ARTICLE 2
ELECTRONIC RECORDING; COMMISSION

Section 1. [507.0941] DEFINITIONS.
For purposes of sections 507.0941 to 507.0948:
(a) "Document" means information that is:
(1) inscribed on a tangible medium or that is stored in an electronic or other
medium
and is retrievable in perceivable form; and
(2) eligible to be recorded in the land records maintained by the recorder or
registrar.
(b) "Electronic" means relating to technology having electrical, digital, magnetic,
wireless, optical, electromagnetic, or similar capabilities.
(c) "Electronic document" means a document that is received by the recorder or
registrar in an electronic form.
(d) "Electronic real estate recording commission" and "commission" mean the
commission established by sections 507.0941 to 507.0948.
(e) "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.
(f) "Legislative Coordinating Commission" means the commission established by
section 3.303.
(g) "Paper document" means a document that a recorder or registrar receives in a
form that is not an electronic document.
(h) "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.
(i) "Recorder" means the county recorder for the county in which a document is
received.
(j) "Registrar" means the registrar of titles for the county in which a document is
received.

Sec. 2. [507.0942] UNIFORMITY OF APPLICATION AND CONSTRUCTION.
Persons applying or construing sections 507.0941 to 507.0948 must consider the
need to promote uniformity of the law with respect to the subject matter of sections
507.0941 to 507.0948 among states that enact a law substantially similar to
sections
507.0941 to 507.0948.

Sec. 3. [507.0943] VALIDITY AND TIME OF RECORDING OF ELECTRONIC
DOCUMENTS.
(a) If a law requires, as a condition for recording, that a document be an original,
on paper or another tangible medium, or in writing, the requirement is satisfied by an
electronic document satisfying sections 507.0941 to 507.0948. If a law requires or refers
to something related to tangible media including, without limitation, book, certificate,
floor plan, page, volume, or words derived from them, the requirement or reference is
satisfied by an electronic document satisfying sections 507.0941 to 507.0948.
(b) If a law requires, as a condition for recording, that a document be signed, the
requirement is satisfied by an electronic signature.
(c) A requirement that a document or a signature associated with a document be attested, 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. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.
(d) Notwithstanding the time of its delivery, an electronic document is recorded for
purposes of this chapter at the earlier of (i) the time the electronic document is
accepted for recording or (ii) the next close of the recorder’s office hours following the time of
delivery.
(e) Notwithstanding the time of its delivery, an electronic document is registered as
to a parcel of registered land for purposes of chapters 508 and 508A when the
electronic document is memorialized or otherwise noted on the certificate of title for the
parcel.
(f) A law that authorizes or requires any act to be performed with respect to any
document affecting real property that is to be filed in the office of the recorder or
registrar shall be deemed satisfied if the act is performed electronically in accordance with the
standards established by the electronic real estate recording commission. By way of
illustration, the acts referred to in this section include, without limitation, the following
words as well as words derived from them: affix, apply, attest, bind, certify, conform,
copy, deliver, draw, duplicate, endorse, enter, file, form, hold, issue, leave, make,
mark, mount, note, open, present, print, proffer, receive, recite, record, refer,
register, seal,
send, sign, stamp, state, store, subscribe, witness, and write.
Sec. 4. [507.0944] RECORDING OF DOCUMENTS.
(a) A recorder or registrar may:
(1) receive, index, store, archive, and transmit electronic documents;
(2) provide for access to documents and other information by electronic means;
(3) provide for search and retrieval of documents and other information by electronic means;
(4) index, store, and archive, in electronic form, paper documents accepted for recording;
(5) convert into electronic form the record of documents recorded or registered before the recorder or registrar began to record electronic documents;
(6) accept electronically any fee or tax that the recorder or registrar is authorized to collect; and
(7) agree with other officials of this state or a political subdivision of this state on procedures or processes to facilitate the electronic satisfaction of conditions to recording and the electronic payment of fees and taxes.
(b) A recorder who accepts electronic documents for recording shall:
(1) continue to accept paper documents; and
(2) place entries for paper documents and electronic documents in the same index.
(c) A registrar who accepts electronic documents for registration shall:
(1) continue to accept paper documents; and
(2) place entries for paper documents and electronic documents in the same index.

Sec. 5. [507.0945] ADMINISTRATION.
(a) An Electronic Real Estate Recording Commission administered by the Legislative Coordinating Commission is created to and must adopt standards to implement sections 507.0941 to 507.0948.
(b) The Electronic Real Estate Recording Commission shall consist of the following:
(1) three members appointed by the Minnesota Association of County Officials who are county employees, including one from within the seven-county metropolitan area, one from outside the seven-county metropolitan area, and at least one of whom is a county recorder and at least one of whom is a registrar of titles;
(2) one member appointed by the Minnesota Land Title Association;
(3) one member who represents the Minnesota Bankers Association;
(4) one member who represents the Section of Real Property Law of the Minnesota State Bar Association;
(5) one nonvoting member who is appointed by the other members of the commission
and an expert in the technological aspects of electronic real estate recording; and
(6) one member who is the state archivist appointed pursuant to section 138.17.
(c) Members of the Electronic Real Estate Recording Commission shall serve
four-year terms, except that (1) the initial appointments of county employees shall be for
two years and (2) the expert in the technological aspects of electronic real estate recording
shall serve at the pleasure of a majority of the other members of the commission. All
initial terms shall commence on July 1, 2008. Members shall serve until their successors
are appointed. Any member may be reappointed for successive terms.
(d) The state archivist shall call the first meeting of the Electronic Real Estate
Recording Commission. At the first meeting and biennially thereafter, the commission
shall elect from its membership a chair and vice-chair to serve two-year terms.
Meetings
may be called by the chair or the vice-chair or the director of the Legislative
Coordinating
Commission. Meetings shall be held as often as necessary, but at least once a year.
(e) A majority of the voting members of the Electronic Real Estate Recording
Commission constitutes a quorum to do business, and a majority of a quorum may act
in any matter within the jurisdiction of the commission.
(f) As soon as practicable and as needed thereafter, the Electronic Real Estate
Recording Commission shall identify the information technology expertise it requires
and report its needs to the Legislative Coordinating Commission. The Electronic Real
Estate Recording Commission also shall report any other expertise it needs to fulfill its
responsibilities. The Legislative Coordinating Commission shall provide support services,
including meeting space, as needed for the Electronic Real Estate Recording Commission
to carry out its duties in an effective manner.

Sec. 6. [507.0946] STANDARDS.
To keep the standards and practices of recorders and registrars in this state in
harmony with the standards and practices of recorders' and registrars' offices in other
jurisdictions that enact a law that is substantially similar to sections 507.0941 to 507.0948,
and to keep the technology used by recorders and registrars in this state compatible with technology used by recorders' and registrars' offices in other jurisdictions that enact a law that is substantially similar to sections 507.0941 to 507.0948, the Electronic Real Estate Recording Commission, so far as is consistent with the purposes, policies, and provisions of sections 507.0941 to 507.0948, in adopting, amending, and repealing standards, shall consider:

(1) standards and practices of other jurisdictions;
(2) the most recent standards promulgated by national standard-setting bodies;
(3) the views of interested persons and governmental officials and entities;
(4) the needs of counties of varying size, population, and resources; and
(5) standards requiring adequate information-security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering.

Sec. 7. [507.0947] RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.
Sections 507.0941 to 507.0948 modify, limit, and supersede the federal Electronic Signatures in Global and National Commerce Act, United States Code, title 15, section 7001, et seq., but do not modify, limit, or supersede section 101(c) of that act, United States Code, title 15, section 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, United States Code, title 15, section 7003(b).

Sec. 8. [507.0948] DONATIONS; REIMBURSEMENT.
The Electronic Real Estate Recording Commission may accept donations of money or resources, including loaned employees or other services. The donations are appropriated to the Legislative Coordinating Commission for the sole use of the Electronic Real Estate Recording Commission.

Sec. 9. [507.0949] TITLE.
Sections 507.0941 to 507.0948 may be cited as the Minnesota Real Property Electronic Recording Act.

Sec. 10. EFFECTIVE DATE.
This article is effective July 1, 2008.