

Text of Regulations

California Code of Regulations
Title 11. Law
Division 1. Attorney General
Chapter 18. Electronic Recording Delivery System
Article 8. Vendor of Electronic Recording Delivery System Software

§ 999.203. Certification Application Procedure.

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(c) An individual applying for certification as a Vendor of ERDS Software shall comply with all of the following:

(1) Submit an Application for Vendor of ERDS Software Certification form # ERDS 0003 ~~(February 2007)~~ [\(May 2011\)](#), which shall be dated and signed declaring under penalty of perjury that under the laws of the State of California all the foregoing information, and all information submitted with this application is true, correct, and complete, and that a false or dishonest answer to a question may be grounds for denial or subsequent termination or suspension of certification. In addition, the individual shall attest to the fact that the ERDS software, at the time of development, will meet all of the audit and testing requirements as contained within these regulations, and acknowledges that ERDS Program's issuance of the Vendor of ERDS Software Certificate shall include a "disclaimer" stating that the software is not being approved as to its ability to serve/function in an ERDS operational environment nor that it will meet all County Recorder's requirements, only that the Vendor has stated that it will meet all of the audit and testing requirements as contained within these regulations as of the date of the issued certificate.

(2) Submit documentation with the Application for Vendor of ERDS Software Certification form # ERDS 0003 ~~(February 2007)~~ [\(May 2011\)](#) as follows, to demonstrate that they have met the reference or service agreement required to be certified as a Vendor of ERDS Software:

(A) Provide 3 best references within the last 5 years for software products or development of equivalent technology, complexity and size of an ERDS. At least 1 reference shall be for a project using document-imaging technology. Provide this information on the Attachment to ERDS 0003 Vendor Application Form for Reference(s) form # ERDS 0009 ~~(February 2007)~~ [\(May 2011\)](#), or

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Note: Authority cited: Section 27393, Government Code. Reference: Sections 27392(b), 27393(b)(2), 27393(b)(7), 27393(c) and 27397(b), Government Code.

§ 999.204. Fingerprinting of Vendor Employees and/or Vendor Contract Employees.

- (a) At the time that a certified Vendor of ERDS Software enters into a contract with a County Recorder, the Vendor shall provide to the County Recorder proof of fingerprint submission of all vendor employees and/or vendor contract employees to be used in an ERDS development and/or implementation.
- (1) An ERDS Acknowledgment of Responsibilities form # ERDS 0012 (~~February 2007~~) (May 2011) shall be signed and kept on file by the County Recorder for all vendor employees and/or vendor contract employees for review during audits and local inspections.
- (2) The Vendor of ERDS Software shall notify the County Recorder of any addition or deletion of vendor employees and/or vendor contract employees. The County Recorder shall maintain a list of those individuals and their roles which shall be subject to audit and local inspection. 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 vendor employees and/or vendor contract employees.

Note: Authority cited: Section 27393, Government Code. Reference: Sections 27393(b)(7), 27393(c) and 27395(b), Government Code.

§ 999.206. Incomplete Application.

- (a) An incomplete Application for Vendor of ERDS Software Certification form # ERDS 0003 (~~February 2007~~) (May 2011) shall be returned to the applicant with a written explanation for the return and further instructions on resubmission. The application 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 submission of an Application for Vendor of ERDS Software Certification form # ERDS 0003 (~~February 2007~~) (May 2011) at a later date.

Note: Authority cited: Section 27393, Government Code. Reference: Sections 27392(b), 27393(b)(7), 27393(c), 27395(b) and 27397(b), Government Code.

§ 999.207. Denial of Application.

- (a) The Application for Vendor of ERDS Software Certification form # ERDS 0003 (~~February 2007~~) (May 2011) may be denied for good cause. Good cause shall be deemed to exist when the applicant does not satisfy the qualification or system requirements of these regulations, it is necessary to protect the public interest, protect the integrity of records, or to protect homeowners from financial harm.

- (b) Denied applications shall be returned to the individual with a written explanation for the denial. The denial may not prohibit the submission of an Application for Vendor of ERDS Software Certification form # ERDS 0003 (~~February 2007~~) ([May 2011](#)) at a later date.

Note: Authority cited: Section 27393, Government Code. Reference: Sections 27392(b), 27393(b)(7), 27393(c) and 27395(b), Government Code.

§ 999.209. Renewal of Certification.

- (a) A Vendor of ERDS Software Certificate shall be renewed prior to expiration in order to remain valid. The certificate holder shall submit:
 - (1) An Application for Vendor of ERDS Software Certification form # ERDS 0003 (~~February 2007~~) ([May 2011](#)) indicating renewal.
 - ...
 - (3) Submit documentation with the Application for Vendor of ERDS Software Certification form # ERDS 0003 (~~February 2007~~) ([May 2011](#)) as follows, to demonstrate that they have met the reference or service agreement required to be certified as a Vendor of ERDS Software:
 - (A) Provide 3 best references within the last 5 years for software products or development of equivalent technology, complexity and size of an ERDS. At least 1 reference shall be for a project using document-imaging technology. Provide this information on the Attachment to ERDS 0003 Vendor Application Form for Reference(s) form # ERDS 0009 (~~February 2007~~) ([May 2011](#)), or

Note: Authority cited: Section 27393, Government Code. Reference: Sections 27392(b), 27393(b)(7) and 27393(c), Government Code.

§ 999.210. Withdrawal of Certification.

- (a) A Vendor of ERDS Software choosing to withdraw their 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. Submit to the ERDS Program.
 - (2) A list of all vendor employees and/or vendor contract employees designated as having a role that requires fingerprinting shall be submitted to the County Recorder and a copy attached to the Application for Withdrawal form # ERDS 0010 (~~February 2007~~) ([May 2011](#)).

- (b) Upon receipt of the Application for Withdrawal form # ERDS 0010 (~~February 2007~~) ([May 2011](#)), the ERDS Program shall send a written acknowledgement of the request for withdrawal.

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Note: Authority cited: Section 27393, Government Code. Reference: Sections 27392(b), 27393(b)(2), 27393(b)(7) and 27393(c), Government Code.

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

- (a) To request a replacement certificate or copies of a document pertaining to their application submission, a Vendor of ERDS Software 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 pertains to his or her application submission.

Note: Authority cited: Section 27393, Government Code. Reference: Sections 27392(b), 27393(b)(2), 27393(b)(7) and 27393(c), Government Code.