

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 700

By: Montgomery and Dahm of the
Senate

6 and

7 Pae of the House

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9
10 An Act relating to electronic records; amending 12A
11 O.S. 2011, Section 15-102, which relates to the
12 Uniform Electronics Transactions Act; modifying
13 certain definitions; and providing an effective date.

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

15 SECTION 1. AMENDATORY 12A O.S. 2011, Section 15-102, is
16 amended to read as follows:

17 Section 15-102. DEFINITIONS

18 In this act:

19 (1) "Agreement" means the bargain of the parties in fact, as
20 found in their language or inferred from other circumstances and
21 from rules, regulations, and procedures given the effect of
22 agreements under laws otherwise applicable to a particular
23 transaction.

1 (2) "Automated transaction" means a transaction conducted or
2 performed, in whole or in part, by electronic means or electronic
3 records, in which the acts or records of one or both parties are not
4 reviewed by an individual in the ordinary course in forming a
5 contract, performing under an existing contract, or fulfilling an
6 obligation required by the transaction.

7 (3) "Certification authority" means a person who issues a
8 certificate for a digital signature.

9 (4) "Computer program" means a set of statements or
10 instructions to be used directly or indirectly in an information
11 processing system in order to bring about a certain result.

12 (5) "Contract" means the total legal obligation resulting from
13 the parties' agreement as affected by this act and other applicable
14 law.

15 (6) "Digital signature" means a type of electronic signature
16 consisting of a transformation of an electronic message using an
17 asymmetric crypto system such that a person having the initial
18 message and the signer's public key can accurately determine
19 whether:

20 (A) The transformation was created using the private key that
21 corresponds to the signer's public key; and

22 (B) The initial message has not been altered since the
23 transformation was made.
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1 (7) "Electronic" means relating to technology having
2 electrical, digital, magnetic, wireless, optical, electromagnetic,
3 or similar capabilities.

4 (8) "Electronic agent" means a computer program or an
5 electronic or other automated means used independently to initiate
6 an action or respond to electronic records or performances in whole
7 or in part, without review or action by an individual.

8 (9) "Electronic record" means a record created, generated,
9 sent, communicated, received, or stored by electronic means. A
10 record or contract that is secured through blockchain technology is
11 considered to be in an electronic form and to be an electronic
12 record.

13 (10) "Electronic signature" means an electronic sound, symbol,
14 or process attached to or logically associated with a record and
15 executed or adopted by a person with the intent to sign the record.
16 A signature that is secured through blockchain technology is
17 considered to be in an electronic form and to be an electronic
18 signature.

19 (11) "Governmental agency" means an executive, legislative, or
20 judicial agency, department, board, commission, authority,
21 institution, or instrumentality of the federal government or of a
22 state or of a county, municipality, or other political subdivision
23 of a state.
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1 (12) "Information" means data, text, images, sounds, codes,
2 computer programs, software, databases, or the like.

3 (13) "Information processing system" means an electronic system
4 for creating, generating, sending, receiving, storing, displaying,
5 or processing information.

6 (14) "Message" means a digital representation of information.

7 (15) "Person" means an individual, corporation, business trust,
8 estate, trust, partnership, limited liability company, association,
9 joint venture, governmental agency, public corporation, or any other
10 legal or commercial entity.

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

14 (17) "Registered certification authority" means a certification
15 authority who is registered with the Secretary and has been
16 certified by the Secretary as meeting the standards set forth by
17 regulation.

18 (18) "Secretary" means the Oklahoma Secretary of State.

19 (19) "Security procedure" means a procedure employed for the
20 purpose of verifying that an electronic signature, record, or
21 performance is that of a specific person or for detecting changes or
22 errors in the information in an electronic record. The term
23 "security procedure" includes a procedure that requires the use of
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1 algorithms or other codes, identifying words or numbers, encryption,
2 or callback or other acknowledgment procedures.

3 (20) "State" means a state of the United States, the District
4 of Columbia, Puerto Rico, the United States Virgin Islands, or any
5 territory or insular possession subject to the jurisdiction of the
6 United States. The term includes an Indian tribe or band, or
7 Alaskan ~~native~~ Native village, which is recognized by federal law or
8 formally acknowledged by a state.

9 (21) "Transaction" means an action or set of actions occurring
10 between two or more persons relating to the conduct of business,
11 commercial, or governmental affairs.

12 SECTION 2. This act shall become effective November 1, 2019.

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14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/02/2019 - DO
15 PASS.
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