



# Real Estate Recording Legislation

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State	Bill	Introduced	Description	Status
AR	H1940	3/6/17	Eliminates requirement that proof of tax paid be attached to certain instruments if the instrument states that it is exempt.	<b>ENACTED</b> 3/27/17. Takes effect 90 days after the legislature adjourns.
CO	S140	1/31/17	Closes the Torrens system to new applications to register land on 1/1/18.	<b>ENACTED</b> 5/18/17. Takes effect 8/9/17.
CT	H5983	1/19/17	Requires both the grantor and grantee, or their respective attorneys, to be present at the time a quitclaim deed is executed.	<b>FAILED.</b> Died in committee when it failed to pass before deadline.
CT	H6139	1/20/17	Establishes a mortgage recording tax.	<b>FAILED.</b> Died in committee when it failed to pass before deadline.
GA	S120	2/2/17	Amends existing law to provide for the effect of an instrument that was not attested or acknowledged as required by law and provides for correction by affidavit.	Assigned to Judiciary Committee.
GA	S299	3/28/17	Provides that no instrument shall be recorded unless it has been signed by a licensed GA attorney in good standing to attest that such instrument was properly drafted under the laws of the state and is not fraudulent.	Pending.
HI	H698	1/20/17	Substantially raises the conveyance tax for properties with a value over \$2 million.	Assigned to Housing Committee.
ID	H205	2/23/17	Makes changes to fees charged by county recorders.	<b>ENACTED</b> on 4/4/17. Takes effect 7/1/17.

<b>IN</b>	H1524	1/18/17	Enacts the Uniform Real Property Electronic Recording Act and creates the electronic recording commission to establish statewide standards.	Assigned to Judiciary Committee.
<b>IN</b>	S505	1/17/17	Enacts the Uniform Real Property Electronic Recording Act. Changes recording fee structure to flat rate rather than per page. Provides for bulk sales of county records.	<b>Enacted</b> 4/21/17. Takes effect 7/1/17.
<b>KY</b>	S66	1/3/17	Provides for electronic recording and electronic notary.	See Notary Chart
<b>LA</b>	S236	4/10/17	Substantially increases filing and recording fees (in some cases from \$25 to \$100 pre doc); requires captioning of documents for fee calculation purposes; requires that on or before January 1, 2022, each clerk of court, including the Orleans Parish register of conveyances, adopt and implement a plan for recording electronic documents. The bill was amended to require redaction of certain personal information contained on documents presented for filing or recording with a clerk of court.	<b>ENACTED</b> on 6/12/17. Takes effect on 8/1/17.
<b>MD</b>	H200	1/20/17	Increases the fee for filing an order to docket or a complaint to foreclose a mortgage or deed of trust on residential property from \$300 to \$500. Same as SB 588	<b>FAILED.</b> Voted down in committee on 2/27/17.
<b>MD</b>	H595	1/30/17	Amends attorney certification requirements for a mortgage or deed of trust. Similar to SB 376.	<b>ENACTED</b> on 5/4/17. Takes effect on 10/1/17.
<b>MD</b>	S376	1/26/17	Amends attorney certification requirements for a mortgage or deed of trust. Similar to HB 595.	<b>ENACTED</b> on 5/4/17. Takes effect on 10/1/17.
<b>MD</b>	S588	2/2/17	Increases the fee for filing an order to docket or a complaint to foreclose a mortgage or deed of trust on residential property from \$300 to \$500. Same as HB 200.	Failed to pass the Judicial Proceedings Committee 3/6/17.
<b>MA</b>	H53	3/16/17	Enacts the Uniform Real Property Recording Act.	Pending.
<b>MA</b>	H792	1/23/17	Increases recording fees.	Assigned to Judiciary Committee.

<b>MN</b>	H46	1/5/17	Makes minor changes to the real estate recording law. It clarifies that if a document must contain original signatures as a condition of recording that the requirement is satisfied by electronic signatures. It also clarifies the time of recording for an electronic document submitted to a recorder's office in recordable form. Same as S49	<b>Enacted</b> 4/21/17. Takes effect 8/1/17.
<b>MN</b>	S49	1/7/17	Makes minor changes to the real estate recording law. It clarifies that if a document must contain original signatures as a condition of recording that the requirement is satisfied by electronic signatures. It also clarifies the time of recording for an electronic document submitted to a recorder's office in recordable form. Same as H46.	Passed out of committees on 1/30/17. Indefinitely postponed in favor of HB 46 on 2/9/17.
<b>MS</b>	H364	1/5/17	Provides that under certain circumstances an affidavit recorded by an officer of a title company will be effective as a satisfaction of mortgage.	<b>FAILED.</b> Died in Committee on 1/31/17.
<b>MO</b>	H934	2/14/17	Requires that deeds conveying real estate must contain the name of the person or entity that prepared the property description for the deed, or if the property description was taken from a previously recorded deed, a reference to the recording information of that deed.	Assigned to the Judiciary Committee.
<b>MO</b>	H955	2/17/17	Requires that a certificate of real estate value be filed before recording a deed or other instrument transferring an interest in real property.	Pending.
<b>MO</b>	S453	2/22/17	Increases the additional fees a county recorder must impose for the recording of instruments.	Passed Local Government and Elections Committee on 4/27/17.
<b>NE</b>	L38	1/5/17	Provides that the signature requirement for an instrument submitted for recording is satisfied by a digital signature or electronic signature.	Passed Government, Military and Veterans Affairs Committee on 1/31/17.
<b>NE</b>	L152	1/9/17	Eliminates certain recording fee increases that were set to take effect on 1/1/2018.	<b>ENACTED</b> 5/9/17.

<b>NV</b>	A169	2/13/17	Sets flat fee for most document recording instead of per page and increases additional fees that a recorder may charge from \$3 to \$5.	<b>ENACTED</b> on 5/26/17. Takes effect 10/1/17.
<b>NH</b>	H530	1/5/17	Provides that a register of deeds may not charge more than \$1 per page for copying a document and to require all recorded documents be made available online to the greatest extent practicable.	<b>FAILED.</b> Voted down in the Municipal and County Government Committee on 2/22/17.
<b>NJ</b>	A3345	2/18/16	Provides a procedure to cancel a mortgage of record by affidavit of an entitled person under certain circumstances.	Carryover from 2016. Pending in Senate Commerce Committee since 6/30/16.
<b>NJ</b>	A4100	9/15/16	Requires LLC to disclose ownership information when recording a deed for residential property of 1 to 4 units.	Carryover from 2016. Pending in Housing and Community Development Committee.
<b>NJ</b>	A4132	9/19/16	Permits counties to add up to a \$7 surcharge for recording documents to be used for homelessness housing trust funds.	Carryover from 2016. Passed Housing and Community Development Committee on 2/27/17 and is pending in the Appropriations Committee.
<b>NJ</b>	S2271	5/16/16	Provides a procedure to cancel a mortgage of record by affidavit of an entitled person under certain circumstances.	Carryover from 2016. Pending in Commerce Committee 5/23/16.
<b>NJ</b>	S2612	9/29/16	Requires LLC to disclose ownership information when recording a deed for residential property of 1 to 4 units. Companion bill to A4100.	Carryover from 2016. Pending in Community and Urban Affairs Committee.
<b>NY</b>	A3443	1/27/17	Requires that the real property transfer tax return relating to residential property sold or purchased by a limited liability company to include information on the ownership of such company. Appears similar to S1717.	Passed Assembly on 6/20/17.
<b>NY</b>	A4136	2/1/17	Clarifies the information required on the real property transfer tax return that must be provided by the buyer.	Assigned to Judiciary Committee.

NY	S1717	1/10/17	Requires that the real property transfer tax return relating to residential property sold or purchased by a limited liability company to include information on the ownership of such company.	Assigned to the Senate Investigations and Government Operations Committee.
NY	S2686	1/17/17	Authorizes cities and towns to impose a tax on real estate transfers.	Assigned to the Senate Environmental Conservation Committee.
NY	S2966	1/18/17	Requires the clerk to send a notice of sale or transfer to the owner upon conveyance of residential real property. The party seeking to record the conveyance bears the cost of such notice and must provide a stamped large envelope with prepaid postage for the notice.	Assigned to the Senate Judiciary Committee.
NC	H584	4/6/17	Clarifies process for correcting non-materials errors in recorded instruments of title. Establishes 7-year curative provision for correction of certain title defects.	<b>ENACTED</b> 7/10/17. Takes effect 8/31/18.
ND	S2340	1/23/17	Increases fees and changes format requirements for recording an instrument affecting title to real estate.	<b>ENACTED</b> 4/10/17. Takes effect 8/1/17.
RI	H5417	2/8/17	Increases the fines for failing to file a foreclosure deed from \$40 per month to \$100 per day. The bill also requires mortgagees, upon filing notice of intent to foreclose against a mortgagor, to file a copy of that notice in the land evidence records of the city or town in which the property is located and designate an agent for service of process within the state.	The Judiciary Committee recommended the bill be held for further study 3/1/17.
RI	H5622	3/1/17	Provides that any transfer of the ownership of the beneficial interest in, or the right to enforce, a promissory note or other negotiable instrument secured by a mortgage must be accompanied by an assignment of the mortgage that is presented for recording with the applicable recording fee within thirty (30) days of the transfer, and the assignment of the mortgage must identify the party to whom the note or other negotiable instrument securing the mortgage has been assigned.	Assigned to the Corporations Committee.

<b>RI</b>	H5694	3/1/17	Validates certain conveyancing defects in various instruments executed by or affecting grantors, grantees, business entities, powers of attorney, probate fiduciaries, mortgage discharges and foreclosures or certain clerical defects.	Assigned to the Judiciary Committee.
<b>RI</b>	H6104	4/12/17	Enacts the Uniform Real Property Electronic Recording Act.	Passed the House on 6/21/17. Pending in Senate Judiciary Committee.
<b>RI</b>	S388	3/2/17	Reduces the time the buyer of mortgage foreclosed property has to record the foreclosed deed from 45 to 15 days. It would also increase the penalty for violation from \$40 per month to \$300 per month.	<b>ENACTED.</b> Became law without the governor's signature on 7/7/17. Took effect immediately.
<b>RI</b>	S417	3/2/17	Increases the fines for failing to file a foreclosure deed. The bill would also require mortgagees, upon filing notice of intent to foreclose against a mortgagor, to file a copy of that notice in the land records of the city or town in which the property is located and designate an agent for service of process within the state.	Assigned to the Judiciary Committee.
<b>RI</b>	S659	3/29/17	Provides that all transfers of a mortgage interest on residential property be recorded so as to provide a clean chain of title for consumers to track the owner of their mortgage loans, and will render moot the question of standing of a nominee in foreclosure actions by discontinuing the practice of recording mortgages in the name of a party other than the holder of the note secured by the mortgage.	Assigned to the Judiciary Committee.
<b>SC</b>	H3337	1/10/17	Revises the filing and recording fees which may be charged for certain documents filed or recorded with the offices of the register of deeds or clerk of court	Assigned to the Judiciary Committee.
<b>SC</b>	S278	1/24/17	Established uniform standards for the format of documents submitted to the clerk of court or register of deeds.	Assigned to the Judiciary Committee.

<b>SC</b>	S363	2/7/17	Increases deed recording fees by .20 for each \$500 of property value.	Assigned to the Finance Committee.
<b>TN</b>	H1230	2/9/17	Requires a deed of conveyance of real property to be prepared by a licensed attorney or the owner of the real property; requires register of deeds to verify that a deed of conveyance of real property was prepared by a licensed attorney or the owner of the real property and note the verification on the deed; and provides that county register may refuse to register any deed of conveyance of real property that is not prepared by a licensed attorney or the owner of the real property. Similar to SB 1311.	Passed Civil Justice Committee on 3/22/17.
<b>TN</b>	S1311	2/9/17	Requires a deed of conveyance of real property to be prepared by a licensed attorney or the owner of the real property; requires register of deeds to verify that a deed of conveyance of real property was prepared by a licensed attorney or the owner of the real property and note the verification on the deed; and provides that county register may refuse to register any deed of conveyance of real property that is not prepared by a licensed attorney or the owner of the real property. Similar to HB 1230	Assigned to Judiciary Committee.
<b>UT</b>	S203	2/9/17	Provides that an entity in good standing that provides licensed professional legal services, employs an active member of the Utah State Bar, and maintains an office in the state may act as a real estate trustee under certain circumstances.	<b>ENACTED</b> 3/28/17. Takes effect 5/9/17.
<b>VA</b>	H251	1/13/16	Allows one cover sheet for multiple instruments concerning the same interest. Provides that when payment is made on multiple deeds or instruments that only one certificate of satisfaction shall be required to release such liens.	Carryover from 2016.

<b>VA</b>	H636	1/13/16	Provides that the governing body of a county or city may by ordinance require the clerk of the circuit court not to accept any deed transferring real property for recordation unless the locality has certified that no delinquent county or city taxes, fines, or similar charges or taxes are a lien on the property described in the deed.	Carryover from 2016.
<b>VA</b>	H2035	1/10/17	Allows real estate filing offices to charge up to a \$5 extra fee to file a paper real estate instrument. Similar to SB 870.	<b>ENACTED</b> on 3/3/17. Takes effect on 7/1/17.
<b>VA</b>	S870	1/11/17	Allows a Clerk with an electronic filing system to charge a \$5 fee for filing a paper real estate instrument. Similar to HB 2035.	<b>ENACTED</b> on 2/20/17. Takes effect on 7/1/17.
<b>WA</b>	H2204	4/20/17	Repeals the state's land registration (Torrens) laws. The bill would cause all properties currently registered under the Torrens system to be withdrawn. Owners of such properties would need to surrender their duplicate certificates of title or certified copies thereof to the registrar of titles for the appropriate county by 7/1/2018. The registrar would then be required to issue a certificate of withdrawal without charge.	Assigned to the House Judiciary Committee. Reintroduced in special session on 5/23/17.
<b>WV</b>	H2190	2/8/17	Enacts the Uniform Real Property Recording Act.	Assigned to the Judiciary Committee.