

Acts  
of the  
First Annual Session  
of the  
Two Hundred and Sixth Legislature  
of the  
State of New Jersey  
And  
Thirty-Sixth Under the New Constitution

{Convened: January 11, 1994}

Volume II: Chapter 140  
Public Records - Legal Documents - Electronic  
Indexing

# State of New Jersey

## Public Law 1994, Chapter 140

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An ACT concerning public records, amending R.S. 46:19-1, R.S. 47:1-5 and P.L.1953, c.410 and supplementing chapter 3 of Title 47 of the Revised Statutes.

***Be it enacted by the Senate and General Assembly of the State of New Jersey:***

**1. R.S. 46:19-1 is amended to read as follows:  
Recording officer's books, method.**

46:19-1. The county recording officer of each of the several counties of this State shall record, when delivered to him for that purpose, and duly acknowledged or proved or certified, when acknowledgment, proof or certification is required, in large, well-bound books of good paper or by some other method as authorized pursuant to R.S. 47:1-5. If a method authorized pursuant to R.S. 47:1-5 is used, then a copy of the record shall also be kept on microfilm as prescribed in R.S. 47:1-5. If well-bound books are to be provided for that purpose they shall be carefully preserved, and shall be called by and backed with the different names and intended to contain the different types of conveyances and instruments authorized by this Title or any other law to be recorded, which books shall include, among other, the following:

a. "Deeds --for the various instruments set forth in section 46:16-1 of this Title, and therein described as conveyances, releases, declarations of trust; letters of attorney for sales, conveyances, assurances, acquittances or releases; leases for life or any term not less than two years, or assignments thereof absolute, agreements for sales; consents to the execution of powers to sell, convey, acquit or release; writings to declare or direct uses or trusts, and also all other instruments heretofore or hereafter directed by law to be acknowledged or proved and recorded, and !lot by such law expressly directed to be recorded in some other class of books;

b. "Ancient deeds" --for all ancient deeds of the description set forth in section 46:16-7 of this Title;

c. "Releases" --for all releases or deeds in which the intention to operate as releases from the lien and effect of any mortgage or judgment is plainly manifested, and all deeds, releases or postponements in which the intention to operate as a postponement or waiver of priority of the lien of a judgment or judgments, mechanic's lien or liens or recorded mortgage or mortgages to the lien and operation of a mortgage or mortgages, recorded, or to be recorded, subsequent thereto, is plainly manifested;

d. "Mortgages" --for all mortgages, defeasible deeds or other conveyances in the nature of a mortgage and assignments of such leases by way of mortgage or security;

# State of New Jersey

## Public Law 1994, Chapter 140

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e. "Assignment of mortgages" --for all assignments of mortgages, whether absolute or by way or" mortgage or security;

f. "Discharge of mortgages" --for all discharges or satisfaction pieces of mortgages;

g. Such other books, not herein enumerated, but which may be required by the provisions of this Title or by some other law for the recording of such deeds or other instruments as are not expressly directed by law to be recorded in some specifically named book.

In like books the county recording officer shall record such deeds or other instruments of or affecting goods and chattels and personal property, to be called and backed as follows:

a. "Chattel mortgages" --for all chattel mortgages, and assignments, releases and discharges thereof;

b. "Conditional sales contracts" --for the entries required by section 46:32-15 of this Title;

c. "Conditional sales contracts affecting goods attached to realty" --for the entries required by section 46:32-14 of this Title;

d. "Deeds or trust of personalty" --for all deeds of personal property to literary, benevolent, religious and charitable institutions;

e. "Letters or powers of attorney--conditional sale contracts" --for all letters or powers of attorney authorizing the execution and delivery of statements of satisfaction of conditional sale contracts and all revocations of such letters or powers of attorney;

f. "Aircraft liens" --for the entries required by N.J .S. 2.A:44-2.

To the various books herein enumerated every person shall have access, at proper seasons, and be entitled to transcripts therefrom on paying the fees allowed by law.

## **2. R.S.47:1-5 is amended to read as follows:**

**Photographic, data records in certain offices; effect as evidence.**

**47:1-5. All papers, documents and instruments in writing authorized or required by law to be recorded, filed, registered, or indexed in the office of the Secretary of**

# State of New Jersey

## Public Law 1994, Chapter 140

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***State, clerk, register of deeds and mortgages and surrogate of any county of this State, as well as the record and index of any such papers, documents or instruments in writing, which may be recopied, rerecorded, or transcribed pursuant to any law of this State, may be recopied, rerecorded, reindexed or transcribed in such offices by means of photography, data processing or image processing, and such rerecord or transcribing, made by means of photography, data processing or image processing, shall have the same legal force, meaning and effect as if made in handwriting or in typewriting.*** [emphasis added]

The Secretary of State, clerk, register of deeds and mortgages and surrogate of any county of this State may make a copy by means of photography, data processing or image processing of any document or instrument and such photographic, data processed or image processed copy, if made, shall have the same legal force, meaning and effect as if made in handwriting or in typewriting.

**3. Section 2 of P.L. 1953, c. 410 (C. 47:3-16) is amended to read as follows:  
C47:3-16 Terms Defined.**

As used in this act, except where the context indicates otherwise, the words "public records" mean any paper, written or printed book, document or drawing, map or plan, photograph, microfilm, data processed or image processed document, sound-recording or similar device, or any copy thereof which has been made or is required by law to be received for filing, indexing, or reproducing by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received by any such officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein.

As used in this act the word "bureau" means the Bureau of Archives and History in the Department of Education.

**4. Section 12 of P.L. 1953, c. 410 (C. 47:3-26) is amended to read as follows:  
C47:3-26 Standards, Procedures and rules.**

12. The Bureau of Archives and History in the Department of Education, with the approval of the State Records Committee established by section six hereof, shall formulate standards, procedures and rules for the photographing, microphotographing, microfilming, data processing and image processing of public records and for the preservation,

# State of New Jersey

## Public Law 1994, Chapter 140

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examination and use of such records, including the indexing and arrangement thereof, for convenient reference purposes.

Whenever any officer, commission, agency or authority or the State or of any political subdivision thereof, including subordinate boards thereof, shall have photographed, microphotographed, microfilmed, data processed or image processed all or any part of the public records, kept or required by law to be received and indexed in such manner as to conform with the standards, procedures and rules, and such photographs, microphotographs, microfilms or data processed or image processed documents have been placed in conveniently accessible files and provision shall have been made for the preservation, examination and use of the same in conformity with the said standards and procedures, the original records from which the photographs, microphotographs, microfilms, or data processed or image processed documents have been made, or any part thereof, may be destroyed or the records therein otherwise effectively obliterated; provided, the said bureau shall first have given its written consent to such destruction or other disposition.

In the event of any such destruction or other disposition of any public records under the provisions of this section, the photograph, microphotograph, microfilm, or data processed or image processed document or a certified copy of said photograph, microphotograph, microfilm, or data processed or image processed document shall be receivable in evidence in any court or proceeding and shall have the same force and effect as though the original public record had been there produced and proved.

### **5. *New Section C. 47:1-11***

#### **C47:1-11 Reproduction of public records, used as originals.**

Any public agency, the Secretary of State or the County Clerk, Register, or Surrogate of a county may copy, record, index or transcribe public records by means of photography, data processing, image processing, or other approved means subject to compliance with the rules and regulations promulgated therefor by the Division of Archives and Records Management in the Department of State. Any document which is a data processed or image processed copy produced and stored in accordance with the rules and regulations promulgated therefor by the" division shall be considered a legal substitute for an original document.

### **6. *New Section C. 47:1-12***

#### **C47:1-12 Rules, regulations; systems of recording.**

a. The Division of Archives and Records Management in the Department of State, with

# State of New Jersey

## Public Law 1994, Chapter 140

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the approval of the State Records Committee established pursuant to section 6 of P.L.1953, c.410 (C.47:3-20), shall promulgate such rules and regulations as may be necessary to effectuate the purposes of this act and to safeguard the State's documentary heritage.

b. No public agency, County Clerk or Register shall adopt, use or employ any system for recording, filing, registration or indexing as authorized by R.S.47:1-5, as amended by this act, unless the same shall conform to the rules and regulations to be promulgated by the Division of Archives and Records Management in the Department of State pursuant to subsection a. of this section, and shall first be approved by the Division of Archives and Records Management. No such system shall be approved until the Division of Archives and Records Management shall have fully promulgated those rules and regulations.

c. Any system for recording, filing, registration or indexing as authorized by R.S.47:1-5, as amended by this act, which employs data processing or image processing, and which was adopted, used or employed prior to the effective date of this act, shall nevertheless be subject to the rules and regulations to be promulgated by the Division of Archives and Records Management pursuant to subsection a. or this section. The approval of the Division of Archives and Records Management shall be necessary to bring about the compliance of such systems, in a prompt and orderly fashion, with the standards set forth in the rules and regulations.

### **7. *New Section C. 47:1-13***

#### **C47:1-13 Alteration, correction, revision of records; notation.**

Whenever it shall be necessary to alter, correct or revise the record pertaining to any paper, document or instrument, or the index pertaining to the same, which shall previously have been recorded, filed, registered, or indexed, the officer responsible for maintaining such records or custodian thereof shall cause a notation to be made of the date and nature of the alteration, correction or revision, which notation shall become part of the record. The officer or custodian shall also preserve the record in its original form prior to alteration, correction or revision, and the same shall be available to any citizen of this State, pursuant to P.L.1963, c.73 (C. 47:1A-1 et seq.).

### **8. *New Section C. 47:1A-2.1:***

#### **C47:1A-2.1 Right to receive printed copies of data, image processed records.**

The right of the citizens of this State to inspect and copy public records pursuant to P.L.1963, c.73 (C. 47:1A-1 et seq.) shall, with respect to the copying of records maintained by a system of data processing or image processing, be deemed to refer to the right to

# State of New Jersey

## Public Law 1994, Chapter 140

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receive printed copies of such records.

**9. *New Section C. 47:1-14:***  
**C47:1-14 Destruction of public records under law.**

No official responsible for maintaining public records or the custodian thereof shall destroy, obliterate or dispose of any paper, document, instrument, or index which shall have been recorded, filed, registered or indexed except as specifically permitted by law. No law, statute or regulation shall be construed to permit the destruction, obliteration or disposal or any such records by implication.

**10. *New Section C. 47:1-15:***  
**C47:1-15 Reference to Bureau of Archives and History.**

Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Bureau or Archives and History in the Department of Education or the administrator thereof, the same shall be considered to mean and refer to the Division of Archives and Records Management In the Department of State, established pursuant to the Governor's Reorganization Plan, filed April 25, 1983.

**11. *Effective date.***

This act shall take effect July 1, 1995 and applies to papers, documents or instruments heretofore or hereafter recorded or indexed.

***Approved November 7, 1994.***