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# Senate State Government Committee

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**BILL SUMMARY**  
**House Bill 970, Printer's Number 2890**  
**Prime Sponsor: Longietti**

**A. Synopsis:**

Creates the Uniform Real Property Electronic Recording Act.

**B. Bill Analysis:**

House Bill 970 would be known as the Uniform Real Property Electronic Recording Act (URPERA). It relates to land record documents that are filed with county recorders of deeds, such as deeds, mortgages, mortgage assignments and mortgage satisfactions. The Act establishes that any requirement that a land record be an original and/or in writing and signed before it may be recorded, is satisfied by an electronic document and/or electronic signature. This is essentially an extension of the principles of the Uniform Electronics Transactions Act and federal legislation known as E-SIGN (Electronic Signatures in Global and National Commerce Act) to the specific requirements for recording documents relating to real estate transactions. Second, while the act does not require that a recorder of deeds accept and record documents electronically, it establishes what standards a recording officer must do to make electronic recording effective. Third, URPERA establishes the Electronic Recording Commission as an administrative board within the Department of State to set statewide standards for electronic recording of land records and requires the Commission to set uniform standards that must be implemented in every recording office which is recording land record documents electronically.

**Section 3 Validity of Electronic Documents**

If a law requires a document to be an original, either on paper or another tangible medium, the requirement is satisfied by an electronic document that complies with the provisions of this bill. In addition, a requirement that a document be signed is satisfied by an electronic signature. If a notarization is required, it is satisfied if the electronic signature of the person authorized to perform the act, and all other required information, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression or seal need not accompany an electronic signature.

The Pennsylvania Historical and Museum Commission retains its ability to specify certain requirements for recordkeeping, including retention in nonelectronic form.

#### Section 4 - Recording of Documents

- A recorder who implements any of the functions listed in this section shall do so in compliance with standards established by the Electronic Recording Commission.
- A recorder may receive, index, store, archive and transmit electronic documents. A recorder who accepts electronic documents shall index them in compliance with standards established by the Commission.
- A recorder may provide access and search and retrieval of documents by electronic means. A recorder who accepts electronic documents for recording shall continue to accept nonelectronic documents as authorized by State law and shall place entries for both types of documents in the same index.
- A recorder may convert nonelectronic paper documents accepted for recording into electronic form.
- A recorder may convert into electronic form information recorded before the recorder began to record electronic documents.
- A recorder may accept electronically any fee or tax that the recorder is authorized to collect by any reasonable method of payment, including electronic payment.
- A recorder may agree with other officials of a state, or a political subdivision of a state, or of the United States, concerning procedures to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees and taxes.

This act does not require a recorder to accept and record electronic documents, but if they choose to do so, they will be required to comply with the act.

#### Section 5 - Commission

Creates the Electronic Recording Commission and provides for its general composition. It shall be administered by the Department of State. The board's policy recommendations shall not be subject to review or approval by the department. Additionally, this section provides for the nomination and appointment of members, the election of the Commission's chair, for terms of office and for vacancies.

Membership – A total of 13 members shall be appointed as follows:

The President pro tempore of the Senate, The Minority Leader of the Senate, The Speaker of the House of Representatives, The Minority Leader of the House of Representatives shall appoint 2 members each. One member must be a sitting recorder serving in a county of the 1st class through 4th class, and the other member must be a sitting recorder serving in a county of the 5th class through 8th class. The Governor shall appoint 5 members, one representing each of the following entities: the Pennsylvania Historical and Museum Commission; the Pennsylvania Department of State; the Pennsylvania Association of Notaries; the Pennsylvania Land Title Association and the Pennsylvania Bankers Association. Each member will serve a 3 year term except during the initial term when each appointing authority shall make one appointment for a one year term and one appointment for a 2 year term. A member of the Commission who is a

recorder shall annually be elected to serve as a chair of the Commission and can be elected more than once. Should the chair resign another recorder will be elected to complete the term. Members shall not receive compensation but shall be reimbursed for reasonable expenses while performing official duties.

#### Section 6 - Administration and Standards

The Commission is directed to adopt standards to implement the provisions of this act and clarify that it does not impair the validity of prior electronic documents and signatures under the Electronic Transactions Act. When formulating standards the Commission shall consult with electronic recording commissions in other states. They must also consider the most recent standards by the Property Records Industry Association. They shall provide for adequate information security protection to ensure that electronic documents are accurate, authentic and adequately preserved. They must consider the need to prevent and detect fraud and ensure that those who submit electronic documents are trustworthy and identifiable. Enough identifying information must be collected to allow legal remedy where fraud is suspected.

The Commission would be permitted to adopt temporary regulations for a two year period without going through the review process under the Commonwealth Documents Law, the Commonwealth Attorneys Act and the Regulatory Review Act. After the initial two year period, notices of proposed standards would have to be published in the Pennsylvania Bulletin.

#### Section 7 - Construction of act

This identifies the importance of uniformity among the adopting states when applying and construing the act.

This Act shall take effect immediately.