

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 42.**  
**REAL PROPERTY.**

**CHAPTER 12A.**  
**UNIFORM REAL PROPERTY ELECTRONIC**  
**RECORDING.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 12A. UNIFORM REAL PROPERTY**  
**ELECTRONIC RECORDING.**

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# CHAPTER 12A. UNIFORM REAL PROPERTY ELECTRONIC RECORDING.

*Refs & Annos*

Jurisdiction	Laws	Effective Date	Statutory Citation
Alabama	2009-510	1-1-2010	Code, 1975, §§ 35-4-120 to 35-4-127.
Arizona	2005, c. 109	1-1-2006	A.R.S. §§ 11-487 to 11-487.06.
Arkansas	2007, c. 734	7-31-2007	A.C.A. §§ 14-2-301 to 14-2-308.
Connecticut	2008, P.A. 08-56	10-1-2009	C.G.S.A. §§ 7-35aa to 7-35gg.
Delaware	2005, c. 23	1-1-2006	25 Del.C. §§ 180 to 184.
District of Columbia	D.C Law 16-25	10-18-2005	D.C. Official Code, 2001 Ed. §§ 42-1231 to 42-1235.
Florida	2007, c. 233	6-27-2007	West's F.S.A. § 695.27.
Georgia	2009, c. 140	5-5-2009	O.C.G.A. §§ 44-2-35 to 44-2-39.2.
Hawaii	2009, c. 102	7-1-2009	H.R.S. §§ 502-121 to 502-125.
Idaho	2007, c. 63	7-1-2007	I.C. §§ 31-2901 to 31-2907.
Illinois	2007, P.A. 95-472	8-27-2007	S.H.A. 765 ILCS 33/1 to 33/99.
Kansas	2006, c. 145	4-19-2006	K.S.A. 58-4401 to 58-4407.
		[FN*]	
Michigan	2010, No. 123	7-19-2010	M.C.L.A. §§ 565.841 to 565.847.
Minnesota	2008, c. 238	7-1-2008	M.S.A. §§ 507.0941 to 507.0949.
Mississippi	2011, c. 364	7-1-2011	Miss. Code Ann. §§ 89-5-101 to 89-5-113.
Nevada	2007, c. 57	5-15-2007	N.R.S. 111.366 to 111.3697.
		[FN*]	
New Mexico	2007, c. 261	7-1-2007	NMSA 1978, §§ 14-9A-1 to 14-9A-7.
New York	2011, c. 549	9-22-2012	NY Real Prop. §§ 290, 291-l, 317.
North Carolina	2005, c. 391	9-13-2005	G.S. §§ 47-16.1 to 47-16.7.
Oklahoma	2008, c. 295	11-1-2008	16 Okl.St.Ann. §§ 86.1 to 86.7.
South Carolina	2008, Act 210	5-13-2008	Code 1976, §§ 30-6-10 to 30-6-70.
Tennessee	2007, c. 420	7-1-2007	T.C.A. §§ 66-24-201 to 66-24-206.
Texas	2005, c. 699	9-1-2005	V.T.C.A., Property Code §§ 15.001 to 15.008.
Virgin Islands	2010, c. 7142	10-1-2010	28 V.I.C. §§ 151 to 157.
Virginia	2005, c. 744	7-1-2005	Code 1950, §§ 55-142.10 to 55-142.15.
Washington	2008, c. 57	6-12-2008	West's RCWA 65.24.010 to 65.24.901.
Wisconsin	2006, c. 421	6-3-2006	W.S.A. 706.25.

[FN\*] Date of approval.

## § 42-1231. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Digitized image" means an electronic document that is created as an electronic copy of a paper document that accurately depicts the information on the paper document and is unalterable.
- (2) "Document" means information that is:
  - (A) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and
  - (B) Eligible to be recorded in the land records maintained by the Recorder of Deeds.
- (3) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (4) "Electronic document" means a document that is received by the Recorder of Deeds in an electronic form.
- (5) "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.

(6) "Paper document" means a document that is received by the Recorder of Deeds in a form that is not electronic.

(7) "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.

(8) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(Oct. 18, 2005, D.C. Law 16-25, § 2, 52 DCR 8084.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 16-25, the "Uniform Real Property Electronic Recording Act of 2005", was introduced in Council and assigned Bill No. 16-173 which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 7, 2005, and July 6, 2005, respectively. Signed by the Mayor on July 14, 2005, it was assigned Act No. 16-134 and transmitted to both Houses of Congress for its review. D.C. Law 16-25 became effective on October 18, 2005.

##### *Uniform Law*

This section is based upon § 2 of the Uniform Real Property Electronic Recording Act. See 7B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

## **§ 42-1232. VALIDITY OF ELECTRONIC DOCUMENTS AND DIGITIZED IMAGES.**

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or other tangible medium, or be in writing, an electronic document or digitized image that satisfies this chapter satisfies the law.

(b) If a law requires, as a condition for recording, that a document be signed, an electronic signature or digitized image of a wet signature on a paper document satisfies the law.

(c) A requirement that a document or a signature associated with a document be notarized, 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 is not required to accompany an electronic signature.

(Oct. 18, 2005, D.C. Law 16-25, § 3, 52 DCR 8084.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 16-25, see notes following § 42-1231.

##### *Uniform Law*

This section is based upon § 3 of the Uniform Real Property Electronic Recording Act. See 7B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

## **§ 42-1233. RECORDING OF DOCUMENTS.**

(a) The Recorder of Deeds may receive, index, store, archive, and transmit electronic documents or digitized images.

(b) The Recorder of Deeds may provide for access to, and for search and retrieval of, documents and information by electronic means.

(c) The Recorder of Deeds, in addition to accepting electronic documents or digitized images for recording shall continue to accept paper documents and shall place entries for both types of documents in the same index.

(d) The Recorder of Deeds may convert paper documents accepted for recording into electronic form. The Recorder of Deeds may convert into electronic form information recorded before the Recorder of Deeds began to record electronic documents.

(e) Any fee, surcharge, or tax that the Recorder of Deeds is authorized to collect may be collected electronically.

(f) The Recorder of Deeds and other officials of a state or a political subdivision thereof, or of the United States, may agree on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees and taxes.

(g) Any electronic documents or digitized images accepted by the Recorder of Deeds prior to October 18, 2005, are deemed to be recorded properly and to impart constructive notice.

(h) Any electronic document or digitized image recorded at the Recorder of Deeds shall be deemed recorded as of the date and time of its delivery to the Recorder of Deeds; provided, that the document or digitized image is accepted by the Recorder of Deeds for recordation. The Recorder of Deeds shall maintain a record of time and date of delivery in its index.

(Oct. 18, 2005, D.C. Law 16-25, § 4, 52 DCR 8084.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 16-25, see notes following § 42-1231.

##### *Uniform Law*

This section is based upon § 4 of the Uniform Real Property Electronic Recording Act. See 7B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

### **§ 42-1234. UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

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

(Oct. 18, 2005, D.C. Law 16-25, § 5, 52 DCR 8084.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 16-25, see notes following § 42-1231.

##### *Uniform Law*

This section is based upon § 6 of the Uniform Real Property Electronic Recording Act. See 7B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.

### **§ 42-1235. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.**

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq.*), but does not modify, limit, or supersede section 101(c) or section 104 of the Act, or authorize electronic delivery of any of the notices described in section 103(b) of the Act. The provisions of this chapter shall be liberally construed as remedial legislation to encourage the use and recording of electronic documents affecting real property in the District of Columbia.

(Oct. 18, 2005, D.C. Law 16-25, § 6, 52 DCR 8084.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 16-25, see notes following § 42-1231.

##### *References in Text*

Section 101(c) or section 104 of the Act, referred to in text, is classified to 15 U.S.C.A. § 7001(c) and 15 U.S.C.A. § 7004. Section 103(b), referred to in text, is classified to 15 U.S.C.A. § 7003(b).

##### *Uniform Law*

This section is based upon § 7 of the Uniform Real Property Electronic Recording Act. See 7B, Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.