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

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"(b) The General Assembly finds that this chapter is consistent with the Electronic Signatures in Global and National Commerce Act (15 U.S.C.S. Sections 7001, et seq., and 47 U.S.C.S. Section 231) as contemplated in Section 7002 (a)(2)(A) thereof and therefore continues to have the full force of law. The General Assembly further reaffirms its intent that this chapter continue to have the full force of law."

SECTION 2.

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

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

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

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.