

Senate Bill 24

By: Senators Lamutt of the 21st, Polak of the 42nd, Thomas of the 54th, Perdue of the 18th and Mullis of the 53rd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 12 of Title 10 of the Official Code of Georgia Annotated, relating to
2 electronic records and signatures, so as to provide for legislative intent; to expressly permit
3 the use of electronic records and signatures unless the provisions of Chapter 12 of Title 10
4 are otherwise expressly referred to and limited; to repeal conflicting laws; and for other
5 purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Chapter 12 of Title 10 of the Official Code of Georgia Annotated, relating to electronic
9 records and signatures, is amended in Code Section 10-12-2, relating to construction, by
10 designating the existing provisions thereof as subsection (a) and adding a new subsection (b)
11 to read as follows:

12 "(b) The General Assembly intends that the provisions of this chapter shall not be
13 preempted by the federal Electronic Signatures in Global and National Commerce Act, P.
14 L. No. 106-229, 114 Stat. 464 (2000), in accordance with the exemption to preemption
15 provided by paragraph (2) of subsection (a) of Section 102 of said federal act."

16 **SECTION 2.**

17 Said chapter is further amended in Code Section 10-12-4, relating to legal effect of electronic
18 signatures and records, contest based on fraud, authentication or identification, limitations,
19 and notarization, by adding a new subsection (k) to read as follows:

20 "(k) Even when a statute, regulation, or other rule of law specifies a particular type of
21 record other than an electronic record or a particular type of signature other than an
22 electronic signature, this chapter shall control to permit the use of electronic records and
23 electronic signatures in the circumstances otherwise governed by such statute, regulation,

1 or other rule of law, unless such statute, regulation, or other rule of law expressly refers to
2 and limits the application of this chapter."

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.