

**Electronic Recording Commission  
Electronic Recording Standards**

Title 4

Administration

Part VIII

Bureau of Commission, Elections and Legislation

Subpart F. Electronic Recording Standards

Chapter 201. Real Property Electronic Recording

**Section 201.1. Real property electronic recording**

This chapter applies to real property electronic recording in the office of the county recorder of deeds or other county official responsible for the recordation of documents in counties without recorders of deeds pursuant to the Uniform Real Property Electronic Recording Act (21 P.S. §§ 483.1 - 483.9) of the Pennsylvania Statutes. A recorder may elect to accept electronic documents for recording in accordance with this chapter and with all applicable sections of the laws of Pennsylvania, including, but not limited to, the Uniform Real Property Electronic Recording Act.

**Sec. 201.2. Definitions**

As used in this chapter:

- (1) "Delivery agent" means a party who has entered into an agreement with a participating recorder to deliver an electronic document from a submitter to a participating recorder and to return the recorded document to the submitter;
- (2) "Document" has the same meaning as provided in section 2 of the Act of July 5, 2012 (P.L. 935, No. 100), known as the Uniform Real Property Electronic Recording Act (21 P.S. § 483.2);
- (3) "Electronic" has the same meaning as provided in section 2 of the Act of July 5, 2012 (P.L. 935, No. 100), known as the Uniform Real Property Electronic Recording Act (21 P.S. § 483.2);
- (4) "Electronic document" has the same meaning as provided section 2 of the Act of July 5, 2012 (P.L. 935, No. 100), known as the Uniform Real Property Electronic Recording Act (21 P.S. § 483.2);
- (5) "Electronic document delivery system" means an automated system for the secure transmission of an electronic document between a submitter and a participating recorder;
- (6) "Electronic recording" means the delivery and return of an electronic document, using an electronic document delivery system, for the purpose of recording that document on the land records, using a land records management system;
- (7) "Electronic signature" has the same meaning as provided in section 2 of the Act of July 5, 2012 (P.L. 935, No. 100), known as the Uniform Real Property Electronic Recording Act (21 P.S. § 483.2);
- (8) "Land records management system" means a system for recording and indexing documents on the land records, accessing and maintaining the land records, and meeting the retention standards promulgated by the County Records Committee of the Pennsylvania Historical and Museum Commission;

(9) “Land records management system vendor” means a party who provides a land records management system;

(10) “Participating recorder” means a county recorder of deeds or other county official responsible for the recordation of documents in counties without recorders of deeds who has elected to accept electronic documents for recording;

(11) “Property Records Industry Association (PRIA) means the not-for-profit corporation, established jointly by government and business, to develop and promote national standards and best practices for the land records industry.

(12) “Recording information” means the information added to a document at the time such document is recorded, such as the date and time of receipt of such document for record, the name and municipality of the recording officer, and the book and page of such document or other suitable indication of its location.

(13) “Submitter” means a party who requests that an electronic document be recorded.

### **Sec. 201.3. Electronic Recording Models**

Electronic documents shall conform to the current models and standards prescribed by the Property Records Industry Association (PRIA), as amended from time to time.

### **Sec. 201-4. Data Formats**

Electronic recording shall meet technical standards for electronic document formatting and data fields as prescribed by the Property Records Industry Association (PRIA), as amended from time to time.

### **Sec. 201.5. Electronic Document Formats**

Electronic documents shall be transmitted and stored as either TIFF or PDF files.

### **Sec. 201.6. Electronic Signatures and Electronic Notarizations**

(a) Documents containing electronic signatures or electronic notarizations shall conform to all applicable standards established by the Secretary of the Commonwealth and to all applicable sections of the laws of Pennsylvania, including, but not limited to, chapter 41 of the Pennsylvania Statutes (Uniform Electronic Recording Act, 73 P.S. § 2260.101, et seq.) and the Act of July 5, 2012 (P.L. 935, No. 100), known as the Uniform Real Property Electronic Recording Act (21 P.S. § 483.1 et. seq)

(b) A participating recorder shall only be required to accept electronic documents containing electronic signatures or electronic notarizations that the recorder has the technology to support.

(c) A participating recorder shall not be responsible for authenticating electronic signatures or electronic notarizations.

### **Sec. 201.7. Electronic Recording Processing Requirements**

(a) A participating recorder shall provide notice of confirmation or rejection of recording through the electronic document delivery system.

(1) A notice of confirmation shall include recording information for the electronic document accepted for recording and shall identify the electronic document accepted for recording.

(2) A notice of rejection shall include a brief explanation of the reason or reasons for rejection and shall identify the electronic document rejected for recording.

(3) If a participating recorder complies with the notice requirements, the failure of a submitter to receive actual notice of confirmation or rejection of a recording shall not affect the validity of the confirmation or rejection.

(b) A participating recorder may contact a submitter regarding an electronic document submitted for recording prior to sending a notice of confirmation or rejection. The delivery agent shall ensure that the submitter includes telephone or e-mail contact information with each such submission.

(c) A participating recorder shall receive electronic documents and enter the time of receipt in accordance with [sections 7-24 and 7-25 of the Connecticut General Statutes] – [Jack Smith fill in].

### **Sec. 201.8. Security Requirements**

(a) The participating recorder, the delivery agent and the land records management system vendor shall implement and maintain procedures to ensure the security of the electronic document delivery system and the land records management system, including the authenticity and integrity of the electronic documents and of the public record maintained by the participating recorder.

(b) A participating recorder shall provide a secure method for accepting electronic documents through the electronic document delivery system and for recording and maintaining documents in the land records management system. Security standards implemented by a participating recorder shall accommodate electronic signatures and electronic notarizations of electronic documents in a manner that complies with the Uniform Real Property Electronic Recording Act (21 P.S. §§ 483.1 - 483.9) of the Pennsylvania Statutes.

(c) A delivery agent shall implement and maintain security procedures for all electronic transmissions to a participating recorder through the electronic document delivery system and shall be responsible for maintaining the security of the electronic document delivery system within the office of such delivery agent.

(d) Electronic document delivery systems and land records management systems shall protect against system and security failures and, in addition, shall provide backup, disaster recovery, and audit trail mechanisms. The delivery agent or land records management system vendor shall provide audit trail information to the participating recorder upon request.

(e) Electronic document delivery systems and land records management systems shall not permit any unauthorized party to modify, manipulate, insert or delete information, without detection, in electronic documents or in the public record maintained by the participating recorder.

(f) If a breach in security is detected by the participating recorder, delivery agent or land records management system vendor, such recorder, agent or vendor shall notify the other two parties immediately. The recorder, agent and vendor shall work cooperatively to take remedial action and to resolve any issues related to a breach.

### **Sec. 201.9. Records Retention, Preservation and Disclosure**

(a) Land records and indexes are permanent records and shall be maintained in accordance with the Act of August 14, 1963 (P.L. 839, No. 407), known as the County Records Act (16 P.S. 13001-13006).

(b) Each recorder shall maintain a systematic program for microfilming the land records and indexes, producing archival quality microfilm that is stored at a secure off-site facility in accordance with rules

and standards promulgated by the County Records Committee of the Pennsylvania Historical and Museum Commission.

(c) The participating recorder shall maintain and disclose computer-stored public records [in accordance with section 1-211 of the Connecticut General Statutes.] – [applicable and needed?]

PHMC comment: We assume Sec. 201.9 (c) could reference our RTKL: §§ 67.101-67.3104. The PA RTKL applies to paper and electronic records alike, but I am not sure if Connecticut is referencing something unique to electronic records, and the Connecticut language cites “maintains” as well as “discloses.” So there may be no equivalent Pennsylvania statute that references both, but the RTKL may be the closest. We may need to discuss this.

#### **Sec. 201.10. Agreement and Procedures**

(a) The delivery agent and participating recorder shall enter into an agreement specifying the terms and conditions of participation in the recorder’s electronic recording program. The provisions of the agreement shall be consistent with this chapter and with the Act of July 5, 2012 (P.L. 935, No. 100), known as the Uniform Real Property Electronic Recording Act.

At a minimum the agreement shall address the following items:

- (1) Accepted document types;
- (2) Defined technical specifications for data formats, electronic document formats, electronic transmissions and security;
- (3) Indexing fields required for each document type;
- (4) Electronic signature and electronic notarization requirements;
- (5) Payment options for recording fees and applicable taxes;
- (6) Hours during which electronic submissions will be accepted and processing schedules that affect order of acceptance;
- (7) Electronic document acceptance and rejection requirements and procedures;
- (8) Responsibility of the delivery agent to review the qualifications of each potential submitter and to approve the potential submitter prior to granting access to the electronic document delivery system; and
- (9) Responsibility of the delivery agent to enter into an agreement with each approved submitter, in which the submitter agrees to submit electronic documents for recording in accordance with all applicable state statutes and regulations and to maintain the security of the electronic document delivery system within the office of such submitter.

(b) A participating recorder may include in the agreement other procedures and requirements consistent with this chapter and with all applicable sections of the laws of Pennsylvania, including, but not limited to, the Act of July 5, 2012 (P.L. 935, No. 100), known as the Uniform Real Property Electronic Recording Act, in order to implement fully an electronic recording program.

(c) A participating recorder shall (1) establish procedures for electronic recording in the county, (2) post the procedures in the recorder’s office, on the county’s Internet web site, if available, and through the electronic document delivery system, and (3) make a copy of the procedures available on request. The procedures shall cover, at a minimum, the items listed in subdivisions (1) to (8), inclusive, of subsection (a) of this section.