

**SUBSTITUTE FOR
HOUSE BILL NO. 6296**

A bill to amend 2010 PA 123, entitled
"Uniform real property electronic recording act,"
by amending sections 3 and 4 (MCL 565.843 and 565.844), section 4
as amended by 2018 PA 364, and by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) If a law requires as a condition for recording
2 that a document be an original, be on paper or another tangible
3 medium, or be in writing, the requirement is satisfied by an
4 electronic document.

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

8 (3) A requirement that a document or a signature associated



1 with a document be notarized, acknowledged, verified, witnessed, or
2 made under oath is satisfied if the electronic signature of the
3 person authorized to perform that act, and all other information
4 required to be included, is attached to or logically associated
5 with the document or signature. A physical or electronic image of a
6 stamp, impression, or seal need not accompany an electronic
7 signature.

8 (4) ~~This~~ **Except as provided in section 5a, this** section does
9 not require that a register of deeds accept electronic documents
10 for recording.

11 Sec. 4. (1) ~~A~~ **Except as provided in section 5a, a** county
12 register of deeds who implements any of the functions listed in
13 subsection (2) shall do so in compliance with any standards
14 established by the electronic recording commission.

15 (2) A county register of deeds may do any of the following:

16 (a) Receive, index, store, archive, and transmit electronic
17 documents.

18 (b) Provide for access to, and for search and retrieval of,
19 documents and information by electronic means.

20 (c) Convert paper documents accepted for recording into
21 electronic form.

22 (d) Convert into electronic form information recorded before
23 the county register of deeds began to record electronic documents.

24 (e) Accept electronically any fee or tax that the county
25 register of deeds is authorized to collect.

26 (f) Agree with other officials of a state or a political
27 subdivision of a state, or of the United States, on procedures or
28 processes to facilitate the electronic satisfaction of prior
29 approvals and conditions precedent to recording and the electronic



1 payment of fees or taxes.

2 (3) A county register of deeds who accepts electronic
3 documents for recording shall continue to accept paper documents
4 for recording as authorized by state law. The county register of
5 deeds shall place entries for both types of documents in the same
6 index.

7 (4) ~~A~~**Except as provided in section 5a, a** county register of
8 deeds shall only accept electronic documents for recording from a
9 person with which the county register of deeds has entered into an
10 agreement establishing a verified transactional relationship.

11 (5) This act does not invalidate electronic documents recorded
12 under this act, the uniform electronic transactions act, 2000 PA
13 305, MCL 450.831 to 450.849, or the federal electronic signatures
14 in global and national commerce act, 15 USC 7001 to 7031, before
15 the establishment of standards under this act by the electronic
16 recording commission.

17 **Sec. 5a. (1) During the time that this section applies, a**
18 **register of deeds shall accept electronic documents for recording.**
19 **If a register of deeds does not have the equipment to accept an**
20 **electronic document, the register of deeds shall accept for**
21 **recording a tangible copy of an electronic document properly**
22 **notarized under the Michigan law on notarial acts, 2003 PA 238, MCL**
23 **55.261 to 55.315.**

24 (2) During the time that this section applies, a register of
25 deeds need only act in substantial compliance with this act and any
26 standards established by the electronic recording commission.

27 (3) During the time that this section applies, a register of
28 deeds shall deem all financial institutions and all title insurance
29 companies or their employed or contracted settlement agents as



1 covered by an agreement establishing a verified transactional
2 relationship for purposes of section 4(4). The register of deeds
3 may ask the financial institution or title insurance company for
4 verification of a notary's employment or contractual association.

5 (4) A financial institution shall accept a document or
6 electronic document recorded by a register of deeds under this
7 section.

8 (5) This section applies after April 29, 2020 and before
9 January 1, 2021.

10 Enacting section 1. This amendatory act does not take effect
11 unless House Bill No. 6297 of the 100th Legislature is enacted into
12 law.

