

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL 1581
Committee Substitute Favorable 6/19/02
Third Edition Engrossed 6/26/02
Senate Judiciary II Committee Substitute Adopted 8/27/02

Short Title: Electronic Register of Deed Filings.

(Public)

Sponsors:

Referred to:

June 6, 2002

A BILL TO BE ENTITLED

AN ACT AFFECTING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS FILED WITH THE CABARRUS COUNTY AND MECKLENBURG COUNTY REGISTERS OF DEEDS AND AUTHORIZING RESIDENT OR SUPERIOR COURT JUDGES AND DISTRICT COURT JUDGES TO PERFORM MARRIAGE CEREMONIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 66-58.4 reads as rewritten:

"§ 66-58.4. Use of electronic signatures.

(a) All public agencies may accept electronic signatures.

(b) ~~Signatures that require attestation by a notary public may not be in the form of an electronic signature.~~ If a law requires a signature or record relating to a transaction subject to the provisions of this Article to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record."

SECTION 2. G.S. 47-30(b) reads as rewritten:

"(b) Plats to Be Reproducible. – Each plat presented for recording shall be a reproducible plat, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute), or an electronic record as defined in G.S. 66-213(8), and submitted in this form. The recorded plat must be such that the public may obtain legible copies. A direct or photographic copy of each recorded plat shall be placed in the plat book or plat file maintained for that purpose and properly indexed for use. In those counties in which the register has made a security copy of the plat from which legible copies can be made, the original may be returned to the person indicated on the plat."

1 **SECTION 3.** G.S. 161-14 is amended by adding a new subsection to read:

2 "(b1) The register of deeds is authorized to accept electronic records as defined in
3 G.S. 66-312(8) for filing in accordance with the provisions of this section. The fees for
4 recording of an electronic record shall be based on the number of pages and formatting
5 of the electronic record if it were printed by the register of deeds following recording."

6 **SECTION 4.** This act applies to documents filed with the Cabarrus County
7 and Mecklenburg County Registers of Deeds only.

8 **SECTION 5.** G.S. 51-1 reads as rewritten:

9 "**§ 51-1. Requisites of marriage; solemnization.**

10 A valid and sufficient marriage is created by the consent of a male and female
11 person who may lawfully marry, presently to take each other as husband and wife,
12 freely, seriously and plainly expressed by each in the presence of the other, either:

- 13 (1) a. In the presence of an ordained minister of any religious
14 denomination, a minister authorized by a church, a resident
15 superior court judge, or an emergency superior court judge of
16 this State, or a magistrate; and
17 b. With [the consequent declaration by] the [minister or]
18 magistrate [that] the [persons are husband and] wife; or
19 (2) In accordance with any mode of solemnization recognized by any
20 religious denomination, or federally or State recognized Indian Nation
21 or Tribe.

22 Marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but
23 not ordained, are validated from their consummation."

24 **SECTION 6.** G.S. 51-1 reads as rewritten:

25 "**§ 51-1. Requisites of marriage; solemnization.**

26 A valid and sufficient marriage is created by the consent of a male and female
27 person who may lawfully marry, presently to take each other as husband and wife,
28 freely, seriously and plainly expressed by each in the presence of the other, either:

- 29 (1) a. In the presence of an ordained minister of any religious
30 denomination, a minister authorized by a church, a district court
31 judge, or a magistrate; and
32 b. With [the consequent declaration by] the [minister or]
33 magistrate [that] the [persons are husband and] wife; or
34 (2) In accordance with any mode of solemnization recognized by any
35 religious denomination, or federally or State recognized Indian Nation
36 or Tribe.

37 Marriages solemnized before March 9, 1909, by ministers of the gospel licensed, but
38 not ordained, are validated from their consummation."

39 **SECTION 7.** Section 5 of this act becomes effective November 25, 2002,
40 and expires December 1, 2002. Section 6 of this act becomes effective September 19,
41 2002, and expires September 22, 2002. The remainder of this act is effective when it
42 becomes law.