

SECOND REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 924**  
93RD GENERAL ASSEMBLY

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Reported from the Committee on Economic Development, Tourism and Local Government, April 3, 2006, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 924, adopted April 18, 2006.

Taken up for Perfection April 18, 2006. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4742S.05P

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**AN ACT**

To amend chapter 59, RSMo, by adding thereto eight new sections relating to the uniform real property electronic recording act, with an effective date.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 59, RSMo, is amended by adding thereto eight new sections, to be known as sections 59.900, 59.903, 59.906, 59.909, 59.912, 59.915, 59.918, and 59.921, to read as follows:

**59.900. Sections 59.900 to 59.921 may be cited as the "Uniform Real Property Electronic Recording Act".**

**59.903. As used in sections 59.900 to 59.921, the following terms mean:**

(1) "Document", 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;

(2) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar properties;

(3) "Electronic document", a document that is received by the recorder in an electronic format;

(4) "Electronic signature", 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;

(5) "Person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency,

18 or instrumentality, or any other legal or commercial entity;

19 (6) "Recorder", the separate recorder of deeds in those counties  
20 where separate from the circuit clerk and the circuit clerk and ex  
21 officio recorder of deeds in those counties where the offices are  
22 combined;

23 (7) "State", a state of the United States, the District of Columbia,  
24 Puerto Rico, the United States Virgin Islands, or any territory or  
25 insular possession subject to the jurisdiction of the United States.

59.906. 1. If a law requires, as a condition for recording, that a  
2 document be an original, be on paper or another tangible medium, or  
3 be in writing, the requirement is satisfied by an electronic document  
4 satisfying sections 59.900 to 59.921.

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

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

59.909. 1. As used in this section, the term "paper document"  
2 means a document that is received by the recorder in a form that is not  
3 electronic.

4 2. A recorder:

5 (1) Who implements any of the functions listed in this section  
6 shall do so in compliance with standards established by the electronic  
7 recording commission created under section 59.912;

8 (2) May receive, index, store, archive, and transmit electronic  
9 documents;

10 (3) May provide for access to, and for search and retrieval of,  
11 documents and information by electronic means;

12 (4) Who accepts electronic documents for recording shall  
13 continue to accept paper documents as authorized by state law and  
14 shall place entries for both types of documents in the same index;

15 (5) May convert paper documents accepted for recording into  
16 electronic form;

17 (6) May convert into electronic form information recorded before

18 the recorder began to record electronic documents;

19 (7) May accept electronically any fee or tax that the recorder is  
20 authorized to collect;

21 (8) May agree with other officials of a state or a political  
22 subdivision thereof, or of the United States, on procedures or processes  
23 to facilitate the electronic satisfaction of prior approvals and  
24 conditions precedent to recording and the electronic payment of fees  
25 and taxes.

59.912. 1. An "Electronic Recording Commission", consisting of  
2 nine members appointed by the governor with the advice and consent  
3 of the senate, is hereby created to adopt standards to implement the  
4 provisions of sections 59.900 to 59.921. However, the commission shall  
5 not impose standards that would compel counties currently using  
6 secure electronic recording practices from abandoning any substantive  
7 investment in technology used in such electronic recording. A majority  
8 of the members of the commission shall be recorders. The commission  
9 shall consist of the following:

10 (1) A recorder elected to serve a county of the first classification  
11 selected from a list of two nominees submitted by the Recorders'  
12 Association of Missouri;

13 (2) A recorder elected to serve a county of the second  
14 classification selected from a list of two nominees submitted by the  
15 Recorders' Association of Missouri;

16 (3) A recorder elected to serve a county of the third classification  
17 selected from a list of two nominees submitted by the Recorders'  
18 Association of Missouri;

19 (4) Two recorders elected to serve counties regardless of  
20 classification selected from a list of four nominees submitted by the  
21 Recorders' Association of Missouri;

22 (5) A member of the Missouri Bar selected from a list of two  
23 nominees submitted by the Missouri Bar;

24 (6) A representative of a company authorized to issue title  
25 insurance in the state of Missouri selected from a list of two nominees  
26 submitted by the Missouri Land Title Association;

27 (7) A person representing the interests of the banking industry  
28 selected from a list of two nominees submitted by the Missouri Bankers  
29 Association; and

30 (8) A realtor selected from a list of two nominees submitted by

31 the Missouri Association of Realtors.

32 The nominees submitted by the Recorders' Association of Missouri shall  
33 be chosen based upon their experience as a recorder of deeds and  
34 knowledge of technology and procedures related to sections 59.900 to  
35 59.921.

36 2. To keep the standards and practices of recorders in this state  
37 in harmony with the standards and practices of recording offices in  
38 other jurisdictions that enact substantially the provisions of sections  
39 59.900 to 59.921, the commission, so far as it is consistent with the  
40 purposes, policies, and provisions of sections 59.900 to 59.921, in  
41 adopting, amending, and repealing standards shall consider the  
42 following:

43 (1) Standards and practices of other jurisdictions;

44 (2) The most recent standards promulgated by national standard-  
45 setting bodies, including the Property Records Industry Association;

46 (3) The views of interested persons and governmental officials  
47 and entities;

48 (4) Standards requiring adequate information security protection  
49 to ensure that electronic documents are accurate, authentic, adequately  
50 preserved, and resistant to tampering;

51 (5) Current electronic recording practices of Missouri recorders  
52 of deeds that adhere to standards promulgated by national standard-  
53 setting bodies.

59.915. In applying and construing the provisions of sections  
2 59.900 to 59.921, consideration shall be given to the need to promote  
3 uniformity of the law with respect to its subject matter among states  
4 that enact such provisions.

59.918. The provisions of sections 59.900 to 59.921 modify, limit,  
2 and supersede the federal Electronic Signatures in Global and National  
3 Commerce Act, 15 U.S.C. Section 7001, et seq., but do not modify, limit,  
4 or supersede Section 101(c) of that act, 15 U.S.C. 7001(c), or authorize  
5 electronic delivery of any of the notices described in section 103(b) of  
6 that act, 15 U.S.C. Section 7003(b).

59.921. The provisions of sections 59.900 to 59.921 shall become  
2 effective January 1, 2007.

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