

## Procedures for Implementing HB 1093

The General Assembly recently passed HB 1093, or the Maryland Real Property Electronic Recording Act (the “Act”). The Act establishes that requirements for documents to be signed as a condition for recording are met by an electronic document or electronic signature under certain circumstances. The Act also authorizes the Administrative Office of the Courts to establish standards to implement the Act.

### 1. **Electronic Documents Submitted to Clerk for Recording in Land Records**

- a. **Authority.** Pursuant to the provisions of Md. Code, Real Property § 3-703 (B)(1), the Clerk is authorized to receive electronic documents for recording in the land records in accordance with standards promulgated by the Administrative Office of the Courts.
- b. **Electronic submission through approved Vendor only.** The Clerk is only permitted to accept electronic documents which are submitted to the Clerk through a vendor or vendors which have been approved and pre-authorized by the Administrative Office of the Courts through its procurement procedures to facilitate electronic recording.

### 2. **Paper Documents Submitted with Electronic and Non-Original Signatures**

- a. **Electronic and Non-Original Signatures.** Any paper documents submitted to the Clerk for recordation in the land records with either electronic or non-original signatures may be accepted by the Clerk and recorded in the land records if:
  - i. **With Notary Seal:**
    1. The documents submitted have been witnessed by a Notary Public;or;
  - ii. **Without Notary Seal:**
    1. The documents are submitted with an executed Affidavit of Intent to Electronically Sign Document form CC-94; and
  - iii. The documents are otherwise recordable.
- b. **Rejection.** Documents that do not meet these criteria should be rejected by the Clerk.