

1 **SENATE FLOOR VERSION**

2 February 17, 2011

3 SENATE BILL NO. 657

By: Jolley of the Senate

4 and

5 Kirby of the House

6
7
8 An Act relating to electronic signatures; amending
9 12A O.S. 2001, Section 15-121, which relates to
10 registration of certification authorities; deleting
real estate transactions; providing an effective
date; and declaring an emergency.

11
12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 12A O.S. 2001, Section 15-121, is
15 amended to read as follows:

16 Section 15-121. (a) No person, other than a state agency,
17 board, or commission, shall act as a registered certification
18 authority in this state until such person:

19 (1) Registers with the Secretary on forms approved and provided
20 by the Secretary;

21 (2) Files with the Secretary a good and sufficient surety bond,
22 certificate of insurance, or other evidence of financial security in
23 the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00); and

1 (3) Meets the requirements of any rules promulgated by the
2 Secretary.

3 (b) ~~Real estate transactions and district~~ District and
4 appellate court filings shall require the use of a registered
5 certification authority.

6 (c) If a registered certification authority fails to maintain
7 any of the qualifications listed in subsection (a) of this section,
8 the registration of the certification authority shall be deemed
9 lapsed.

10 (d) Any person who knowingly acts as a registered certification
11 authority who has not met the requirements set forth in subsection
12 (a) of this section shall, upon conviction, be guilty of a
13 misdemeanor and shall be punished by a fine of not more than One
14 Thousand Dollars (\$1,000.00) or up to thirty (30) days in a county
15 jail, or both, for each violation. Each violation shall be a
16 separate offense under this section.

17 (e) Notwithstanding any contractual provisions to the contrary,
18 a certification authority shall be liable for damages suffered by
19 any person injured as a result of the fraudulent or unauthorized
20 acts of the certification authority.

21 (f) In addition to any civil or criminal actions, the Secretary
22 or the Attorney General may apply to the district court in the
23 county in which a violation of this section has allegedly occurred
24 for an order enjoining or restraining the person from continuing the

1 acts specified in the complaint. The court may grant a temporary or
2 permanent injunction or restraining order, with or without bond, as
3 it deems just and proper.

4 (g) The Secretary is authorized to adopt rules to implement the
5 provisions of this section, and related provisions.

6 (h) The Secretary shall have the authority to establish
7 reciprocity with other states and nations for purposes of this
8 section, and related provisions.

9 SECTION 2. This act shall become effective July 1, 2011.

10 SECTION 3. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-15-11 - DO
15 PASS, As Coauthored.

16
17
18
19
20
21
22
23
24