

House Bill 126

By: Representatives Lindsey of the 54<sup>th</sup> and Willard of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and  
2 trade, so as to enact the Uniform Electronic Transactions Act; to provide for definitions; to  
3 provide for the authorization of electronic records and electronic signatures; to provide for  
4 admissibility of certain electronic records and electronic signatures; to provide for the use  
5 of electronic records and electronic signatures to vary by agreement of certain parties; to  
6 provide for the presentation of certain records; to provide for the effect of an electronic  
7 record or an electronic signature; to provide for the effect of a change or error; to provide for  
8 notarization and acknowledgment of an electronic record or an electronic signature; to  
9 provide for the retention of electronic records; to provide for automated transactions; to  
10 provide for transferable records; to provide for acceptance and distribution of electronic  
11 records by governmental agencies; to provide for exclusions; to provide for applicability; to  
12 provide for relief from the unauthorized use of electronic signatures; to amend Titles 14, 15,  
13 31, 33, 43, 44, and 50 of the Official Code of Georgia Annotated, relating to corporations,  
14 courts, health, insurance, professions and businesses, property, and state government,  
15 respectively, so as to correct cross-references; to provide for related matters; to repeal  
16 conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is  
20 amended by revising Chapter 12, relating to electronic records and signatures, in its entirety  
21 as follows:

22 "CHAPTER 12

23 10-12-1.

24 This chapter shall be known and may be cited as the 'Uniform Electronic Transactions Act.'

25 10-12-2.

26 As used in this chapter, the term:

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

30 (2) 'Automated transaction' means a transaction conducted or performed, in whole or in  
31 part, by electronic means or electronic records in which the acts or records of one or both  
32 parties are not reviewed by an individual in the ordinary course in forming a contract,  
33 performing under an existing contract, or fulfilling an obligation required by the  
34 transaction.

35 (3) 'Computer program' means a set of statements or instructions to be used directly or  
36 indirectly in an information processing system in order to bring about a certain result.

37 (4) 'Contract' means the total legal obligation resulting from the parties' agreement as  
38 affected by this chapter and other applicable law.

39 (5) 'Electronic' means relating to technology having electrical, digital, magnetic,  
40 wireless, optical, electromagnetic, or similar capabilities.

41 (6) 'Electronic agent' means a computer program or an electronic or other automated  
42 means used independently to initiate an action or respond to electronic records or  
43 performances, in whole or in part, without review or action by an individual.

44 (7) 'Electronic record' means a record created, generated, sent, communicated, received,  
45 or stored by electronic means.

46 (8) 'Electronic signature' means an electronic sound, symbol, or process attached to or  
47 logically associated with a record and executed or adopted by a person with the intent to  
48 sign the record.

49 (9) 'Governmental agency' means an executive, legislative, or judicial agency,  
50 department, board, commission, authority, institution, or instrumentality of the federal  
51 government or of a state or of a county, municipality, or other political subdivision of a  
52 state.

53 (10) 'Information' means data, text, images, sounds, codes, computer programs, software,  
54 data bases, or the like.

55 (11) 'Information processing system' means an electronic system for creating, generating,  
56 sending, receiving, storing, displaying, or processing information.

57 (12) 'Person' means an individual, corporation, business trust, estate, trust, partnership,  
58 limited liability company, association, joint venture, governmental agency, public  
59 corporation, or any other legal or commercial entity.

60 (13) 'Record' means information that is inscribed on a tangible medium or that is stored  
61 in an electronic or other medium and is retrievable in perceivable form.

62 (14) 'Security procedure' means a procedure employed for the purpose of verifying that  
63 an electronic signature, record, or performance is that of a specific person or for detecting  
64 changes or errors in the information in an electronic record. The term includes a  
65 procedure that requires the use of algorithms or other codes, identifying words or  
66 numbers, encryption, or callback or other acknowledgment procedures.

67 (15) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the  
68 United States Virgin Islands, or any territory or insular possession subject to the  
69 jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan  
70 native village, which is recognized by federal law or formally acknowledged by a state.

71 (16) 'Transaction' means an action or set of actions occurring between two or more  
72 persons relating to the conduct of business, commercial, or governmental affairs.

73 10-12-3.

74 (a) Except as otherwise provided in subsection (b) of this Code section, this chapter shall  
75 apply to electronic records and electronic signatures relating to a transaction.

76 (b) This chapter shall not apply to a transaction to the extent it is governed by:

77 (1) A law governing the creation and execution of wills, codicils, or testamentary trusts;

78 (2) Title 11 other than Code Sections 11-1-107 and 11-1-206, Article 2, and Article 2A;  
79 or

80 (3) The Uniform Computer Information Transactions Act.

81 (c) This chapter shall apply to an electronic record or electronic signature otherwise  
82 excluded from the application of this chapter under subsection (b) of this Code section to  
83 the extent it is governed by a law other than those specified in subsection (b) of this Code  
84 section.

85 (d) A transaction subject to this chapter shall also be subject to other applicable substantive  
86 law.

87 10-12-4.

88 This chapter shall apply to any electronic record or electronic signature created, generated,  
89 sent, communicated, received, or stored on or after July 1, 2009.

90 10-12-5.

91 (a) This chapter shall not require a record or signature to be created, generated, sent,  
92 communicated, received, stored, or otherwise processed or used by electronic means or in  
93 electronic form.

94 (b) This chapter shall apply only to transactions between parties each of which has agreed  
95 to conduct transactions by electronic means. Whether the parties agree to conduct a

96 transaction by electronic means is determined from the context and surrounding  
97 circumstances, including the parties' conduct.

98 (c) A party that agrees to conduct a transaction by electronic means may refuse to conduct  
99 other transactions by electronic means. The right granted by this subsection shall not be  
100 waived by agreement.

101 (d) Except as otherwise provided in this chapter, the effect of any of this chapter's  
102 provisions may be varied by agreement. The presence in certain provisions of this chapter  
103 of the words 'unless otherwise agreed,' or words of similar import, shall not imply that the  
104 effect of other provisions may not be varied by agreement.

105 (e) Whether an electronic record or electronic signature has legal consequences shall be  
106 determined by this chapter and other applicable laws.

107 10-12-6.

108 This chapter shall be construed and applied:

109 (1) To facilitate electronic transactions consistent with other applicable laws;

110 (2) To be consistent with reasonable practices concerning electronic transactions and  
111 with the continued expansion of those practices; and

112 (3) To effectuate its general purpose to make uniform the law with respect to the subject  
113 of this chapter among states enacting it.

114 10-12-7.

115 (a) A record or signature shall not be denied legal effect or enforceability solely because  
116 it is in electronic form.

117 (b) A contract shall not be denied legal effect or enforceability solely because an electronic  
118 record was used in its formation.

119 (c) If a law requires a record to be in writing, an electronic record shall satisfy the law.

120 (d) If a law requires a signature, an electronic signature shall satisfy the law.

121 10-12-8.

122 (a) If parties have agreed to conduct a transaction by electronic means and a law requires  
123 a person to provide, send, or deliver information in writing to another person, the  
124 requirement shall be satisfied if the information is provided, sent, or delivered, as the case  
125 may be, in an electronic record capable of retention by the recipient at the time of receipt.  
126 An electronic record is not capable of retention by the recipient if the sender or its  
127 information processing system inhibits the ability of the recipient to print or store the  
128 electronic record.

129 (b) If a law other than this chapter requires a record to be posted or displayed in a certain  
130 manner; to be sent, communicated, or transmitted by a specified method; or to contain  
131 information that is formatted in a certain manner, the following rules shall apply:

132 (1) The record shall be posted or displayed in the manner specified in the other law;

133 (2) Except as otherwise provided in paragraph (2) of subsection (d) of this Code section,  
134 the record shall be sent, communicated, or transmitted by the method specified in the  
135 other law; and

136 (3) The record shall contain the information formatted in the manner specified in the  
137 other law.

138 (c) If a sender inhibits the ability of a recipient to store or print an electronic record, the  
139 electronic record shall not be enforceable against the recipient.

140 (d) The requirements of this Code section shall not be varied by agreement, but:

141 (1) To the extent a law other than this chapter requires information to be provided, sent,  
142 or delivered in writing but permits that requirement to be varied by agreement, the  
143 requirement under subsection (a) of this Code section that the information be in the form  
144 of an electronic record capable of retention may also be varied by agreement; and

145 (2) A requirement under a law other than this chapter to send, communicate, or transmit  
146 a record by first-class mail, postage prepaid, or by regular United States mail may be  
147 varied by agreement to the extent permitted by the other law.

148 10-12-9.

149 (a) An electronic record or electronic signature shall be attributable to a person if such  
150 record or signature was the act of the person. The act of the person may be shown in any  
151 manner, including a showing of the efficacy of any security procedure applied to determine  
152 the person to which the electronic record or electronic signature was attributable.

153 (b) The effect of an electronic record or electronic signature attributed to a person under  
154 subsection (a) of this Code section shall be determined from the context and surrounding  
155 circumstances at the time of its creation, execution, or adoption, including the parties'  
156 agreement, if any, and otherwise as provided by law.

157 10-12-10.

158 If a change or error in an electronic record occurs in a transmission between parties to a  
159 transaction, the following rules shall apply:

160 (1) If the parties have agreed to use a security procedure to detect changes or errors and  
161 one party has conformed to the procedure but the other party has not, and the  
162 nonconforming party would have detected the change or error had that party also

163 conformed, the conforming party may avoid the effect of the changed or erroneous  
164 electronic record;

165 (2) In an automated transaction involving an individual, the individual may avoid the  
166 effect of an electronic record that resulted from an error made by the individual in dealing  
167 with the electronic agent of another person if the electronic agent did not provide an  
168 opportunity for the prevention or correction of the error and, at the time the individual  
169 learns of the error, the individual:

170 (A) Promptly notifies the other person of the error and that the individual did not  
171 intend to be bound by the electronic record received by the other person;

172 (B) Takes reasonable steps, including steps that conform to the other person's  
173 reasonable instructions, to return to the other person or, if instructed by the other  
174 person, to destroy the consideration received, if any, as a result of the erroneous  
175 electronic record; and

176 (C) Has not used or received any benefit or value from the consideration, if any,  
177 received from the other person;

178 (3) If neither paragraph (1) nor paragraph (2) of this Code section applies, the change or  
179 error shall have the effect provided by other law, including the law of mistake, and the  
180 parties' contract, if any; and

181 (4) Paragraphs (2) and (3) of this Code section shall not be varied by agreement.

182 10-12-11.

183 If a law requires a signature or record to be notarized, acknowledged, verified, or made  
184 under oath, such requirement shall be satisfied if the electronic signature of the person  
185 authorized to perform those acts, together with all other information required to be included  
186 by other applicable law, is attached to or logically associated with the signature or record.

187 10-12-12.

188 (a) If a law requires that a record be retained, such requirement shall be satisfied by  
189 retaining an electronic record of the information in the record which:

190 (1) Accurately reflects the information set forth in the record after it was first generated  
191 in its final form as an electronic record or otherwise; and

192 (2) Remains accessible for later reference.

193 (b) A requirement to retain a record in accordance with subsection (a) of this Code section  
194 shall not apply to any information the sole purpose of which is to enable the record to be  
195 sent, communicated, or received.

196 (c) A person may satisfy subsection (a) of this Code section by using the services of  
197 another person if the requirements of that subsection are satisfied.

198 (d) If a law requires a record to be presented or retained in its original form, or provides  
199 consequences if the record is not presented or retained in its original form, that law is  
200 satisfied by an electronic record retained in accordance with subsection (a) of this Code  
201 section.

202 (e) If a law requires retention of a check, that requirement is satisfied by retention of an  
203 electronic record of the information on the front and back of the check in accordance with  
204 subsection (a) of this Code section.

205 (f) A record retained as an electronic record in accordance with subsection (a) of this Code  
206 section shall satisfy a law requiring a person to retain a record for evidentiary, audit, or like  
207 purposes unless a law enacted after the effective date of this chapter specifically prohibits  
208 the use of an electronic record for the specified purpose.

209 (g) This Code section shall not preclude a governmental agency of this state from  
210 specifying additional requirements for the retention of a record subject to the agency's  
211 jurisdiction.

212 10-12-13.

213 In a proceeding, evidence of a record or signature shall not be excluded solely because it  
214 is in electronic form.

215 10-12-14.

216 In an automated transaction, the following rules shall apply:

217 (1) A contract may be formed by the interaction of electronic agents of the parties, even  
218 if no individual was aware of or reviewed the electronic agents' actions or the resulting  
219 terms and agreements;

220 (2) A contract may be formed by the interaction of an electronic agent and an individual,  
221 acting on the individual's own behalf or for another person, including by an interaction  
222 in which the individual performs actions that the individual is free to refuse to perform  
223 and which the individual knows or has reason to know will cause the electronic agent to  
224 complete the transaction or performance; and

225 (3) The terms of the contract are determined by the substantive law applicable to the  
226 contract.

227 10-12-15.

228 (a) Unless otherwise agreed between the sender and the recipient, an electronic record is  
229 sent when:

230 (1) It is addressed properly or otherwise directed properly to an information processing  
231 system that the recipient has designated or uses for receiving electronic records or

232 information of the type sent and from which the recipient is able to retrieve the electronic  
233 record;

234 (2) It is in a form capable of being processed by that system; and

235 (3) It enters an information processing system outside the control of the sender or of a  
236 person that sent the electronic record on behalf of the sender or enters a region of the  
237 information processing system designated or used by the recipient which is under the  
238 control of the recipient.

239 (b) Unless otherwise agreed between a sender and the recipient, an electronic record is  
240 received when:

241 (1) It enters an information processing system that the recipient has designated or uses  
242 for receiving electronic records or information of the type sent and from which the  
243 recipient is able to retrieve the electronic record; and

244 (2) It is in a form capable of being processed by that system.

245 (c) Subsection (b) of this Code section shall apply even if the information processing  
246 system is located in a different place than the electronic record is deemed to be received  
247 under subsection (d) of this Code section.

248 (d) Unless otherwise expressly provided in the electronic record or agreed between the  
249 sender and the recipient, an electronic record is deemed to be sent from the sender's place  
250 of business and to be received at the recipient's place of business. For purposes of this  
251 subsection, the following rules shall apply:

252 (1) If the sender or recipient has more than one place of business, the place of business  
253 of that person is the place having the closest relationship to the underlying transaction;  
254 and

255 (2) If the sender or the recipient does not have a place of business, the place of business  
256 is the sender's or recipient's residence, as the case may be.

257 (e) An electronic record is received under subsection (b) of this Code section even if no  
258 individual is aware of its receipt.

259 (f) Receipt of an electronic acknowledgment from an information processing system  
260 described in subsection (b) of this Code section shall establish that a record was received  
261 but, by itself, does not establish that the content sent corresponds to the content received.

262 (g) If a person is aware that an electronic record purportedly sent under subsection (a) of  
263 this Code section, or purportedly received under subsection (b) of this Code section, was  
264 not actually sent or received, the legal effect of the sending or receipt shall be determined  
265 by other applicable law. Except to the extent permitted by the other law, the requirements  
266 of this subsection shall not be varied by agreement.

267 10-12-16.

268 (a) As used in this Code section, 'transferable record' means an electronic record that:

269 (1) Would be a note under Article 3 of Title 11 or a document under Article 7 of Title  
270 11 if the electronic record were in writing; and

271 (2) The issuer of the electronic record expressly has agreed is a transferable record.

272 (b) A person has control of a transferable record if a system employed for evidencing the  
273 transfer of interests in the transferable record reliably establishes that person as the person  
274 to which the transferable record was issued or transferred.

275 (c) A system satisfies subsection (b) of this Code section, and a person is deemed to have  
276 control of a transferable record, if the transferable record is created, stored, and assigned  
277 in such a manner that:

278 (1) A single authoritative copy of the transferable record exists which is unique,  
279 identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6) of this  
280 subsection, unalterable;

281 (2) The authoritative copy identifies the person asserting control as:

282 (A) The person to which the transferable record was issued; or

283 (B) If the authoritative copy indicates that the transferable record has been transferred,  
284 the person to which the transferable record was most recently transferred;

285 (3) The authoritative copy is communicated to and maintained by the person asserting  
286 control or its designated custodian;

287 (4) Copies or revisions that add or change an identified assignee of the authoritative copy  
288 can be made only with the consent of the person asserting control;

289 (5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as  
290 a copy that is not the authoritative copy; and

291 (6) Any revision of the authoritative copy is readily identifiable as authorized or  
292 unauthorized.

293 (d) Except as otherwise agreed, a person having control of a transferable record is the  
294 holder, as defined in Code Section 11-1-201, of the transferable record and has the same  
295 rights and defenses as a holder of an equivalent record or writing under Title 11, including,  
296 if the applicable statutory requirements under subsection (a) of Code Section 11-3-302 or  
297 Code Section 11-7-501 or 11-9-308 are satisfied, the rights and defenses of a holder in due  
298 course, a holder to which a negotiable document of title has been duly negotiated, or a  
299 purchaser, respectively. Delivery, possession, and indorsement are not required to obtain  
300 or exercise any of the rights under this subsection.

301 (e) Except as otherwise agreed, an obligor under a transferable record shall have the same  
302 rights and defenses as an equivalent obligor under equivalent records or writings under  
303 Title 11.

304 (f) If requested by a person against which enforcement is sought, the person seeking to  
305 enforce the transferable record shall provide reasonable proof that the person is in control  
306 of the transferable record. Proof may include access to the authoritative copy of the  
307 transferable record and related business records sufficient to review the terms of the  
308 transferable record and to establish the identity of the person having control of the  
309 transferable record.

310 10-12-17.

311 Each governmental agency of this state shall determine whether, and the extent to which,  
312 it will create and retain electronic records and convert written records to electronic records.

313 10-12-18.

314 (a) Except as otherwise provided in subsection (f) of Code Section 10-12-12, each  
315 governmental agency of this state shall determine whether, and the extent to which, it will  
316 send and accept electronic records and electronic signatures to and from other persons and  
317 otherwise create, generate, communicate, store, process, use, and rely upon electronic  
318 records and electronic signatures.

319 (b) To the extent that a governmental agency uses electronic records and electronic  
320 signatures under subsection (a) of this Code section, the governmental agency, giving due  
321 consideration to security, may specify:

322 (1) The manner and format in which the electronic records shall be created, generated,  
323 sent, communicated, received, and stored and the systems established for those purposes;

324 (2) If electronic records must be signed by electronic means, the type of electronic  
325 signature required, the manner and format in which the electronic signature shall be  
326 affixed to the electronic record, and the identity of, or criteria that shall be met by, any  
327 third party used by a person filing a document to facilitate the process;

328 (3) Control processes and procedures as appropriate to ensure adequate preservation,  
329 disposition, integrity, security, confidentiality, and auditability of electronic records; and

330 (4) Any other required attributes for electronic records which are specified for  
331 corresponding nonelectronic records or reasonably necessary under the circumstances.

332 (c) Except as otherwise provided in subsection (f) of Code Section 10-12-12, this chapter  
333 shall not require a governmental agency of this state to use or permit the use of electronic  
334 records or electronic signatures.

335 10-12-19.

336 Any governmental agency of this state which adopts standards pursuant to Code Section  
337 10-12-18 may encourage and promote consistency and interoperability with similar

338 requirements adopted by other governmental agencies of this and other states and the  
 339 federal government and nongovernmental persons interacting with governmental agencies  
 340 of this state. If appropriate, those standards may specify differing levels of standards from  
 341 which governmental agencies of this state may choose in implementing the most  
 342 appropriate standard for a particular application.

343 10-12-20.

344 This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global  
 345 and National Commerce Act, 15 U.S.C. Section 7001, et. seq., but does not modify, limit,  
 346 or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic  
 347 delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section  
 348 7003(b)."

349 **SECTION 2.**

350 The following Code sections of the Official Code of Georgia Annotated are amended by  
 351 replacing "Georgia Electronic Records and Signatures Act" wherever it occurs with  
 352 "Uniform Electronic Transactions Act":

- 353 (1) Code Section 14-2-120, relating to filing requirements relative to business  
 354 corporations;
- 355 (2) Code Section 14-3-120, relating to filing of documents relative to nonprofit  
 356 corporations;
- 357 (3) Code Section 14-9-206, relating to filing with the Secretary of State relative to the  
 358 Georgia Revised Uniform Limited Partnership Act;
- 359 (4) Code Section 14-11-206, relating to filing by the Secretary of State relative to limited  
 360 liability companies;
- 361 (5) Code Section 33-22-14.1, relating to transmissions of electronic records subject to the  
 362 provisions of the Georgia Electronic Records and Signatures Act;
- 363 (6) Code Section 44-3-102, relating to meetings of condominium associations, notice, and  
 364 reports; and
- 365 (7) Code Section 44-3-230, relating to the frequency of property owners' association  
 366 meetings and notice.

367 **SECTION 3.**

368 Code Section 15-10-53 of the Official Code of Georgia Annotated, relating to filing  
 369 documents by electronic means, is revised as follows:

370 "15-10-53.

371 (a) Any magistrate court may provide for the filing of civil, garnishment, distress warrant,  
372 dispossessory, foreclosure, abandoned motor vehicle, and all other noncriminal actions,  
373 claims, answers, counterclaims, pleadings, postjudgment interrogatories, and other  
374 documents by electronic means.

375 (b) Any pleading or document filed electronically shall be in a format prescribed by the  
376 court.

377 (c) Any pleading or document filed electronically shall include the electronic signature of  
378 the person filing the pleading or document as defined in Code Section ~~10-12-3~~ 10-12-2.

379 (d) Any pleading or document filed electronically which is required to be verified, verified  
380 under oath, or be accompanied by an affidavit may include such verification, oath, or  
381 affidavit by one of the following methods:

382 (1) As provided in ~~subsection (j)~~ of Code Section ~~10-12-4~~ 10-12-11;

383 (2) By oath or affirmation of the party filing the pleading at the time of the trial of the  
384 case;

385 (3) By supplemental verified pleading; or

386 (4) By electronic verification, oath, or affidavit in substantially the following form:

387 'By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted  
388 to the court and attaching my electronic signature hereon, I do hereby swear or affirm  
389 that the statements set forth in the above pleading(s) are true and correct.

390 Date:\_\_\_\_\_ Electronic Signature:\_\_\_\_\_'

391 (e) Service of any claim or complaint filed electronically shall be made as provided by  
392 law. Service of all subsequent pleadings and notices may be made electronically only on  
393 a party who has filed pleadings electronically; service on all other parties shall be made by  
394 such other means as are provided by law. Each pleading or document which is required  
395 to be served on other parties shall include a certificate of service indicating the method by  
396 which service on the other party has been made. An electronic certificate of service shall  
397 be made in substantially the following form:

398 'By affixing this electronic certificate of service to the pleading(s) or document(s)  
399 submitted to the court and attaching my electronic signature hereon, I do hereby swear  
400 or affirm that I have this date served the opposing party with a copy of this pleading by  
401 e-mail or placing a copy in regular mail with sufficient postage thereon to the following  
402 address: (set forth address of opposing party).

403 Date:\_\_\_\_\_ Electronic Signature:\_\_\_\_\_'

404 (f) Nothing in this Code section shall prevent a party from contesting an electronic  
405 pleading, document, or signature on the basis of forgery or fraud. Any pleading or

406 document found by the court to have been fraudulently filed shall be stricken from the  
407 record.

408 (g) Where the authenticity or the integrity of an electronic pleading, document, or  
409 signature is challenged, the proponent of the electronic pleading, document, or signature  
410 shall have the burden of proving that the electronic pleading, document, or signature is  
411 authentic.

412 (h) Upon the receipt of any pleading or other document filed electronically, the clerk of  
413 magistrate court shall notify the filer of receipt of the pleading or document. Such notice  
414 shall include the date and time the court accepted the pleading or document as filed.

415 (i) Any pleading or document filed electronically shall be deemed filed as of the time the  
416 clerk of court gains electronic control of the document.

417 (j) When the filing of the pleading or document requires the payment of a fee, the clerk of  
418 magistrate court may establish procedures for the payment of such fees connected with  
419 such filing. The filing of any such pleading or document shall create an obligation by the  
420 party to pay such fee to the clerk of court instanter.

421 (k) The clerk of court may assess an additional transaction fee or fees for each electronic  
422 filing and electronic payment."

423

#### **SECTION 4.**

424 Code Section 31-33-8 of the Official Code of Georgia Annotated, relating to electronic  
425 records, is amended by revising subsection (a) as follows:

426 "31-33-8.

427 (a) Notwithstanding any other provision of the law to the contrary, any provider may, in  
428 its sole discretion, create, maintain, transmit, receive, and store records in an electronic  
429 format within the meaning of Code Section ~~10-12-3~~ 10-12-2 and may, in its sole discretion,  
430 temporarily or permanently convert records into an electronic format."

431

#### **SECTION 5.**

432 Code Section 43-39A-4.1 of the Official Code of Georgia Annotated, relating to rules and  
433 regulations with respect to real estate appraisers, is revised as follows:

434 "43-39A-4.1.

435 Notwithstanding any provision of law to the contrary, with respect to any form or  
436 application required to be completed by an applicant or an appraiser, or with respect to any  
437 document required to be issued by the board, the board is authorized to promulgate rules  
438 and regulations setting forth:

439 (1) Any procedure that will reduce the use of paper forms, applications, or documents;

- 440 (2) Any procedure that will reduce the necessity for the board to maintain paper  
 441 documents;
- 442 (3) The procedure for submitting or issuing any such form, application, or document by  
 443 facsimile or electronic means; and
- 444 (4) The procedure for satisfying any signature requirement on any such form by  
 445 electronic signature, voice signature, or other means so long as appropriate security  
 446 measures are implemented that assure security and verification of any required signature.  
 447 As used in this Code section, the term 'electronic signature' shall have the same meaning  
 448 as provided in Code Section ~~10-12-3~~ 10-12-2."

#### 449 SECTION 6.

450 Code Section 43-40-3.1 of the Official Code of Georgia Annotated, relating to rules and  
 451 regulations with respect to real estate brokers and salespersons, is revised as follows:

452 "43-40-3.1.

453 Notwithstanding any provision of law to the contrary, with respect to any form or  
 454 application required to be completed by an applicant or a licensee, or with respect to any  
 455 document required to be issued by the commission, the commission is authorized to  
 456 promulgate rules and regulations setting forth:

- 457 (1) Any procedure that will reduce the use of paper forms, applications, or documents;
- 458 (2) Any procedure that will reduce the necessity for the commission to maintain paper  
 459 documents;
- 460 (3) The procedure for submitting or issuing any such form, application, or document by  
 461 facsimile or electronic means; and
- 462 (4) The procedure for satisfying any signature requirement on any such form by  
 463 electronic signature, voice signature, or other means so long as appropriate security  
 464 measures are implemented that assure security and verification of any required signature.  
 465 As used in this Code section, the term 'electronic signature' shall have the same meaning  
 466 as provided in Code Section ~~10-12-3~~ 10-12-2."

#### 467 SECTION 7.

468 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public  
 469 disclosure of certain records is not required and the disclosure of exempting legal authority,  
 470 is amended by revising paragraph (12) of subsection (a) as follows:

471 "(12) Public records containing information that would disclose or might lead to the  
 472 disclosure of any component in the process used to execute or adopt an electronic  
 473 signature, if such disclosure would or might cause the electronic signature to cease being  
 474 under the sole control of the person using it. For purposes of this paragraph, the term

475 'electronic signature' has the same meaning as that term is defined in Code Section  
476 ~~10-12-3~~ 10-12-2;"

477 **SECTION 8.**

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