

## 2005 SENATE BILL 616

1     **AN ACT** *to amend* 15.01 (4) and 706.01 (4); and *to create* 15.107 (6) and 706.25  
2           of the statutes; **relating to:** the Uniform Real Property Electronic Recording  
3           Act, creating an electronic recording council, and granting rule-making  
4           authority.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5           **SECTION 1.** 15.01 (4) of the statutes, as affected by 2005 Wisconsin Act 25, is  
6           amended to read:

7           15.01 **(4)** “Council” means a part-time body appointed to function on a  
8           continuing basis for the study, and recommendation of solutions and policy  
9           alternatives, of the problems arising in a specified functional area of state  
10          government, except the Milwaukee River revitalization council has the powers and

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1 duties specified in s. 23.18, the council on physical disabilities has the powers and  
2 duties specified in s. 46.29 (1) and (2), and the state council on alcohol and other drug  
3 abuse has the powers and duties specified in s. 14.24, and the electronic recording  
4 council has the powers and duties specified in s. 706.25 (4).

5 **SECTION 2.** 15.107 (6) of the statutes is created to read:

6 15.107 (6) ELECTRONIC RECORDING COUNCIL. (a) There is created an electronic  
7 recording council which is attached to the department of administration under s.  
8 15.03.

9 (b) The council shall be composed of the following members appointed for  
10 3-year terms:

11 1. Four members who are registers of deeds in this state, except that one or  
12 more members under this subdivision may be persons who are not currently  
13 registers of deeds but who held that office for at least 5 years.

14 2. One member who represents an association of title insurance companies.

15 3. One member who represents an association of bankers.

16 4. One member who represents attorneys who practice real property law.

17 **SECTION 3.** 706.01 (4) of the statutes is amended to read:

18 706.01 (4) "Conveyance" means a written instrument, evidencing a transaction  
19 governed by this chapter, that satisfies the requirements of s. 706.02, subject to s.  
20 706.25.

21 **SECTION 4.** 706.25 of the statutes is created to read:

22 **706.25 Uniform real property electronic recording act. (1) DEFINITIONS.**

23 In this section:

24 (a) "Document" means information that satisfies all of the following:

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1           1. The information is inscribed on a tangible medium or it is stored in an  
2           electronic or other medium and is retrievable in perceivable form.

3           2. The information is eligible to be recorded in the land records maintained by  
4           the register of deeds.

5           (b) “Electronic” means relating to technology having electrical, digital,  
6           magnetic, wireless, optical, electromagnetic, or similar capabilities.

7           (c) “Electronic document” means a document that is received by the register of  
8           deeds in an electronic form.

9           (d) “Electronic signature” means an electronic sound, symbol, or process  
10          attached to or logically associated with a document and executed or adopted by a  
11          person with the intent to sign the document.

12          (e) “Paper document” means a document that is received by the register of  
13          deeds in a form that is not electronic.

14          (f) “Person” means an individual, corporation, business trust, estate, trust,  
15          partnership, limited liability company, association, joint venture, public corporation,  
16          government, or governmental subdivision, agency, or instrumentality, or any other  
17          legal or commercial entity.

18          (g) “State” means a state of the United States, the District of Columbia, Puerto  
19          Rico, the United States Virgin Islands, or any territory or insular possession subject  
20          to the jurisdiction of the United States.

21          **(2) VALIDITY OF ELECTRONIC DOCUMENTS.** (a) If a law requires, as a condition for  
22          recording, that a document be an original, be on paper or another tangible medium,  
23          or be in writing, the requirement is satisfied by an electronic document satisfying  
24          this section.

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

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

9 **(3) RECORDING OF DOCUMENTS.** (a) A register of deeds may do any of the  
10 following:

11 1. Receive, index, store, archive, and transmit electronic documents.

12 2. Provide for access to, and for search and retrieval of, documents and  
13 information by electronic means.

14 3. Convert paper documents accepted for recording into electronic form.

15 4. Convert into electronic form information recorded before the register of  
16 deeds began to record electronic documents.

17 5. Accept electronically any fee that the register of deeds is authorized to  
18 collect.

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

23 (b) A register of deeds who accepts electronic documents for recording shall  
24 continue to accept paper documents as authorized by state law and shall place  
25 entries for both types of documents in the same index.

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1 (c) A register of deeds who performs any of the functions specified in this  
2 subsection shall do so in compliance with standards established by the electronic  
3 recording council and promulgated by rule under sub. (4).

4 **(4) ADMINISTRATION AND STANDARDS.** (a) The electronic recording council shall  
5 adopt standards to implement this section. The department of administration shall  
6 promulgate by rule the standards adopted, amended, or repealed by the council  
7 under this paragraph.

8 (b) To keep the standards and practices of registers of deeds in this state in  
9 harmony with the standards and practices of recording offices in other jurisdictions  
10 that enact substantially this section and to keep the technology used by registers of  
11 deeds in this state compatible with technology used by recording offices in other  
12 jurisdictions that enact substantially this section, the electronic recording council,  
13 so far as is consistent with the purposes, policies, and provisions of this section, in  
14 adopting, amending, and repealing standards shall consider all of the following:

15 1. Standards and practices of other jurisdictions.

16 2. The most recent standards promulgated by national standard-setting  
17 bodies, such as the Property Records Industry Association.

18 3. The views of interested persons and governmental officials and entities.

19 4. The needs of counties of varying sizes, populations, and resources.

20 5. The need for security protection to ensure that electronic documents are  
21 accurate, authentic, adequately preserved, and resistant to tampering.

22 (c) The electronic recording council shall review the statutes related to real  
23 property and the statutes related to recording real property documents and shall  
24 recommend to the legislature any changes in the statutes that the council finds  
25 necessary or advisable.

