

# An Act

ENROLLED HOUSE  
BILL NO. 2587

By: Braddock and Sherrer of the  
House

and

Lerblance of the Senate

An Act relating to conveyances; creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; authorizing and providing validity of electronic documents; defining term; requiring county clerk to comply with certain standards; granting the county clerk certain powers relating to the recording of documents; requiring the Archives and Records Commission to adopt standards for implementation of the Uniform Real Property Electronic Recording Act; providing for uniformity of application and construction; providing relation to Electronic Signatures in Global and National Commerce Act; amending 16 O.S. 2001, Section 28, which relates to requirements for instruments affecting the title to land; providing authorization for electronic filings pursuant to the Uniform Real Property Electronic Recording Act; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 86.1 of Title 16, unless there is created a duplication in numbering, reads as follows:

SHORT TITLE. Sections 1 through 7 of this act shall be known and may be cited as the "Uniform Real Property Electronic Recording Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 86.2 of Title 16, unless there is created a duplication in numbering, reads as follows:

DEFINITIONS. In the Uniform Real Property Electronic Recording Act:

(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 county clerk.

(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 county clerk 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.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 86.3 of Title 16, unless there is created a duplication in numbering, reads as follows:

VALIDITY OF ELECTRONIC DOCUMENTS.

(a) 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 the Uniform Real Property Electronic Recording Act.

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

(c) 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.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 86.4 of Title 16, unless there is created a duplication in numbering, reads as follows:

RECORDING OF DOCUMENTS.

(a) In this section, "paper document" means a document that is received by the county clerk in a form that is not electronic.

(b) A county clerk:

(1) Who implements any of the functions listed in this section shall do so in compliance with standards established by the Archives and Records Commission;

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

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

(4) 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;

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

(6) May convert into electronic form information recorded before the county clerk began to record electronic documents;

(7) May accept electronically any fee that the county clerk is authorized to collect; and

(8) 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.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 86.5 of Title 16, unless there is created a duplication in numbering, reads as follows:

ADMINISTRATION AND STANDARDS.

(a) The Archives and Records Commission shall adopt standards to implement the Uniform Real Property Electronic Recording Act.

(b) To keep the standards and practices of county clerks in this state in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially the Uniform Real Property Electronic Recording Act and to keep the technology used by county clerks in this state compatible with technology used by recording offices in other jurisdictions that enact substantially the Uniform Real Property Electronic Recording Act, the Archives and Records Commission, so far as is consistent with the purposes, policies, and provisions of the Uniform Real Property Electronic Recording Act, in adopting, amending, and repealing standards shall consider:

(1) Standards and practices of other jurisdictions;

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

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

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

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

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 86.6 of Title 16, unless there is created a duplication in numbering, reads as follows:

UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing the Uniform Real Property Electronic Recording 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.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 86.7 of Title 16, unless there is created a duplication in numbering, reads as follows:

RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. The Uniform Real Property Electronic Recording Act 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 (15 U.S.C. Section 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. Section 7003(b)).

SECTION 8. AMENDATORY 16 O.S. 2001, Section 28, is amended to read as follows:

Section 28. A. No instrument affecting the title to real estate shall be filed for record or recorded unless plainly printed, typed, or handwritten or partly printed, partly typed, or partly handwritten, and the instrument is an original or a certified copy of an original instrument, clearly legible in the English language.

B. The provisions of subsection A of this section shall not prevent the filing of documents electronically pursuant to the Uniform Real Property Electronic Recording Act.

SECTION 9. This act shall become effective November 1, 2008.

Passed the House of Representatives the 20th day of May, 2008.

*David Derby*

Presiding Officer of the House of Representatives

Passed the Senate the 21st day of May, 2008.

*Randy Brogden*

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 22<sup>nd</sup>  
day of May, 2008,  
at 3:55 o'clock P M.

By: *[Signature]*

Approved by the Governor of the State of Oklahoma the 2<sup>nd</sup> day of  
June, 2008, at 10:55 o'clock P M.

*[Signature]*  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this  
3<sup>rd</sup> day of June, 2008,  
at 2:20 o'clock P M.

By: *M. Brian Sweig*