

HOUSE BILL NO. 6296

October 08, 2020, Introduced by Rep. Lightner and referred to the Committee on Government Operations.

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



1 document be signed, the requirement is satisfied by an electronic
2 signature.

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

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

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

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

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

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

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

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

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

29 (f) Agree with other officials of a state or a political



1 subdivision of a state, or of the United States, on procedures or
2 processes to facilitate the electronic satisfaction of prior
3 approvals and conditions precedent to recording and the electronic
4 payment of fees or taxes.

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

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

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

20 **Sec. 5a. (1) During the time that this section applies, a**
21 **register of deeds shall accept electronic documents for recording.**

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

25 (3) **During the time that this section applies, a register of**
26 **deeds shall deem all financial institutions and all title insurance**
27 **companies or their employed or contracted settlement agents as**
28 **covered by an agreement establishing a verified transactional**
29 **relationship for purposes of section 4(4). The register of deeds**



1 may ask the financial institution or title insurance company for
2 verification of a notary's employment or contractual association.

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

