

Joint Committee on Administrative Rules
ADMINISTRATIVE CODE

TITLE 14: COMMERCE

CHAPTER IV: ILLINOIS ELECTRONIC RECORDING COMMISSION

PART 1400 ILLINOIS ELECTRONIC RECORDING COMMISSION

SECTION 1400.30 ELECTRONIC RECORDING

Section 1400.30 Electronic Recording

a) Electronic recording is a delivery method for submitting documents to the County Recorder. This Part applies to the handling of the document in that electronic delivery process, its security and storage of the image and indexing information by the Recorder. This Part does not override any Illinois statute.

b) For electronic document submission, reception, formatting and data fields, the State of Illinois adopts PRIA standard 2.4.1, which is comprised of the following: Document Version 2.4.1 DTD, Notary Version 2.4.1, PRIA Request Version 2.4.2, and PRIA Response Version 2.4.2.

c) The County Recorder may determine which of the three types of e-recording the county will accept, model one, two or three, as described in PRIA URPERA Enactment and eRecording Standards Implementation Guide, sections 2.3.1, 2.3.2 and 2.3.3.

1) If a County Recorder utilizes model three to accept e-recording, the Recorder must also accept documents filed in accordance with models one and two.

2) If a County Recorder utilizes model two to accept e-recording, the Recorder must also accept documents filed in accordance with model one.

d) Each county that accepts e-recording shall provide open architecture for reception of electronic documents and shall issue such technical specifications as are necessary for an e-recording submitter to conform document transmissions to the county land indexing and/or e-recording system software. The technical specifications shall be published on the County Recorder's website or made available on request. If the technical specifications for acceptance of a document have been developed by a land records system vendor, those specifications shall be provided to the County Recorder upon request to meet these provisions. The electronic document submissions of any entity meeting the reception standards of the county shall be accepted for e-recording.

e) Application to become an e-recording submitting vendor, with any county, shall be directed to the

County Recorder via an application that is published on the Recorder's website or made available at no charge upon request.

f) Fees for documents e-recorded shall be the same as for paper documents, in conformance with Section 3-5018 of the Counties Code, to the extent applicable to documents submitted electronically. No additional fee for e-recording access to the county, or fee per document, shall be charged by the county or any county land records system vendor, provider, programmer or computer system host. This subsection shall not be interpreted to apply to the services or fees of the e-recording submitting vendor.

g) No county shall be required to enter into any mandatory portal requirement. Individual counties may enter into portal agreements with the provider of their choice and with other counties, at the discretion of the County Recorder. Any web portal used shall meet all the requirements of this Part for each participating individual county.

h) Each County Recorder shall establish and publish on his or her website or by hard copy, available by request, business rules for electronic recording in the county. Business rules shall include, but are not limited to, the following topics:

- 1) defined technical specifications, which may be incorporated by reference to sources cited in this Part;
- 2) document and indexing specifications;
- 3) hours during which electronic submissions will be accepted and processing schedules that affect order of acceptance;
- 4) payment options for all recording fees and applicable transfer taxes;
- 5) terms under which an entity may submit documents for e-recording and specified reasons for which a County Recorder may terminate submissions;
- 6) document rejection rights and procedure;
- 7) adequate notice before changes to business or technical rules takes effect; and
- 8) identification of the venue of any litigation arising between the parties.

i) All electronic documents shall be secured in such a way that both the transmitting and receiving parties are assured of each other's identity and that no unauthorized party can view or alter the electronic document during transmission, processing and delivery. If the electronic document has been subject to those security measures identified in Chapter 6 of the PRIA eRecording XML Implementation Guide For Version 2.4.1, Revision 2 throughout the entire electronic submission, the security obligations under PRIA standards have been satisfied.

j) County Recorders are only required to record documents containing electronic signatures and notary acknowledgements that they have the technology to support. Recorders have no responsibility to authenticate electronic signatures or notary acknowledgement stamps embedded within the body of the

document. Any electronic signature or notarization submitted to a County Recorder shall comply with the Electronic Commerce Security Act and the Electronic Signatures in Global and National Commerce Act insofar as the Illinois Uniform Real Property Electronic Recording Act does not supercede those laws, the Illinois Notary Public Act and any other laws governing that signature or notarization, as applicable.

k) If necessary, images of e-recordings will be converted to, and preserved under, the electronic file format established by the county. If the county has no previously established file format, images will be stored as either TIFF or PDF files, along with their associated metadata. Any document submitted under model three of PRIA 2.4.1 DTD submissions shall be converted to TIFF or PDF for archiving.

l) The County Recorder shall only accept e-recording submissions during open office hours approved by the County Board in conformance with Section 3-5017 of the Counties Code. The Recorder shall publish criteria on his or her website, or make the criteria available by request, setting forth provisions to preserve the time of recording in the order of reception with paper documents, in conformance with Section 3-5010 of the Counties Code.

m) County Recorders shall retain all records of e-submissions in accordance with the storage of paper submissions described in Section 3-5010 of the Counties Code and Section 1-15 of the Local Records Act.

n) Effective August 1, 2010, contracts entered into between any Illinois county and any software provider hosting or programming a county land records system or any contract and agreement affecting electronic recording of documents in a County Recorder's office shall comply with this Part.