16          corporation. The Commission may authorize a fee payable by  
17          counties engaged in electronic recording to fund its expenses.  
18          Any fee shall be proportional based on county population or  
19          number of documents recorded annually. On approval by a county  
20          recorder of the form and amount, a county board may authorize  
21          payment of any fee out of the special fund it has created to  
22          fund document storage and electronic retrieval, as authorized  
23          in Section 3-5018 of the Counties Code. Any funds received by  
24          the Office of the Secretary of State for the Commission shall  
25          be used entirely for expenses approved by and for the use of  
26          the Commission.



1           (g) The Secretary of State shall provide administrative  
2 support to the Commission, including the preparation of the  
3 agenda and minutes for Commission meetings, distribution of  
4 notices and proposed rules to commissioners, payment of bills  
5 and reimbursement for expenses of commissioners.

6           (h) Standards and rules adopted by the Commission shall be  
7 delivered to the Secretary of State. Within 60 days, the  
8 Secretary shall either promulgate by rule the standards  
9 adopted, amended, or repealed or return them to the Commission,  
10 with findings, for changes. The Commission may override the  
11 Secretary by a three-fifths vote, in which case the Secretary  
12 shall publish the Commission's standards.

13           Section 6. (Blank).

14           Section 7. Relation to Electronic Signatures in Global and  
15 National Commerce Act. This Act modifies, limits, and  
16 supersedes the federal Electronic Signatures in Global and  
17 National Commerce Act (15 U.S.C. Section 7001, et seq.) but  
18 does not modify, limit, or supersede Section 101(c) of that Act  
19 (15 U.S.C. Section 7001(c)) or authorize electronic delivery of  
20 any of the notices described in Section 103(b) of that Act (15  
21 U.S.C. Section 7003(b)).

22           Section 8. Effective date. This Act takes effect upon  
23 becoming law."