

The Senate Banking and Financial Institutions Committee offered the following substitute to HB 126:

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:

SECTION 1.

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

"CHAPTER 12

22 10-12-1.

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

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 (e) A governmental agency which is a party to a transaction subject to this chapter shall
88 also be further subject to the records retention requirements for state and local government
89 records established by state law.

90 10-12-4.

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

93 10-12-5.

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

97 (b) This chapter shall apply only to transactions between parties each of which has agreed
98 to conduct transactions by electronic means. Whether the parties agree to conduct a
99 transaction by electronic means is determined from the context and surrounding
100 circumstances, including the parties' conduct.

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

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

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

110 10-12-6.

111 This chapter shall be construed and applied:

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

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

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

117 10-12-7.

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

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

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

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

124 10-12-8.

125 (a) If parties have agreed to conduct a transaction by electronic means and a law requires
126 a person to provide, send, or deliver information in writing to another person, the

127 requirement shall be satisfied if the information is provided, sent, or delivered, as the case
128 may be, in an electronic record capable of retention by the recipient at the time of receipt.
129 An electronic record is not capable of retention by the recipient if the sender or its
130 information processing system inhibits the ability of the recipient to print or store the
131 electronic record.

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

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

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

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

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

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

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

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

151 10-12-9.

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

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

160 10-12-10.

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

163 (1) If the parties have agreed to use a security procedure to detect changes or errors and
164 one party has conformed to the procedure but the other party has not, and the
165 nonconforming party would have detected the change or error had that party also
166 conformed, the conforming party may avoid the effect of the changed or erroneous
167 electronic record;

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

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

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

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

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

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

185 10-12-11.

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

190 10-12-12.

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

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

- 195 (2) Remains accessible for the retention period required by law.
196 (b) A requirement to retain a record in accordance with subsection (a) of this Code section
197 shall not apply to any information the sole purpose of which is to enable the record to be
198 sent, communicated, or received.
199 (c) A person may satisfy subsection (a) of this Code section by using the services of
200 another person if the requirements of that subsection are satisfied.
201 (d) If a law requires a record to be presented or retained in its original form, or provides
202 consequences if the record is not presented or retained in its original form, that law is
203 satisfied by an electronic record retained in accordance with subsection (a) of this Code
204 section.
205 (e) If a law requires retention of a check, that requirement is satisfied by retention of an
206 electronic record of the information on the front and back of the check in accordance with
207 subsection (a) of this Code section.
208 (f) A record retained as an electronic record in accordance with subsection (a) of this Code
209 section shall satisfy a law requiring a person to retain a record for evidentiary, audit, or like
210 purposes unless a law enacted after the effective date of this chapter specifically prohibits
211 the use of an electronic record for the specified purpose.
212 (g) This Code section shall not preclude a governmental agency of this state from
213 specifying additional requirements for the retention of a record subject to the agency's
214 jurisdiction.
215 (h) This Code section shall not preclude the Georgia Technology Authority from
216 specifying additional technology requirements in accordance with Code Section 50-25-4.

217 10-12-13.

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

220 10-12-14.

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

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

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

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

232 10-12-15.

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

235 (1) It is addressed properly or otherwise directed properly to an information processing
236 system that the recipient has designated or uses for receiving electronic records or
237 information of the type sent and from which the recipient is able to retrieve the electronic
238 record;

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

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

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

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

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

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

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

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

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

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

264 (f) Receipt of an electronic acknowledgment from an information processing system
265 described in subsection (b) of this Code section shall establish that a record was received
266 but, by itself, does not establish that the content sent corresponds to the content received.
267 (g) If a person is aware that an electronic record purportedly sent under subsection (a) of
268 this Code section, or purportedly received under subsection (b) of this Code section, was
269 not actually sent or received, the legal effect of the sending or receipt shall be determined
270 by other applicable law. Except to the extent permitted by the other law, the requirements
271 of this subsection shall not be varied by agreement.

272 10-12-16.

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

274 (1) Would be a note under Article 3 of Title 11 or a document under Article 7 of Title
275 11 if the electronic record were in writing; and

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

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

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

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

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

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

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

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

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

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

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

298 (d) Except as otherwise agreed, a person having control of a transferable record is the
299 holder, as defined in Code Section 11-1-201, of the transferable record and has the same

300 rights and defenses as a holder of an equivalent record or writing under Title 11, including,
301 if the applicable statutory requirements under subsection (a) of Code Section 11-3-302 or
302 Code Section 11-7-501 or 11-9-308 are satisfied, the rights and defenses of a holder in due
303 course, a holder to which a negotiable document of title has been duly negotiated, or a
304 purchaser, respectively. Delivery, possession, and indorsement are not required to obtain
305 or exercise any of the rights under this subsection.

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

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

315 10-12-17.

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

318 10-12-18.

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

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

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

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

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

335 (4) Any other required attributes for electronic records which are specified for
 336 corresponding nonelectronic records or reasonably necessary under the circumstances.
 337 (c) Except as otherwise provided in subsection (f) of Code Section 10-12-12, this chapter
 338 shall not require a governmental agency of this state to use or permit the use of electronic
 339 records or electronic signatures.

340 10-12-19.

341 Any governmental agency of this state which adopts standards pursuant to Code Section
 342 10-12-18 may encourage and promote consistency and interoperability with similar
 343 requirements adopted by other governmental agencies of this and other states and the
 344 federal government and nongovernmental persons interacting with governmental agencies
 345 of this state. If appropriate, those standards may specify differing levels of standards from
 346 which governmental agencies of this state may choose in implementing the most
 347 appropriate standard for a particular application.

348 10-12-20.

349 This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global
 350 and National Commerce Act, 15 U.S.C. Section 7001, et. seq., but does not modify, limit,
 351 or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic
 352 delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section
 353 7003(b)."

354 **SECTION 2.**

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

- 358 (1) Code Section 14-2-120, relating to filing requirements relative to business
 359 corporations;
- 360 (2) Code Section 14-3-120, relating to filing of documents relative to nonprofit
 361 corporations;
- 362 (3) Code Section 14-9-206, relating to filing with the Secretary of State relative to the
 363 Georgia Revised Uniform Limited Partnership Act;
- 364 (4) Code Section 14-11-206, relating to filing by the Secretary of State relative to limited
 365 liability companies;
- 366 (5) Code Section 33-22-14.1, relating to transmissions of electronic records subject to the
 367 provisions of the Georgia Electronic Records and Signatures Act;

- 368 (6) Code Section 44-3-102, relating to meetings of condominium associations, notice, and
 369 reports; and
 370 (7) Code Section 44-3-230, relating to the frequency of property owners' association
 371 meetings and notice.

372 **SECTION 3.**

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

375 "15-10-53.

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

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

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

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

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

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

390 (3) By supplemental verified pleading; or

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

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

395 Date: _____ Electronic Signature: _____'

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

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

408 Date:_____ Electronic Signature:_____'

409 (f) Nothing in this Code section shall prevent a party from contesting an electronic
 410 pleading, document, or signature on the basis of forgery or fraud. Any pleading or
 411 document found by the court to have been fraudulently filed shall be stricken from the
 412 record.

413 (g) Where the authenticity or the integrity of an electronic pleading, document, or
 414 signature is challenged, the proponent of the electronic pleading, document, or signature
 415 shall have the burden of proving that the electronic pleading, document, or signature is
 416 authentic.

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

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

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

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

428 **SECTION 4.**

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

431 "31-33-8.

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

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SECTION 5.

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

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"43-39A-4.1.

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

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

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(2) Any procedure that will reduce the necessity for the board to maintain paper documents;

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(3) The procedure for submitting or issuing any such form, application, or document by facsimile or electronic means; and

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(4) The procedure for satisfying any signature requirement on any such form by electronic signature, voice signature, or other means so long as appropriate security measures are implemented that assure security and verification of any required signature.

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As used in this Code section, the term 'electronic signature' shall have the same meaning as provided in Code Section ~~10-12-3~~ 10-12-2."

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SECTION 6.

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

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"43-40-3.1.

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

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

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(2) Any procedure that will reduce the necessity for the commission to maintain paper documents;

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(3) The procedure for submitting or issuing any such form, application, or document by facsimile or electronic means; and

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(4) The procedure for satisfying any signature requirement on any such form by electronic signature, voice signature, or other means so long as appropriate security measures are implemented that assure security and verification of any required signature.

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As used in this Code section, the term 'electronic signature' shall have the same meaning as provided in Code Section ~~10-12-3~~ 10-12-2."

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SECTION 7.

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

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"(12) Public records containing information that would disclose or might lead to the disclosure of any component in the process used to execute or adopt an electronic signature, if such disclosure would or might cause the electronic signature to cease being under the sole control of the person using it. For purposes of this paragraph, the term 'electronic signature' has the same meaning as that term is defined in Code Section ~~10-12-3~~ 10-12-2;"

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SECTION 8.

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