

1 ENGROSSED HOUSE
2 BILL NO. 3102

By: Trebilcock of the House

3 and

4 Anderson of the Senate
5
6

7 An Act relating to civil procedure; creating the
8 Uniform Collaborative Law Act; providing short title;
9 defining terms; providing that the Uniform
10 Collaborative Law Act applies to certain agreements;
11 providing requirements for collaborative law
12 participation agreements; providing for beginning and
13 concluding a collaborative law process; providing for
14 collaborative law participation agreements for
15 proceedings pending before a tribunal; providing for
16 issuance of certain protective orders; disqualifying
17 certain attorneys from representing parties in
18 proceedings related to collaborative matter;
19 authorizing certain attorneys to represent parties
20 without fee; providing for representation when a
21 government entity is a party; requiring certain
22 disclosure of information; providing for standards of
23 professional responsibility and certain mandatory
24 reporting requirements; providing process for
determining appropriateness of collaborative law
process; providing for situations involving coercive
or violent relationships; providing that
collaborative law communications are confidential,
privileged, not subject to discovery, and not
admissible in evidence; authorizing waiver or
privilege; providing that certain persons may not
assert privilege; limiting privilege; providing the
authority of a tribunal in case of noncompliance;
providing for uniformity of application and
construction; providing for relation to certain
federal act; providing for codification; and
providing an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 1891.1 of Title 12, unless there
4 is created a duplication in numbering, reads as follows:

5 SHORT TITLE.

6 This act may be cited as the "Uniform Collaborative Law Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1891.2 of Title 12, unless there
9 is created a duplication in numbering, reads as follows:

10 DEFINITIONS.

11 In the Uniform Collaborative Law Act:

12 (1) "Collaborative law communication" means a statement, whether
13 oral or in a record, or verbal or nonverbal, that:

14 (A) is made to conduct, participate in, continue, or
15 reconvene a collaborative law process; and

16 (B) occurs after the parties sign a collaborative law
17 participation agreement and before the collaborative
18 law process is concluded.

19 (2) "Collaborative law participation agreement" means an
20 agreement by persons to participate in a collaborative law process.

21 (3) "Collaborative law process" means a procedure intended to
22 resolve a collaborative matter without intervention by a tribunal in
23 which persons:

24 (A) sign a collaborative law participation agreement; and

1 (B) are represented by collaborative lawyers.

2 (4) "Collaborative lawyer" means a lawyer who represents a party
3 in a collaborative law process.

4 (5) "Collaborative matter" means a dispute, transaction, claim,
5 problem, or issue for resolution described in a collaborative law
6 participation agreement. The term includes a dispute, claim, or
7 issue in a proceeding.

8 (6) "Law firm" means:

9 (A) lawyers who practice law together in a partnership,
10 professional corporation, sole proprietorship, limited
11 liability company, or association; and

12 (B) lawyers employed in a legal services organization, or
13 the legal department of a corporation or other
14 organization, or the legal department of a government
15 or governmental subdivision, agency, or
16 instrumentality.

17 (7) "Nonparty participant" means a person, other than a party
18 and the party's collaborative lawyer, that participates in a
19 collaborative law process.

20 (8) "Party" means a person that signs a collaborative law
21 participation agreement and whose consent is necessary to resolve a
22 collaborative matter.

23 (9) "Person" means an individual, corporation, business trust,
24 estate, trust, partnership, limited liability company, association,

1 joint venture, public corporation, government or governmental
2 subdivision, agency, or instrumentality, or any other legal or
3 commercial entity.

4 (10) "Proceeding" means:

5 (A) a judicial, administrative, arbitral, or other
6 adjudicative process before a tribunal, including
7 related prehearing and post-hearing motions,
8 conferences, and discovery; or

9 (B) a legislative hearing or similar process.

10 (11) "Prospective party" means a person that discusses with a
11 prospective collaborative lawyer the possibility of signing a
12 collaborative law participation agreement.

13 (12) "Record" means information that is inscribed on a tangible
14 medium or that is stored in an electronic or other medium and is
15 retrievable in perceivable form.

16 (13) "Related to a collaborative matter" means involving the
17 same parties, transaction or occurrence, nucleus of operative fact,
18 dispute, claim, or issue as the collaborative matter.

19 (14) "Sign" means, with present intent to authenticate or adopt
20 a record:

21 (A) to execute or adopt a tangible symbol; or

22 (B) to attach to or logically associate with the record an
23 electronic symbol, sound, or process.

24 (15) "Tribunal" means:

1 (A) a court, arbitrator, administrative agency, or other
2 body acting in an adjudicative capacity which, after
3 presentation of evidence or legal argument, has
4 jurisdiction to render a decision affecting a party's
5 interests in a matter; or

6 (B) a legislative body conducting a hearing or similar
7 process.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1891.3 of Title 12, unless there
10 is created a duplication in numbering, reads as follows:

11 APPLICABILITY.

12 Except as provided in Section 20 of this act, the Uniform
13 Collaborative Law Act applies to a collaborative law participation
14 agreement that meets the requirements of Section 4 of this act
15 signed on or after November 1, 2010.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1891.4 of Title 12, unless there
18 is created a duplication in numbering, reads as follows:

19 COLLABORATIVE LAW PARTICIPATION AGREEMENT; REQUIREMENTS.

20 (a) A collaborative law participation agreement must:

21 (1) be in a record;

22 (2) be signed by the parties;

1 (3) state the parties' intention to resolve a collaborative
2 matter through a collaborative law process under the Uniform
3 Collaborative Law Act;

4 (4) describe the nature and scope of the matter;

5 (5) identify the collaborative lawyer who represents each party
6 in the process; and

7 (6) contain a statement by each collaborative lawyer confirming
8 the lawyer's representation of a party in the collaborative law
9 process.

10 (b) Parties may agree to include in a collaborative law
11 participation agreement additional provisions not inconsistent with
12 the Uniform Collaborative Law Act.

13 SECTION 5. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1891.5 of Title 12, unless there
15 is created a duplication in numbering, reads as follows:

16 BEGINNING AND CONCLUDING A COLLABORATIVE LAW PROCESS.

17 (a) A collaborative law process begins when the parties sign a
18 collaborative law participation agreement.

19 (b) A tribunal may not order a party to participate in a
20 collaborative law process over that party's objection.

21 (c) A collaborative law process is concluded by a:

22 (1) resolution of a collaborative matter as evidenced by a
23 signed record;

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1 (2) resolution of a part of the collaborative matter, evidenced
2 by a signed record, in which the parties agree that the remaining
3 parts of the matter will not be resolved in the process; or

4 (3) termination of the process.

5 (d) A collaborative law process terminates:

6 (1) when a party gives notice to other parties in a record that
7 the process is ended; or

8 (2) when a party:

9 (A) begins a proceeding related to a collaborative matter
10 without the agreement of all parties; or

11 (B) in a pending proceeding related to the matter:

12 (i) initiates a pleading, motion, order to show
13 cause, or request for a conference with the
14 tribunal;

15 (ii) requests that the proceeding be put on the
16 tribunal's active calendar; or

17 (iii) takes similar action requiring notice to be sent
18 to the parties; or

19 (3) except as otherwise provided by subsection (e) of this
20 section, when a party discharges a collaborative lawyer or a
21 collaborative lawyer withdraws from further representation of a
22 party.

23 (e) A party's collaborative lawyer shall give prompt notice to
24 all other parties in a record of a discharge or withdrawal.

1 (f) A party may terminate a collaborative law process with or
2 without cause.

3 (g) Notwithstanding the discharge or withdrawal of a
4 collaborative lawyer, a collaborative law process continues, if not
5 later than thirty (30) days after the date that the notice of the
6 discharge or withdrawal of a collaborative lawyer required by
7 paragraph (3) of subsection (d) of this section is sent to the
8 parties:

9 (1) the unrepresented party engages a successor collaborative
10 lawyer; and

11 (2) in a signed record:

12 (A) the parties consent to continue the process by
13 reaffirming the collaborative law participation
14 agreement;

15 (B) the agreement is amended to identify the successor
16 collaborative lawyer; and

17 (C) the successor collaborative lawyer confirms the
18 lawyer's representation of a party in the
19 collaborative process.

20 (h) A collaborative law process does not conclude if, with the
21 consent of the parties, a party requests a tribunal to approve a
22 resolution of the collaborative matter or any part thereof as
23 evidenced by a signed record.

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1 (i) A collaborative law participation agreement may provide
2 additional methods of concluding a collaborative law process.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1891.6 of Title 12, unless there
5 is created a duplication in numbering, reads as follows:

6 PROCEEDINGS PENDING BEFORE TRIBUNAL; STATUS REPORT.

7 (a) Persons in a proceeding pending before a tribunal may sign a
8 collaborative law participation agreement to seek to resolve a
9 collaborative matter related to the proceeding. Parties shall file
10 promptly with the tribunal a notice of the agreement after it is
11 signed. Subject to subsection (c) of this section and Sections 7
12 and 8 of this act, the filing operates as a stay of the proceeding.

13 (b) Parties shall file promptly with the tribunal notice in a
14 record when a collaborative law process concludes. The stay of the
15 proceeding under subsection (a) of this section is lifted when the
16 notice is filed. The notice may not specify any reason for
17 termination of the process.

18 (c) A tribunal in which a proceeding is stayed under subsection
19 (a) of this section may require parties and collaborative lawyers to
20 provide a status report on the collaborative law process and the
21 proceeding. A status report may include only information on whether
22 the process is ongoing or concluded. It may not include a report,
23 assessment, evaluation, recommendation, finding, or other
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1 communication regarding a collaborative law process or collaborative
2 law matter.

3 (d) A tribunal may not consider a communication made in
4 violation of subsection (c) of this section.

5 (e) A tribunal shall provide parties notice and an opportunity
6 to be heard before dismissing a proceeding in which a notice of
7 collaborative process is filed based on delay or failure to
8 prosecute.

9 SECTION 7. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1891.7 of Title 12, unless there
11 is created a duplication in numbering, reads as follows:

12 EMERGENCY ORDER. During a collaborative law process, a tribunal
13 may issue emergency orders to protect the health, safety, welfare,
14 or interest of a party or family or household member authorized to
15 seek a protective order pursuant to the Protection from Domestic
16 Abuse Act.

17 SECTION 8. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1891.8 of Title 12, unless there
19 is created a duplication in numbering, reads as follows:

20 APPROVAL OF AGREEMENT BY TRIBUNAL. A tribunal may approve an
21 agreement resulting from a collaborative law process.

22 SECTION 9. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1891.9 of Title 12, unless there
24 is created a duplication in numbering, reads as follows:

1 DISQUALIFICATION OF COLLABORATIVE LAWYER AND LAWYERS IN
2 ASSOCIATED LAW FIRM.

3 (a) Except as otherwise provided in subsection (c) of this
4 section, a collaborative lawyer is disqualified from appearing
5 before a tribunal to represent a party in a proceeding related to
6 the collaborative matter.

7 (b) Except as otherwise provided in subsection (c) of this
8 section and Sections 10 and 11 of this act, a lawyer in a law firm
9 with which the collaborative lawyer is associated is disqualified
10 from appearing before a tribunal to represent a party in a
11 proceeding related to the collaborative matter if the collaborative
12 lawyer is disqualified from doing so under subsection (a) of this
13 section.

14 (c) A collaborative lawyer or a lawyer in a law firm with which
15 the collaborative lawyer is associated may represent a party:

16 (1) to ask a tribunal to approve an agreement resulting from the
17 collaborative law process; or

18 (2) to seek or defend an emergency order to protect the health,
19 safety, welfare, or interest of a party or family or household
20 member authorized to seek a protective order pursuant to the
21 Protection from Domestic Abuse Act if a successor lawyer is not
22 immediately available to represent that person. In that event,
23 subsections (a) and (b) of this section apply when the party or
24 family or household member is represented by a successor lawyer or

1 reasonable measures are taken to protect the health, safety,
2 welfare, or interest of that person.

3 SECTION 10. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1891.10 of Title 12, unless
5 there is created a duplication in numbering, reads as follows:

6 LOW INCOME PARTIES.

7 (a) The disqualification of subsection (a) of Section 9 of this
8 act applies to a collaborative lawyer representing a party with or
9 without fee.

10 (b) After a collaborative law process concludes, another lawyer
11 in a law firm with which a collaborative lawyer disqualified under
12 subsection (a) of Section 9 of this act is associated may represent
13 a party without fee in the collaborative matter or a matter related
14 to the collaborative matter if:

15 (1) the party has an annual income that qualifies the party for
16 free legal representation under the criteria established by the law
17 firm for free legal representation;

18 (2) the collaborative law participation agreement so provides;
19 and

20 (3) the collaborative lawyer is isolated from any participation
21 in the collaborative matter or a matter related to the collaborative
22 matter through procedures within the law firm which are reasonably
23 calculated to isolate the collaborative lawyer from such
24 participation.

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1891.11 of Title 12, unless
3 there is created a duplication in numbering, reads as follows:

4 GOVERNMENTAL ENTITY AS PARTY.

5 (a) The disqualification of subsection (a) of Section 9 of this
6 act applies to a collaborative lawyer representing a party that is a
7 government or governmental subdivision, agency, or instrumentality.

8 (b) After a collaborative law process concludes, another lawyer
9 in a law firm with which the collaborative lawyer is associated may
10 represent a government or governmental subdivision, agency, or
11 instrumentality in the collaborative matter or a matter related to
12 the collaborative matter if:

13 (1) the collaborative law participation agreement so provides;
14 and

15 (2) the collaborative lawyer is isolated from any participation
16 in the collaborative matter or a matter related to the collaborative
17 matter through procedures within the law firm which are reasonably
18 calculated to isolate the collaborative lawyer from such
19 participation.

20 SECTION 12. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1891.12 of Title 12, unless
22 there is created a duplication in numbering, reads as follows:

23 DISCLOSURE OF INFORMATION. Except as provided by law other than
24 the Uniform Collaborative Law Act, during the collaborative law

1 process, on the request of another party, a party shall make timely,
2 full, candid, and informal disclosure of information related to the
3 collaborative matter without formal discovery. A party also shall
4 update promptly previously disclosed information that has materially
5 changed. Parties may define the scope of disclosure during the
6 collaborative law process.

7 SECTION 13. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1891.13 of Title 12, unless
9 there is created a duplication in numbering, reads as follows:

10 STANDARDS OF PROFESSIONAL RESPONSIBILITY AND MANDATORY REPORTING

11 NOT AFFECTED. The Uniform Collaborative Law Act does not affect:

12 (1) the professional responsibility obligations and standards
13 applicable to a lawyer or other licensed professional; or

14 (2) the obligation of a person to report abuse or neglect,
15 abandonment, or exploitation of a child or adult under the law of
16 this state.

17 SECTION 14. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1891.14 of Title 12, unless
19 there is created a duplication in numbering, reads as follows:

20 APPROPRIATENESS OF COLLABORATIVE LAW PROCESS. Before a
21 prospective party signs a collaborative law participation agreement,
22 a prospective collaborative lawyer shall:

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1 (1) assess with the prospective party factors the lawyer
2 reasonably believes relate to whether a collaborative law process is
3 appropriate for the prospective party's matter;

4 (2) provide the prospective party with information that the
5 lawyer reasonably believes is sufficient for the party to make an
6 informed decision about the material benefits and risks of a
7 collaborative law process as compared to the material benefits and
8 risks of other reasonably available alternatives for resolving the
9 proposed collaborative matter, such as litigation, mediation,
10 arbitration, or expert evaluation; and

11 (3) advise the prospective party that:

12 (A) after signing an agreement if a party initiates a
13 proceeding or seeks tribunal intervention in a pending
14 proceeding related to the collaborative matter, the
15 collaborative law process terminates;

16 (B) participation in a collaborative law process is
17 voluntary and any party has the right to terminate
18 unilaterally a collaborative law process with or
19 without cause; and

20 (C) the collaborative lawyer and any lawyer in a law firm
21 with which the collaborative lawyer is associated may
22 not appear before a tribunal to represent a party in a
23 proceeding related to the collaborative matter, except
24 as authorized by subsection (c) of Section 9 of this

1 act, subsection (b) of Section 10 of this act, or
2 subsection (b) of Section 11 of this act.

3 SECTION 15. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1891.15 of Title 12, unless
5 there is created a duplication in numbering, reads as follows:

6 COERCIVE OR VIOLENT RELATIONSHIP.

7 (a) Before a prospective party signs a collaborative law
8 participation agreement, a prospective collaborative lawyer must
9 make reasonable inquiry whether the prospective party has a history
10 of a coercive or violent relationship with another prospective
11 party.

12 (b) Throughout a collaborative law process, a collaborative
13 lawyer reasonably and continuously shall assess whether the party
14 the collaborative lawyer represents has a history of a coercive or
15 violent relationship with another party.

16 (c) If a collaborative lawyer reasonably believes that the party
17 the lawyer represents or the prospective party who consults the
18 lawyer has a history of a coercive or violent relationship with
19 another party or prospective party, the lawyer may not begin or
20 continue a collaborative law process unless:

21 (1) the party or the prospective party requests beginning or
22 continuing a process; and

1 (2) the collaborative lawyer reasonably believes that the safety
2 of the party or prospective party can be protected adequately during
3 a process.

4 SECTION 16. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1891.16 of Title 12, unless
6 there is created a duplication in numbering, reads as follows:

7 CONFIDENTIALITY OF COLLABORATIVE LAW COMMUNICATION. A
8 collaborative law communication is confidential to the extent agreed
9 by the parties in a signed record or as provided by law of this
10 state other than the Uniform Collaborative Law Act.

11 SECTION 17. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1891.17 of Title 12, unless
13 there is created a duplication in numbering, reads as follows:

14 PRIVILEGE AGAINST DISCLOSURE FOR COLLABORATIVE LAW
15 COMMUNICATION; ADMISSIBILITY; DISCOVERY.

16 (a) Subject to Sections 18 and 19 of this act, a collaborative
17 law communication is privileged under subsection (b) of this
18 section, is not subject to discovery, and is not admissible in
19 evidence.

20 (b) In a proceeding, the following privileges apply:

21 (1) A party may refuse to disclose, and may prevent any other
22 person from disclosing, a collaborative law communication.

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1 (2) A nonparty participant may refuse to disclose, and may
2 prevent any other person from disclosing, a collaborative law
3 communication of the nonparty participant.

4 (c) Evidence or information that is otherwise admissible or
5 subject to discovery does not become inadmissible or protected from
6 discovery solely because of its disclosure or use in a collaborative
7 law process.

8 SECTION 18. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1891.18 of Title 12, unless
10 there is created a duplication in numbering, reads as follows:

11 WAIVER AND PRECLUSION OF PRIVILEGE.

12 (a) A privilege under Section 17 of this act may be waived in a
13 record or orally during a proceeding if it is expressly waived by
14 all parties and, in the case of the privilege of a nonparty
15 participant, it is also expressly waived by the nonparty
16 participant.

17 (b) A person that makes a disclosure or representation about a
18 collaborative law communication which prejudices another person in a
19 proceeding may not assert a privilege under Section 17 of this act,
20 but this preclusion applies only to the extent necessary for the
21 person prejudiced to respond to the disclosure or representation.

22 SECTION 19. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1891.19 of Title 12, unless
24 there is created a duplication in numbering, reads as follows:

1 LIMITS OF PRIVILEGE.

2 (a) There is no privilege under Section 17 of this act for a
3 collaborative law communication that is:

4 (1) available to the public under the Oklahoma Open Records Act
5 or made during a session of a collaborative law process that is
6 open, or is required by law to be open, to the public;

7 (2) a threat or statement of a plan to inflict bodily injury or
8 commit a crime of violence;

9 (3) intentionally used to plan a crime, commit or attempt to
10 commit a crime, or conceal an ongoing crime or ongoing criminal
11 activity; or

12 (4) in an agreement resulting from the collaborative law
13 process, evidenced by a record signed by all parties to the
14 agreement.

15 (b) The privileges under Section 17 of this act for a
16 collaborative law communication do not apply to the extent that a
17 communication is:

18 (1) sought or offered to prove or disprove a claim or complaint
19 of professional misconduct or malpractice arising from or related to
20 a collaborative law process; or

21 (2) sought or offered to prove or disprove abuse, neglect,
22 abandonment, or exploitation of a child or adult, unless the
23 Department of Human Services is a party to or otherwise participates
24 in the process.

1 (c) There is no privilege under Section 17 of this act if a
2 tribunal finds, after a hearing in camera, that the party seeking
3 discovery or the proponent of the evidence has shown the evidence is
4 not otherwise available, the need for the evidence substantially
5 outweighs the interest in protecting confidentiality, and the
6 collaborative law communication is sought or offered in:

7 (1) a court proceeding involving a felony or misdemeanor; or

8 (2) a proceeding seeking rescission or reformation of a contract
9 arising out of the collaborative law process or in which a defense
10 to avoid liability on the contract is asserted.

11 (d) If a collaborative law communication is subject to an
12 exception under subsection (b) or (c) of this section, only the part
13 of the communication necessary for the application of the exception
14 may be disclosed or admitted.

15 (e) Disclosure or admission of evidence excepted from the
16 privilege under subsection (b) or (c) of this section does not make
17 the evidence or any other collaborative law communication
18 discoverable or admissible for any other purpose.

19 (f) The privileges under Section 17 of this act do not apply if
20 the parties agree in advance in a signed record, or if a record of a
21 proceeding reflects agreement by the parties, that all or part of a
22 collaborative law process is not privileged. This subsection does
23 not apply to a collaborative law communication made by a person that
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1 did not receive actual notice of the agreement before the
2 communication was made.

3 SECTION 20. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1891.20 of Title 12, unless
5 there is created a duplication in numbering, reads as follows:

6 AUTHORITY OF TRIBUNAL IN CASE OF NONCOMPLIANCE.

7 (a) If an agreement fails to meet the requirements of Section 4
8 of this act, or a lawyer fails to comply with Section 14 or 15 of
9 this act, a tribunal may nonetheless find that the parties intended
10 to enter into a collaborative law participation agreement if they:

11 (1) signed a record indicating an intention to enter into a
12 collaborative law participation agreement; and

13 (2) reasonably believed they were participating in a
14 collaborative law process.

15 (b) If a tribunal makes the findings specified in subsection (a)
16 of this section, and the interests of justice require, the tribunal
17 may:

18 (1) enforce an agreement evidenced by a record resulting from
19 the process in which the parties participated;

20 (2) apply the disqualification provisions of Sections 5, 6, 9,
21 10, and 11 of this act; and

22 (3) apply the privileges under Section 17 of this act.

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1 SECTION 21. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1891.21 of Title 12, unless
3 there is created a duplication in numbering, reads as follows:

4 UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and
5 construing the Uniform Collaborative Law Act, consideration must be
6 given to the need to promote uniformity of the law with respect to
7 its subject matter among states that enact it.

8 SECTION 22. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1891.22 of Title 12, unless
10 there is created a duplication in numbering, reads as follows:

11 RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
12 COMMERCE ACT. The Uniform Collaborative Law Act modifies, limits,
13 and supersedes the federal Electronic Signatures in Global and
14 National Commerce Act, 15 U.S.C.A., Section 7001 et seq. (2009), but
15 does not modify, limit, or supersede section 101(c) of that act, 15
16 U.S.C.A., Section 7001(c), or authorize electronic delivery of any
17 of the notices described in Section 103(b) of that act, 15 U.S.C.A.,
18 Section 7003(b).

19 SECTION 23. This act shall become effective January 1, 2011.
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1 Passed the House of Representatives the 10th day of March, 2010.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate
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