

Text of Regulations

California Code of Regulations

Title 11. Law

Division 1. Attorney General

Chapter 18. Electronic Recording Delivery System

Article 6. Electronic Recording Delivery System Certification

§ 999.165. Establishing an ERDS.

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(h) The County Recorder shall be responsible for administering an ERDS, and establishing and following ERDS policies and procedures that include all of the following:

...

(2) Maintain a list of all individuals designated as having secure access and/or authorized access to operate the ERDS and informing the ERDS Program of role changes for those individuals requiring fingerprinting by submitting the Change of ERDS Role form # ERDS 0008 (~~February 2007~~)(May 2011) to the ERDS Program. A copy of the list of all users with secure access and/or authorized access is to be maintained for review during audits and local inspections.

(3) Ensure users with roles authorized to access and operate the ERDS understand and sign the Acknowledgement of Responsibilities form # ERDS 0012 (~~February 2007~~)(May 2011) and that a copy is maintained for review during audits and local inspections.

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Note: Authority cited: Sections 27393, 27394(a) and 27394(c), Government Code. Reference: Sections 27391(a), 27391(b), 27392(a), 27394(a), 27394(c), 27394(f) and 27397.5, Government Code

§ 999.166. Certification Application Procedure.

...

(c) An ERDS may not be implemented prior to the approval of the ERDS Program and receipt of a System Certificate of Operation.

(1) A County Recorder applying for the initial certification of an ERDS operating as a Single-County ERDS shall comply with all of the following:

(A) Submit an Application for System Certification form # ERDS 0001A (~~February 2007~~)(May 2011) to the ERDS Program, which shall be dated and signed declaring under penalty of perjury under the laws of the State of California that all information is true and correct.

...

- (H) Submit a signed and dated Statement of Understanding form # ERDS 0011 ~~(February 2007)~~(May 2011) declaring under penalty of perjury under the laws of the State of California that all information is true and correct.
- (2) A County Recorder designated as the Lead County applying for the initial certification of an ERDS operating as a Multi-County ERDS shall comply with the following:
- (A) Submit an Application for System Certification form # ERDS 0001A ~~(February 2007)~~(May 2011) to the ERDS Program, which shall be dated and signed declaring under penalty of perjury under the laws of the State of California that all information is true and correct.
 - ...
 - (I) Submit a signed and dated Statement of Understanding form # ERDS 0011 ~~(February 2007)~~(May 2011) declaring under penalty of perjury under the laws of the State of California that all information is true and correct.
- (3) A County Recorder applying as a Sub-County during the initial certification of a Multi-County ERDS shall comply with all of the following:
- (A) Submit an Application for Sub-County System Certification form # ERDS 0001B ~~(February 2007)~~(May 2011) to the Lead County, which shall be dated and signed declaring under penalty of perjury under the laws of the State of California that all information is true and correct.
 - ...
 - (D) Submit a signed and dated Statement of Understanding form # ERDS 0011 ~~(February 2007)~~(May 2011) declaring under penalty of perjury under the laws of the State of California that all information is true and correct.

Note: Authority cited: Sections 27393, 27394(a) and 27395(b), Government Code. Reference: Sections 27390(b)(8), 27391(a), 27392, 27393(b)(2), 27394(a) and 27395(b), Government Code.

§ 999.168. Substantive Modification(s) Application Procedure.

- (a) Following initial system certification, a Request for Approval of Substantive Modification(s) form # ERDS 0013 ~~(February 2007)~~(May 2011), as defined within these regulations, shall require completion of a modified system audit pertaining to only the components that are proposed to be modified and/or changed in the production environment and shall be performed prior to the provisional activation of the modification and/or change in the ERDS operational environment. A brief description of the change of the functionality shall be included on the Request for Approval of Substantive Modification(s) form # ERDS 0013 ~~(February 2007)~~(May 2011). This modified system audit shall be completed by a Computer Security Auditor and submitted to the County Recorder. Upon receipt of the successful modified system audit by the County Recorder, the County Recorder may place the substantive modification(s) in the production environment on a provisional basis. Within 15 business days of the provisional implementation, the County Recorder shall apply for approval of the substantive modification(s) in order for the ERDS Program to make a final approval determination status.

(b) Requests for approval of substantive modification(s) shall be submitted to the ERDS Program as follows:

- (1) Submit a Request for Approval of Substantive Modification(s) form # ERDS 0013 ~~(February 2007)~~(May 2011), which shall be dated and signed declaring under penalty of perjury under the laws of California that all information is true and correct.

...

(c) Requests for approval of substantive modification(s) for adding a Sub-County, the Lead County shall submit to the ERDS Program as follows:

- (1) Submit a Request for Approval of Substantive Modification(s) form # ERDS 0013 ~~(February 2007)~~(May 2011), which shall be dated and signed declaring under penalty of perjury under the laws of California that all information is true and correct.

...

- (7) Submit the Sub-County's Application for Sub-County System Certification form # ERDS 0001B ~~(February 2007)~~(May 2011) and required documentation as follows:

- (C) Submit a signed and dated Statement of Understanding form # ERDS 0011 ~~(February 2007)~~(May 2011) declaring under penalty of perjury under the laws of California that all information is true and correct.

Note: Authority cited: Sections 27393, 27393(b)(6), 27394(a) and 27395(b), Government Code. Reference: Sections 27392(a), 27392(b), 27393(b)(2), 27393(b)(6), 27393(b)(10), 27394(a) and 27395(b), Government Code.

§ 999.171. Approval of Application.

(a) If the Application for System Certification form # ERDS 0001A ~~(February 2007)~~(May 2011) is approved, the ERDS Program shall deliver the following to the County Recorder.

...

(b) If the Request for Approval of Substantive Modification(s) form # ERDS 0013 ~~(February 2007)~~(May 2011) is approved, the ERDS Program shall deliver an approval letter to the County Recorder to implement the substantive modification and to remove the provisional status.

Note: Authority cited: Section 27393, Government Code. Reference: Sections 27392 and 27393(b)(6), Government Code.

§ 999.172. Incomplete Application.

(a) An incomplete Application for System Certification form # ERDS 0001A ~~(February 2007)~~(May 2011) or Request for Approval of Substantive Modification(s) form # ERDS 0013 ~~(February 2007)~~(May 2011) shall be returned to the County Recorder with a written explanation for the return and instruction on resubmission. Applications shall be deemed incomplete when:

- ...
- (b) The applicant shall have 90 days to respond, after which the application shall be considered denied. The denial may not prohibit the resubmission of an Application for System Certification form # ERDS 0001A (~~February 2007~~)(May 2011) or Request for Approval of Substantive Modification(s) form # ERDS 0013 (~~February 2007~~)(May 2011) at a later date.

Note: Authority cited: Section 27393, Government Code. Reference: Sections 27392, 27393(b)(6), 27394(a), 27395(b) and 27397(a), Government Code.

§ 999.173. Denial of Application.

- (a) The Application for System Certification form # ERDS 0001A (~~February 2007~~)(May 2011) or Request for Approval of Substantive Modification(s) form ERDS # 0013 (~~February 2007~~)(May 2011) may be denied for good cause. Good cause shall be deemed to exist when the applicant does not satisfy the qualifications or system requirements of these regulations, when it is necessary to protect the public interest, protect the integrity of public records, or to protect homeowners from financial harm.
- (b) Denied applications shall be returned to the County Recorder with a written explanation for the reason for denial. The denial may not prohibit the submission of an Application for System Certification form # ERDS 0001A (~~February 2007~~)(May 2011) or Request for Approval of Substantive Modification(s) form # ERDS 0013 (~~February 2007~~)(May 2011) at a later date.

Note: Authority cited: Section 27393, Government Code. Reference: Sections 27392, 27393(b)(6), 27393(b)(12), 27395(b) and 27397(a), Government Code.

§ 999.174. Change of County Recorder.

- (a) The new County Recorder, either in his or her official capacity or by delegation of responsibility, shall notify the ERDS Program within 30 days of the change of a County Recorder by submitting a Statement of Understanding form # ERDS 0011 (~~February 2007~~)(May 2011) signed and dated declaring under penalty of perjury under the laws of the State of California that all information is true and correct.

Note: Authority cited: Section 27393 Government Code. Reference: Sections 27391, 27392(b), 27393(c) Government Code.

§ 999.176. Addition or Deletion of Individuals Assigned an ERDS Role that Requires Fingerprinting.

- (a) The County Recorder shall submit to the ERDS Program a completed Change of ERDS Role form # ERDS 0008 (~~February 2007~~)(May 2011) indicating addition or deletion of County Recorder employees and/or contract employees, Authorized Submitter employees or Agents, and Vendor of ERDS Software employees and/or contract employees. The County Recorder

shall maintain a list of those individuals and their roles which shall be subject to audit and local inspection.

Note: Authority cited: Section 27393, Government Code. Reference: Sections 27391, 27392, 27393(b)(9), 27394 and 27395(b), Government Code.

§ 999.178. Withdrawal of Certification.

(a) A County Recorder choosing to withdraw from ERDS Certification shall submit the following:

(1) An Application for Withdrawal form # ERDS 0010 (~~February 2007~~)(May 2011) with a date for cease of operation/service, signed and dated declaring under penalty of perjury under the laws of the State of California that all information is true and correct.

...

(b) In the case of county(ies) withdrawing from a Multi-County ERDS, the Sub-County(ies) shall submit the Application for Withdrawal form # ERDS 0010 (February 2007)(May 2011) to the Lead County for submission to the ERDS Program.

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Note: Authority cited: Section 27393, Government Code. Reference: Sections 27392(b), 27393(b)(2) and 27397.5(d)(2), Government Code.

§ 999.179. Request for Replacement of Certificate and/or Documents.

(a) To request a replacement certificate or copies of a document pertaining to an application submission, a County Recorder or his or her designee may submit a Request for Replacement of Certificate and/or Documents form # ERDS 0006 (~~February 2007~~)(May 2011), signed and dated declaring under penalty of perjury under the laws of the State of California that the requested certificate and/or documents pertain to his or her application submission.

Note: Authority cited: Section 27393, Government Code. Reference: Sections 27391(a), 27392 and 27393(b)(2), Government Code.