



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 791 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Gerald Van Woerkom
Committee: Local, Urban and State Affairs

CONTENT

The bill would create the "Uniform Real Property Electronic Recording Act" to provide for the recording of electronic documents by a county register of deeds. Specifically, the bill would do all of the following:

- Provide that an electronic document would satisfy any requirement that a document be an original for the purpose of recording.
- Provide that an electronic signature would satisfy a requirement that a document be signed for the purpose of recording.
- Specify that these provisions would not require a register of deeds to accept electronic documents for recording.
- Create an Electronic Recording Commission and require it to adopt standards to implement the proposed Act, keeping the standards in harmony with those of other jurisdictions that enacted it.
- Require a county register of deeds who implemented functions related to the recording of electronic documents to do so in compliance with the standards established by the Commission.
- Require a county register of deeds who accepted electronic documents to continue to accept paper documents, and place entries for both types of documents in the same index.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

There should be only minimal costs associated with the creation of the Electronic Recording Commission. Although there would be no compensation for commissioners, the bill would allow reimbursement for costs associated with commission duties. The estimated additional costs are indeterminate but should be minimal.

Any costs associated with accepting electronic documents or converting documents into electronic format should be absorbed within individual counties' budgets. However, depending on staff size and technological ability, the conversion of documents into electronic format could create additional costs for some local registers of deeds in excess of current budgeted amounts. The estimate of these additional costs is indeterminate.

Date Completed: 11-5-09

Fiscal Analyst: Joe Carrasco