## Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

<ul> <li>82nd General Assembly</li> <li>Regular Session, 1999</li> <li>By: Senator Gordon</li> <li>By: Representatives Horn, <i>Lendal</i></li> </ul>	For An Act To Be Entitled EATE THE ARKANSAS ELECTRONICS RECORDS AND
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14 "TO CREA"	
15 RECORDS A	AND SIGNATURES ACT."
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	RAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Short Title.	
	pe known and may be cited as the "Arkansas Electronic
22 Records and Signatures Act	<u>t. "</u>
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24 SECTION 2. Construction.	
	nis chapter shall be construed to promote the
•	government and electronic commerce. The Secretary
·	delines for the use of electronic signatures and
	ctronic signature verification companies.
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30 SECTION 3. <u>Definitions.</u>	ator the term
31 <u>As used in this char</u> 32 (1) "Electronic sig	gnature" means an electronic or digital method
·	· · · · · · · · · · · · · · · · · · ·
•	ch is unique to the person using it, is capable of
•	e sole control of the person using it, and is linked
	that if the data are changed the electronic signature

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1 is invalidated.

(2) "Person" means a natural person, corporation, trust, partnership,
 incorporated or unincorporated association, or any other legal entity, and
 also includes any department, agency, authority, or instrumentality of the
 state or its political subdivisions.

- (3) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. Record includes both electronic records and printed, typewritten, and tangible records.
- (4) "Electronic Signature Verification Company" means a company providing verification of an electronic signature. An electronic verification company shall obtain a surety bond in the amount of two hundred fifty-thousand dollars (\$250,000).

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- SECTION 4. Agreement to Electronic Record or Signature.
- Any person may, but shall not be required to, accept or agree to be bound by an electronic record which is executed or adopted with an electronic signature and, where that acceptance or agreement is otherwise required to be witnessed or notarized, which is witnessed or notarized using an electronic signature. Where a person or other entity accepts or agrees to be bound by an electronic record as provided in this code section, then:
- (a) Any rule of law which requires a record of that type to be in writing shall be deemed satisfied;
- 24 <u>(b) Any rule of law which requires a signature shall be deemed</u> 25 <u>satisfied; and</u>
  - (c) Any rule of law which requires a witness or notary shall be deemed satisfied by the electronic signature of such witness or notary.

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- SECTION 5. Unauthorized use of Electronic Signature.
- A person whose electronic signature is used in an unauthorized fashion may recover or obtain any or all of the following against the person who engaged in such unauthorized use, provided that the use of such electronic signature in an unauthorized fashion was negligent, reckless, or intentional:
- 34 (a) Actual damages;
- 35 <u>(b) Equitable relief including, but not limited to, an injunction or restitution of money or property;</u>

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•	(c) Full tive dallages under the circumstances set for the fill Arkansas raw,
2	(d) Reasonable attorneys' fees and expenses;
3	(e) Any other relief which the court deems proper; and
4	(f) Nothing in this statute shall preclude criminal sanctions.
5	Nothing in this code section shall be deemed to waive the sovereign immunity
6	otherwise provided by law to the state or any of its political subdivisions.
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8	SECTION 6. All provisions of this act of a general and permanent nature
9	are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
10	Revision Commission shall incorporate the same in the Code.
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12	SECTION 7. If any provision of this act or the application thereof to
13	any person or circumstance is held invalid, such invalidity shall not affect
14	other provisions or applications of the act which can be given effect without
15	the invalid provision or application, and to this end the provisions of this
16	act are declared to be severable.
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18	SECTION 8. All laws and parts of laws in conflict with this act are
19	hereby repealed.
20	/s/ Gordon
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