

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Rep. Lightner

ENROLLED HOUSE BILL No. 6296

AN ACT to amend 2010 PA 123, entitled “An act to create the uniform real property electronic recording act; and to create an electronic recording commission and provide for its powers and duties,” 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:

Sec. 3. (1) 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.

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

(3) 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.

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

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

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

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

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

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

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

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

(f) Agree with other officials of a state or a political subdivision of a state, 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 or taxes.

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

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

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

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

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

(3) During the time that this section applies, a register of deeds shall deem all financial institutions and all title insurance companies or their employed or contracted settlement agents as covered by an agreement establishing a verified transactional relationship for purposes of section 4(4). The register of deeds may ask the financial institution or title insurance company for verification of a notary's employment or contractual association.

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

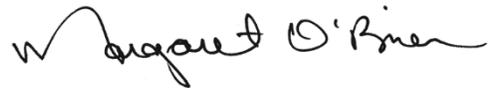
(5) This section applies after April 29, 2020 and before January 1, 2021.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor