Agency Name: Secretary of State

Statutory Authority: 30-6-10 et seq.

Document Number: 4876

Proposed in State Register Volume and Issue: 43/2

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Judiciary Committee

120 Day Review Expiration Date for Automatic Approval: 04/26/2020

Final in State Register Volume and Issue: 44/5

Status: Final

Subject: Electronic Transmissions

History: 4876

By Date Action Description Jt. Res. No. Expiration Date

- 02/22/2019 Proposed Reg Published in SR

- 04/23/2019 Received by Lt. Gov & Speaker 04/26/2020

S 04/23/2019 Referred to Committee

H 04/24/2019 Referred to Committee

- 04/26/2020 Approved by: Expiration Date

- 05/22/2020 Effective Date unless otherwise

 provided for in the Regulation

Document No. 4876

**SECRETARY OF STATE**

CHAPTER 113

Statutory Authority: 1976 Code Sections 30-6-10 et seq.

113-325. Electronic Transmissions.

**Synopsis**:

The General Assembly passed the Uniform Real Property Electronic Recording Act (Section 30-6-10, et seq.) which became effective May 13, 2008. Pursuant to the authority conferred by the Act, the Office of the Secretary of State promulgated regulations to adopt standards to implement the Act which went into effect on April 23, 2010.

The proposed amendment will broaden the language of Regulation 113-325(C) regarding the transmittal sheet requirement for electronic transmissions to make clear that XML data is acceptable to fulfill this requirement. The Notice of Drafting of this proposed amendment was published in the State Register on December 28, 2018. The proposed regulation was published in the *State Register* on February 22, 2019.

**Instructions**:

Amend the text of Regulation 113-325 of the South Carolina Code of Regulations, which is titled “Electronic Transmissions” to delete the current text of subsection (C) and replace it with the following language: Information contained in the transmittal sheet may be received in XML format as permitted by the register. The regulation to be amended is found in Chapter 113, Article 3 of the South Carolina Code of Regulations and was initially printed in *State Register, Volume 34, Issue No. 4*, effective April 23, 2010.

**Text**:

CHAPTER 113

SECRETARY OF STATE

ARTICLE 3

Uniform Real Property Recording Act

(Statutory Authority: 1976 Code Sections 30-6-10 to 30-6-70)

113-325. Electronic Transmissions.

 A. Instruments shall be transmitted through either a secured website or an electronic recording delivery system. The method of transmission shall be identified in the MOU signed by the authorized filer and the register.

 B. An authorized filer shall visually inspect each instrument prior to transmitting to ensure compliance with existing statutory recording requirements and the regulations herein.

 C. Information contained in the transmittal sheet may be received in XML format as permitted by the register.

 D. The register may post guidelines to assist customers submitting documents electronically.

**Fiscal Impact Statement**:

The Office of the Secretary of State anticipates that there will be no costs incurred by the State and its political subdivisions in complying with the proposed amendment of Regulation 113-125.

**Statement of Rationale**:

The proposed amendment will broaden the language of Regulation 113-325 regarding the transmittal sheet requirement for electronic transmissions to make clear that XML data is acceptable to fulfill this requirement. This language is needed to expand the methods allowed for transmittal of required data for the convenience and ease of both county recorders and filers.