

## HOUSE BILL NO. HB0107

Uniform Real Property Electronic Recording Act.

Sponsored by: Representative(s) Brown and Senator(s)  
Christensen

A BILL

for

1 AN ACT relating to real property; adopting the Uniform Real  
2 Property Electronic Recording Act; validating electronic  
3 documents for recording; authorizing electronic recordings  
4 by county clerks; imposing duties on the department of  
5 enterprise technology services; providing for rulemaking;  
6 providing definitions; and providing for effective dates.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 34-1-401 through 34-1-407 are created  
11 to read:

12

13 ARTICLE 4

14 UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

15

1           **34-1-401. Short title.**

2

3       This act may be cited as the "Uniform Real Property  
4       Electronic Recording Act".

5

6           **34-1-402. Definitions.**

7

8           (a) As used in this act unless the context otherwise  
9       requires:

10

11                   (i) "Document" means information that is:

12

13                               (A) Inscribed on a tangible medium or that  
14       is stored in an electronic or other medium and retrievable  
15       in perceivable form; and

16

17                               (B) Eligible to be recorded in the real  
18       property records maintained by the county clerk.

19

20                   (ii) "Electronic" means as defined in W.S.  
21       40-21-102(a)(v);

22

1           (iii) "Electronic document" means a document  
2 received by the county clerk in an electronic form;

3  
4           (iv) "Electronic signature" means an electronic  
5 sound, symbol or process attached to or logically  
6 associated with a document and executed or adopted by a  
7 person with the intent to sign the document;

8  
9           (v) "Person" means as defined in W.S.  
10 40-21-102(a)(xii);

11  
12           (vi) "State" means as defined in W.S.  
13 40-21-102(a)(xv);

14  
15           (vii) "This act" means W.S. 34-1-401 through  
16 34-1-407.

17  
18           **34-1-403. Validity of electronic documents.**

19  
20           (a) If a law requires, as a condition for recording,  
21 that a document be an original, be on paper or another  
22 tangible medium or be in writing, the requirement is  
23 satisfied by an electronic document satisfying this act.

1

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

5

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

15

16 **34-1-404. Recording of documents.**

17

18 (a) A county clerk who implements any of the  
19 functions in this section shall do so in compliance with  
20 rules promulgated by the department of enterprise  
21 technology services pursuant to W.S. 34-1-405.

22

23 (b) A county clerk may:

1

2           (i) Receive, index, store, archive and transmit  
3 electronic documents;

4

5           (ii) Provide for access to, and for search and  
6 retrieval of, documents and information by electronic  
7 means;

8

9           (iii) Convert paper documents accepted for  
10 recording into electronic form;

11

12           (iv) Convert into electronic form information  
13 recorded before the county clerk began to record electronic  
14 documents;

15

16           (v) Accept electronically any fee that the  
17 county clerk is authorized to collect;

18

19           (vi) Agree with other officials of a state or a  
20 political subdivision thereof or of the United States on  
21 procedures or processes to facilitate the electronic  
22 satisfaction of prior approvals and conditions precedent to  
23 recording and the electronic payment of fees.

1

2 (c) A county clerk who accepts electronic documents  
3 for recording shall continue to accept paper documents as  
4 authorized by state law and shall place entries for both  
5 types of documents in the same index.

6

7 (d) As used in this section, "paper document" means a  
8 document received by the county clerk in a form that is not  
9 electronic.

10

11 **34-1-405. Administration and standards.**

12

13 (a) The department of enterprise technology services  
14 shall promulgate rules in accordance with the Wyoming  
15 Administrative Procedure Act to implement this act.

16

17 (b) The department of enterprise technology services  
18 in adopting rules pursuant to this section shall consider:

19

20 (i) Standards and practices of recording offices  
21 in other jurisdictions that enact substantially this act;

22

1           (ii) Technology used by recording offices in  
2 other jurisdictions that enact substantially this act;

3  
4           (iii) The most recent standards promulgated by  
5 national standard setting bodies, including the Property  
6 Records Industry Association;

7  
8           (iv) The views of interested persons and  
9 governmental officials and entities;

10  
11           (v) The needs of counties of varying size,  
12 population and resources; and

13  
14           (vi) Standards requiring adequate information  
15 security protection to ensure that electronic documents are  
16 accurate, authentic, adequately preserved and resistant to  
17 tampering.

18  
19           **34-1-406. Uniformity of application and construction.**

20  
21 In applying and construing this act, consideration shall be  
22 given to the need to promote uniformity of the law with  
23 respect to its subject matter among states that enact it.

1

2           **34-1-407. Relation to Electronic Signatures in Global**  
3 **and National Commerce Act.**

4

5 This act modifies, limits and supersedes the Electronic  
6 Signatures in Global and National Commerce Act, section  
7 7001 et seq. of title 15 of the United States Code but does  
8 not modify, limit or supersede section 7001(c) of title 15  
9 of the United States Code or authorize electronic delivery  
10 of any of the notices described in section 7003(b) of title  
11 15 of the United States Code.

12

13           **Section 2.** W.S. 18-3-402(a) by creating a new  
14 paragraph (xxv) and 34-1-119(a) are amended to read:

15

16           **18-3-402. Duties generally.**

17

18           (a) The county clerk shall:

19

20           (xxv) If the county clerk accepts electronic  
21 recordings of deeds, mortgages, conveyances, patents,  
22 certificates, instruments and other like documents,  
23 establish procedures to govern the electronic recordings

1 consistent with rules promulgated by the department of  
2 enterprise technology services pursuant to W.S. 34-1-405.

3  
4 **34-1-119. Duties of county clerk generally.**

5  
6 (a) The county clerk of each county within this state  
7 shall receive and record at length all deeds, mortgages,  
8 conveyances, patents, certificates and instruments left  
9 with him for that purpose, and he shall endorse on every  
10 such instrument the day and hour on which it was filed for  
11 record. The county clerk shall not record any document  
12 until the address of the grantee, mortgagee or assignee of  
13 the mortgagee is furnished to the county clerk, but this  
14 requirement shall not affect the validity of the recording  
15 of any instrument. Only instruments which are the  
16 originally signed documents, including electronic documents  
17 recorded pursuant to the Uniform Real Property Electronic  
18 Recording Act, W.S. 34-1-401 through 34-1-407, or properly  
19 certified or authenticated copies thereof may be properly  
20 recorded. A document is properly certified if in compliance  
21 with Rule 902 of the Wyoming Rules of Evidence or other  
22 applicable rule or statute.

1           **Section 3.** The department of enterprise technology  
2 services shall promulgate rules and regulations necessary  
3 to implement this act on or before July 1, 2016.

5           Section 4.

7           (a) Except as provided in subsection (b) of this  
8 section, this act is effective July 1, 2016.

10           (b) Section 3 of this act is effectively immediately  
11 upon completion of all acts necessary for a bill to become  
12 law as provided by Article 4, Section 8 of the Wyoming  
13 Constitution.

15 (END)