

SENATE BILL 544  
By Fowler

AN ACT to amend Tennessee Code Annotated, Section 66-24-101; and to repeal Tennessee Code Annotated, Chapter 801 of the Public Acts of 2004, relative to the recording of electronic records with county registers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-24-101, is amended by adding the following new subsections:

(d) If any writing otherwise eligible for registration under subsection (a) is created or retained as an electronic record in accordance with § 47-10-112, and other provisions of the Uniform Electronic Transactions Act or any other provision of law, then a copy of such writing, in lieu of the original, may be registered under this section; provided that such copy is certified by a licensed attorney or the custodian of the record that such copy is a true and accurate copy of the original and the signature of such attorney or custodian is notarized. The county register may specify whether the copy to be registered shall be in paper or electronic form.

The Certification of Electronic Document shall be notarized and shall be substantially in the following form and shall not obstruct any of the contents of the document being tendered:

I, \_\_\_\_\_, do hereby make oath that I am a licensed attorney and/or the custodian of the paper version of the electronic record tendered for registration herewith and that this is a true and correct copy of the electronic record executed pursuant to § 47-10-112 and other provisions of the Uniform Electronic Transactions Act or other provisions of law.

\_\_\_\_\_  
Signature

State of \_\_\_\_\_

County of \_\_\_\_\_

Personally appeared before me, \_\_\_\_\_, a notary public for said county and state, \_\_\_\_\_ (name of person making certification) who acknowledges that this certification is true and correct and whose signature I have witnessed.

\_\_\_\_\_  
Notary's Signature

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY'S ORIGINAL SEAL

(e) A writing evidencing an environmental hazard or condition is eligible for registration only if:

(1) The maker is the commissioner of the Tennessee department of environment and conservation according to state statutory law;

(2) The maker is the United States Environmental Protection Agency; or

(3) The writing is mandated by court order upon a finding of an environmental hazard that poses a continuing threat to occupancy based upon, at a minimum, a Phase II environmental audit by a registered engineering firm.

(f) Any party to a mortgage or deed of trust, including any secured party, may register a formal deed of release or a modification or cancellation for any notice of environmental hazard or condition upon satisfaction that such hazard or condition no longer exists or has been reduced as certified by a registered engineering firm or by the

Tennessee department of environment and conservation or the United States Environmental Protection Agency. A writing shall not be eligible for registration under this subsection unless the aforementioned certification by a registered engineering firm or government agency is attached.

SECTION 2. Chapter 801 of the Public Acts of 2004 is hereby repealed.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.