



Senate Fiscal Agency
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Senate Bill 62 (Substitute S-2 as reported)
Sponsor: Senator Curtis Hertel, Jr.
Committee: Local Government

CONTENT

The bill would amend Public Act 103 of 1937, which prescribes conditions for the execution of instruments to be recorded with the register of deeds, to provide that certain requirements would not apply to an instrument on which an electronic signature was affixed.

Under the Act, an instrument that conveys, assigns, encumbers, or otherwise disposes of the title to or any interest in real estate may not be received for recording by the register of deeds of any county unless the instrument complies with specified requirements. The requirements include the following:

- The name of each person purporting to execute the instrument must be legibly printed, typewritten, or stamped beneath the original signature or mark of the person.
- The name of any notary public whose signature appears upon the instrument must be legibly printed, typewritten, or stamped upon the instrument immediately beneath the signature of the notary.
- The address of each of the grantees in each deed of conveyance or assignment of real estate must be legibly printed, typewritten, or stamped on the instrument.

The requirements listed above do not apply to an instrument on which the signature itself is printed, typewritten, or stamped. Under the bill, those requirements also would not apply to an instrument on which the signature was electronically affixed.

The Act specifies that it does not apply to certain instruments, including a death certificate. Under the bill, the Act also would not apply to a certified copy of a death certificate described in Section 288b of the Public Health Code. (That section provides that a certified copy of a vital record is considered the same as the original.)

The bill would take effect 90 days after its enactment.

MCL 565.203

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 4-29-15

Fiscal Analyst: Elizabeth Pratt

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.