

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Columbia
Official Code*

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To allow the validity and acceptance of electronic and digitized documents by the Recorder of Deeds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Real Property Electronic Recording Act of 2005".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Digitized image" means an electronic document that is created as an electronic copy of a paper document that accurately depicts the information on the paper document and is unalterable.

(2) "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 Recorder of Deeds.

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

(4) "Electronic document" means a document that is received by the Recorder of Deeds in an electronic form.

(5) "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.

(6) "Paper document" means a document that is received by the Recorder of Deeds in a form that is not electronic.

(7) "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. (8) "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.

Sec. 3. Validity of electronic documents and digitized images.

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or other tangible medium, or be in writing, an electronic document or digitized image that satisfies this act satisfies the law.

(b) If a law requires, as a condition for recording, that a document be signed, an electronic signature or digitized image of a wet signature on a paper document satisfies the law.

(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 is not required to accompany an electronic signature.

Sec. 4. Recording of documents.

(a) The Recorder of Deeds may receive, index, store, archive, and transmit electronic documents or digitized images.

(b) The Recorder of Deeds may provide for access to, and for search and retrieval of, documents and information by electronic means.

(c) The Recorder of Deeds, in addition to accepting electronic documents or digitized images for recording shall continue to accept paper documents and shall place entries for both types of documents in the same index.

(d) The Recorder of Deeds may convert paper documents accepted for recording into electronic form. The Recorder of Deeds may convert into electronic form information recorded before the Recorder of Deeds began to record electronic documents.

(e) Any fee, surcharge, or tax that the Recorder of Deeds is authorized to collect may be collected electronically.

(f) The Recorder of Deeds and other officials of a state or a political subdivision thereof, or of the United States, may agree on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees and taxes.

(g) Any electronic documents or digitized images accepted by the Recorder of Deeds prior to the effective date of this act are deemed to be recorded properly and to

impart constructive notice.

(h) Any electronic document or digitized image recorded at the Recorder of Deeds shall be deemed recorded as of the date and time of its delivery to the Recorder of Deeds; provided, that the document or digitized image is accepted by the Recorder of Deeds for recordation. The Recorder of Deeds shall maintain a record of time and date of delivery in its index.

Sec. 5. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 6. Relation to electronic signatures in Global and National Commerce Act.

This act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq.*) (“Act”), but does not modify, limit, or supersede section 101(c) or section 104 of the Act, or authorize electronic delivery of any of the notices described in section 103(b) of the Act. The provisions of this act shall be liberally construed as remedial legislation to encourage the use and recording of electronic documents affecting real property in the District of Columbia.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia