

**Effective 7/1/2015**

**Chapter 21a**  
**Uniform Real Property Electronic Recording Act**

**Part 1**  
**General Provisions**

**17-21a-101 Title.**

- (1) This chapter is known as the "Uniform Real Property Electronic Recording Act."
- (2) This part is known as "General Provisions."

Enacted by Chapter 89, 2014 General Session

**17-21a-102 Definitions.**

As used in this chapter:

- (1) "Commission" means the Utah Electronic Recording Commission established in Section 17-21a-302.
- (2) "Document" means 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 county recorder.
- (3) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (4) "Electronic document" means a document that is received by the county recorder in an electronic form.
- (5) "Electronic signature" means 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.
- (6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Enacted by Chapter 89, 2014 General Session

**Part 2**  
**Electronic Documents**

**17-21a-201 Title.**

This part is known as "Electronic Documents."

Enacted by Chapter 89, 2014 General Session

**17-21a-202 Validity of electronic documents.**

- (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 satisfying this chapter.
- (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) 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.
  - (b) A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

Enacted by Chapter 89, 2014 General Session

**17-21a-203 Recording of documents.**

- (1) As used in this section, "paper document" means a document that is received by the county recorder in a form that is not electronic.
- (2) A county recorder:
  - (a) who implements any of the functions listed in this section shall do so in compliance with standards established by the Utah Electronic Recording Commission created in Section 17-21a-301;
  - (b) may receive, index, store, archive, and transmit electronic documents;
  - (c) may provide for access to, and for search and retrieval of, documents and information by electronic means;
  - (d) who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index;
  - (e) may convert paper documents accepted for recording into electronic form;
  - (f) may convert into electronic form information recorded before the county recorder began to record electronic documents;
  - (g) may accept electronically any fee that the county recorder is authorized to collect; and
  - (h) may agree with other officials of a state or a political subdivision thereof, 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.

Enacted by Chapter 89, 2014 General Session

**Part 3**  
**Administration and Standards**

**17-21a-301 Title.**

This part is known as "Administration and Standards."

Enacted by Chapter 89, 2014 General Session

**17-21a-302 Administration and standards.**

- (1)
  - (a)
    - (i) There is established the Utah Electronic Recording Commission consisting of six members.
    - (ii) The commission shall adopt standards to implement this chapter.
  - (b)
    - (i) The governor shall appoint:
      - (A) four elected county recorders with no two appointees representing the same class of county; and
      - (B) one person practicing in the land title industry nominated by the Utah Land Title Association.
    - (ii) The term for each appointee is four years, except that the term for:
      - (A) the first two appointed county recorders is for two years; and
      - (B) the first appointed person practicing in the land title industry is for two years.
  - (c) The five members appointed by the governor shall select one elected county commissioner to serve as the sixth member of the commission for a four year term.
  - (d)
    - (i) The members of the commission shall annually elect from its members a commission chair, vice chair, and secretary.
    - (ii) The members of the commission shall serve as its own staff to the commission.
  - (e) A member of the commission may designate another person to represent the member in voting and attendance of meetings.
  - (f) An action of the commission requires four affirmative votes.
- (2) To keep the standards and practices of county recorders in this state in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially this chapter, and to keep the technology used by county recorders in this state compatible with technology used by recording offices in other jurisdictions that enact substantially this chapter, the commission, so far as is consistent with the purposes, policies, and provisions of this chapter, in adopting, amending, and repealing standards, shall consider:
  - (a) standards and practices of other jurisdictions;
  - (b) the most recent standards promulgated by national standard-setting bodies, such as the Property Records Industry Association;
  - (c) the views of interested persons and governmental officials and entities;
  - (d) the needs of counties of varying size, population, and resources; and
  - (e) standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering.

Enacted by Chapter 89, 2014 General Session

## **Part 4**

### **Relationship to Other Laws**

#### **17-21a-401 Title.**

This part is known as "Relationship to Other Laws."

Enacted by Chapter 89, 2014 General Session

**17-21a-402 Uniformity of application and construction.**

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Enacted by Chapter 89, 2014 General Session

**17-21a-403 Relation to Electronic Signatures in Global and National Commerce Act.**

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. Sec. 7001, et seq.) but does not modify, limit, or supersede Section 101(c) of that act (15 U.S.C. Sec. 7001(c)) or authorize electronic delivery of any of the notices described in Section 103(b) of that act (15 U.S.C. Sec. 7003(b)).

Enacted by Chapter 89, 2014 General Session