

**EHB 2587**

**THE STATE SENATE**  
Thursday, April 03, 2008

**ENGROSSED**

**House Bill No. 2587**

**As Amended**

ENGROSSED HOUSE BILL NO. 2587 - By: Braddock and Sherrer of the House and Lerblance of the Senate.

**[ conveyances - Uniform Real Property Electronic Recording Act - codification - 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:

1 (A) inscribed on a tangible medium or that is stored in an  
2 electronic or other medium and is retrievable in  
3 perceivable form; and

4 (B) eligible to be recorded in the land records maintained  
5 by the county clerk.

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

9 (3) "Electronic document" means a document that is received by  
10 the county clerk in an electronic form.

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

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

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

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

4 VALIDITY OF ELECTRONIC DOCUMENTS.

5 (a) If a law requires, as a condition for recording, that a  
6 document be an original, be on paper or another tangible medium, or  
7 be in writing, the requirement is satisfied by an electronic  
8 document satisfying the Uniform Real Property Electronic Recording  
9 Act.

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

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

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

1           RECORDING OF DOCUMENTS.

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

4           (b) A county clerk:

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

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

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

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

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

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

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

21          (8) May agree with other officials of a state or a political  
22 subdivision thereof, or of the United States, on procedures or  
23 processes to facilitate the electronic satisfaction of prior

1 approvals and conditions precedent to recording and the electronic  
2 payment of fees.

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

6 ADMINISTRATION AND STANDARDS.

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

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

- 20 (1) Standards and practices of other jurisdictions;  
21 (2) The most recent standards promulgated by national standard-  
22 setting bodies, such as the Property Records Industry Association;

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

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

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

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

11           UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and  
12 construing the Uniform Real Property Electronic Recording Act,  
13 consideration must be given to the need to promote uniformity of the  
14 law with respect to its subject matter among states that enact it.

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

18           RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
19 COMMERCE ACT. The Uniform Real Property Electronic Recording Act  
20 modifies, limits, and supersedes the federal Electronic Signatures  
21 in Global and National Commerce Act (15 U.S.C. Section 7001, et  
22 seq.) but does not modify, limit, or supersede Section 101(c) of  
23 that act (15 U.S.C. Section 7001(c)) or authorize electronic

1 delivery of any of the notices described in Section 103(b) of that  
2 act (15 U.S.C. Section 7003(b)).

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

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-1-08 - DO PASS,  
15 As Amended.