

SENATE FLOOR VERSION

February 12, 2019

SENATE BILL NO. 700

By: Montgomery of the Senate

and

Pae of the House

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

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

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

Section 15-102. DEFINITIONS

In this act:

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

(2) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not

1 reviewed by an individual in the ordinary course in forming a
2 contract, performing under an existing contract, or fulfilling an
3 obligation required by the transaction.

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

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

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

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

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

19 (B) The initial message has not been altered since the
20 transformation was made.

21 (7) "Electronic" means relating to technology having
22 electrical, digital, magnetic, wireless, optical, electromagnetic,
23 or similar capabilities.

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

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

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

16 (11) "Governmental agency" means an executive, legislative, or
17 judicial agency, department, board, commission, authority,
18 institution, or instrumentality of the federal government or of a
19 state or of a county, municipality, or other political subdivision
20 of a state.

21 (12) "Information" means data, text, images, sounds, codes,
22 computer programs, software, databases, or the like.

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

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

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

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

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

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

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

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

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
12 February 12, 2019 - DO PASS
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