

SENATE BILL 1195

N1

8lr3767
CF 8lr3768

By: **Senators Cassilly and Norman**

Introduced and read first time: February 21, 2018

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Real Property Electronic Recording Act**

3 FOR the purpose of establishing that certain electronic documents and electronic
4 signatures satisfy certain recording requirements and conditions; authorizing the
5 clerk of a circuit court to take certain actions regarding electronic documents;
6 authorizing the clerk of a circuit court to provide for access to and search and
7 retrieval of certain documents and information by electronic means; authorizing the
8 clerk of a circuit court to convert certain documents and information into electronic
9 form; requiring a clerk of a circuit court to implement certain provisions of this Act
10 in accordance with certain policies and procedures; requiring the clerk of a circuit
11 court to accept and index certain documents in a certain manner under certain
12 circumstances; authorizing a county or the State Department of Assessments and
13 Taxation to accept certain fees and taxes electronically; authorizing the
14 Administrative Office of the Courts to adopt certain policies and establish certain
15 procedures; requiring this Act to be applied and construed in a certain manner;
16 specifying that this Act modifies, limits, and supersedes certain provisions of federal
17 law but does not modify, limit, or supersede certain other provisions of federal law;
18 defining certain terms; providing for the application of this Act; and generally
19 relating to electronic recording of real property documents.

20 BY adding to

21 Article – Real Property

22 Section 3–701 through 3–705 to be under the new subtitle “Subtitle 7. Maryland
23 Uniform Real Property Electronic Recording Act”

24 Annotated Code of Maryland

25 (2015 Replacement Volume and 2017 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

28 **Article – Real Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ELECTRONIC DOCUMENT THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE;

2 (2) A DOCUMENT BE SIGNED, THE REQUIREMENT IS SATISFIED BY AN
3 ELECTRONIC SIGNATURE; AND

4 (3) A DOCUMENT OR A SIGNATURE ASSOCIATED WITH A DOCUMENT
5 BE NOTARIZED, ACKNOWLEDGED, VERIFIED, WITNESSED, OR MADE UNDER OATH,
6 THE REQUIREMENT IS SATISFIED IF THE ELECTRONIC SIGNATURE OF THE PERSON
7 AUTHORIZED TO PERFORM THAT ACT AND ALL OTHER INFORMATION REQUIRED TO
8 BE INCLUDED ARE ATTACHED TO OR LOGICALLY ASSOCIATED WITH THE DOCUMENT
9 OR SIGNATURE.

10 (B) THE CLERK OF A CIRCUIT COURT MAY:

11 (1) RECEIVE, INDEX, STORE, ARCHIVE, AND TRANSMIT ELECTRONIC
12 DOCUMENTS;

13 (2) PROVIDE FOR ACCESS TO AND SEARCH AND RETRIEVAL OF
14 DOCUMENTS AND INFORMATION BY ELECTRONIC MEANS;

15 (3) CONVERT PAPER DOCUMENTS ACCEPTED FOR RECORDING INTO
16 ELECTRONIC FORM; AND

17 (4) CONVERT INFORMATION RECORDED BEFORE THE CLERK OF THE
18 CIRCUIT COURT BEGAN TO RECORD ELECTRONIC DOCUMENTS INTO ELECTRONIC
19 FORM.

20 (C) THE CLERK OF A CIRCUIT COURT SHALL:

21 (1) IMPLEMENT THE PROVISIONS OF THIS SUBTITLE IN ACCORDANCE
22 WITH ANY POLICIES AND PROCEDURES ADOPTED BY THE ADMINISTRATIVE OFFICE
23 OF THE COURTS; AND

24 (2) IF THE CLERK OF A CIRCUIT COURT ACCEPTS ELECTRONIC
25 DOCUMENTS FOR RECORDING:

26 (I) CONTINUE TO ACCEPT PAPER DOCUMENTS AS AUTHORIZED
27 BY STATE LAW; AND

28 (II) PLACE ENTRIES FOR BOTH ELECTRONIC AND PAPER
29 DOCUMENTS IN THE SAME INDEX.

30 (D) A COUNTY OR THE DEPARTMENT MAY ACCEPT ELECTRONICALLY ANY

1 FEE OR TAX THAT THE COUNTY OR THE DEPARTMENT IS AUTHORIZED TO COLLECT
2 AS A PREREQUISITE TO RECORDING A DOCUMENT.

3 (E) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY:

4 (1) ADOPT POLICIES TO IMPLEMENT THIS SUBTITLE; AND

5 (2) IN COOPERATION WITH THE DEPARTMENT AND THE COUNTY
6 FINANCE DEPARTMENTS, ESTABLISH PROCEDURES TO FACILITATE:

7 (I) THE ELECTRONIC SATISFACTION OF PRIOR APPROVALS
8 AND PREREQUISITES TO RECORDING; AND

9 (II) THE ELECTRONIC PAYMENT OF TAXES AND FEES.

10 **3-703.**

11 IN APPLYING AND CONSTRUING THIS SUBTITLE, CONSIDERATION SHALL BE
12 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS
13 SUBJECT MATTER AMONG THE STATES THAT HAVE ENACTED IT.

14 **3-704.**

15 THIS SUBTITLE MODIFIES, LIMITS, AND SUPERSEDES THE FEDERAL
16 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 U.S.C.
17 § 7001, BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE § 101(C) OF THAT ACT OR
18 AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN § 103(B)
19 OF THAT ACT.

20 **3-705.**

21 THIS SUBTITLE MAY BE CITED AS THE MARYLAND UNIFORM REAL PROPERTY
22 ELECTRONIC RECORDING ACT.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
24 apply retroactively and shall be applied to and interpreted to affect any instrument
25 recorded before October 1, 2018.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2018.