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By: **Delegates Frank, Barve, and Pitkin**  
Introduced and read first time: February 4, 1998  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Science and Technology - Digital Signatures and Certification Authorities**

3 FOR the purpose of requiring the Secretary of State to act as a certification authority  
4 for certain purposes and under certain circumstances; establishing certain  
5 powers and duties of the Secretary of State; providing for the licensure of  
6 certification authorities; providing for the issuance, terms, expiration, and  
7 renewal of a license; requiring the Secretary to issue a license to a certification  
8 authority under certain circumstances; authorizing the Secretary to deny,  
9 revoke, suspend, reprimand, reinstate a license, or place a license on probation  
10 under certain circumstances; establishing the qualifications, duties, and  
11 liabilities of licensees; requiring licensed certification authorities to undergo a  
12 certain audit at certain times; providing for the effect of the licensure; imposing  
13 certain duties and liabilities on licensed certification authorities and certain  
14 subscribers for the issuance, suspension, and revocation of certificates and  
15 certain warranties and representations of a certificate; specifying certain  
16 reliance limits; establishing certain legal effects of using certain digital  
17 signatures; establishing certain evidentiary presumptions; establishing certain  
18 standards of business conduct for both licensed and unlicensed certification  
19 authorities; requiring the Secretary of State to recognize certain repositories  
20 under certain circumstances; exempting certain records from certain provisions  
21 of law; defining certain terms; providing for the construction of this Act;  
22 providing express preemption of certain laws; making the provisions of this Act  
23 severable; providing for a delayed effective date; and generally relating to digital  
24 signatures and certification authorities.

25 BY adding to  
26 Article - Commercial Law  
27 Section 21-101 through 21-1001 to be under the new title "Title 21.  
28 Certification Authorities and Digital Signatures"  
29 Annotated Code of Maryland  
30 (1990 Replacement Volume and 1997 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
32 MARYLAND, That the Laws of Maryland read as follows:

1

**Article - Commercial Law**

2

## TITLE 21. CERTIFICATION AUTHORITIES AND DIGITAL SIGNATURES.

3

## SUBTITLE 1. GENERAL PROVISIONS.

4 21-101.

5 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

6 (B) "ACCEPT A CERTIFICATE" MEANS:

7 (1) MANIFEST APPROVAL OF A CERTIFICATE, WHILE KNOWING OR  
8 HAVING NOTICE OF ITS CONTENTS; OR9 (2) APPLY TO A LICENSED CERTIFICATION AUTHORITY FOR A  
10 CERTIFICATE, WITHOUT CANCELING OR REVOKING THE APPLICATION BY  
11 DELIVERING NOTICE OF THE CANCELLATION OR REVOCATION TO THE  
12 CERTIFICATION AUTHORITY AND OBTAINING A SIGNED, WRITTEN RECEIPT FROM  
13 THE CERTIFICATION AUTHORITY, IF THE CERTIFICATION AUTHORITY  
14 SUBSEQUENTLY ISSUES A CERTIFICATE BASED ON THE APPLICATION.15 (C) "ACCEPT A DIGITAL SIGNATURE" MEANS VERIFY A DIGITAL SIGNATURE OR  
16 TAKE AN ACTION IN RELIANCE ON A DIGITAL SIGNATURE.17 (D) "ASYMMETRIC CRYPTOSYSTEM" MEANS AN ALGORITHM OR SERIES OF  
18 ALGORITHMS THAT PROVIDE A SECURE KEY PAIR.19 (E) "CERTIFICATE" MEANS A COMPUTER-BASED RECORD THAT IDENTIFIES  
20 THE CERTIFICATION AUTHORITY ISSUING IT, NAMES OR IDENTIFIES ITS  
21 SUBSCRIBER, CONTAINS THE SUBSCRIBER'S PUBLIC KEY, AND IS DIGITALLY SIGNED  
22 BY THE CERTIFICATION AUTHORITY THAT ISSUES IT.23 (F) "CERTIFICATION AUTHORITY" MEANS A PERSON OR UNIT OF  
24 GOVERNMENT THAT ISSUES A CERTIFICATE.25 (G) "CERTIFICATION AUTHORITY DISCLOSURE RECORD" MEANS AN ON-LINE,  
26 PUBLICLY ACCESSIBLE RECORD, MAINTAINED BY THE SECRETARY, THAT CONCERNS  
27 A LICENSED CERTIFICATION AUTHORITY.28 (H) "CERTIFICATION PRACTICE STATEMENT" MEANS A DECLARATION OF THE  
29 PRACTICES THAT A CERTIFICATION AUTHORITY USES IN ISSUING CERTIFICATES.30 (I) "CERTIFY" MEANS DECLARE WITH REFERENCE TO A CERTIFICATE, WITH  
31 AMPLE OPPORTUNITY TO REFLECT AND A DUTY TO ASCERTAIN ALL MATERIAL  
32 FACTS.33 (J) "CONFIRM" MEANS ASCERTAIN THROUGH APPROPRIATE INQUIRY AND  
34 INVESTIGATION.

1 (K) "CORRESPOND" MEANS, WITH REFERENCE TO KEYS, BELONG TO THE  
2 SAME KEY PAIR.

3 (L) "DIGITAL SIGNATURE" MEANS THE TRANSFORMATION OF A MESSAGE  
4 USING AN ASYMMETRIC CRYPTOSYSTEM SO THAT A PERSON HAVING THE INITIAL  
5 MESSAGE AND THE SIGNER'S PUBLIC KEY CAN ACCURATELY DETERMINE:

6 (1) WHETHER THE TRANSFORMATION OF THE MESSAGE WAS MADE  
7 USING THE PRIVATE KEY THAT CORRESPONDS TO THE SIGNER'S PUBLIC KEY; AND

8 (2) WHETHER THE INITIAL MESSAGE HAS BEEN ALTERED SINCE THE  
9 TRANSFORMATION WAS MADE.

10 (M) "FINANCIAL INSTITUTION" HAS THE MEANING STATED IN § 1-101 OF THE  
11 FINANCIAL INSTITUTIONS ARTICLE.

12 (N) "FORGE A DIGITAL SIGNATURE" MEANS CREATE A DIGITAL SIGNATURE:

13 (1) WITHOUT THE AUTHORIZATION OF THE RIGHTFUL HOLDER OF THE  
14 PRIVATE KEY; OR

15 (2) VERIFIABLE BY A CERTIFICATE LISTING AS SUBSCRIBER A PERSON  
16 WHO:

17 (I) DOES NOT EXIST; OR

18 (II) DOES NOT HOLD THE PRIVATE KEY CORRESPONDING TO THE  
19 PUBLIC KEY LISTED IN THE CERTIFICATE.

20 (O) "HOLD A PRIVATE KEY" MEANS TO BE AUTHORIZED TO USE A PRIVATE  
21 KEY.

22 (P) "INCORPORATE BY REFERENCE" MEANS MAKE ONE MESSAGE A PART OF  
23 ANOTHER MESSAGE BY IDENTIFYING THE MESSAGE TO BE INCORPORATED AND  
24 EXPRESSING THE INTENTION TO INCORPORATE IT.

25 (Q) "ISSUE A CERTIFICATE" MEANS THE ACTS OF A CERTIFICATION  
26 AUTHORITY IN CREATING A CERTIFICATE AND NOTIFYING THE SUBSCRIBER LISTED  
27 IN THE CERTIFICATE OF THE CONTENTS OF THE CERTIFICATE.

28 (R) "KEY PAIR" MEANS A PRIVATE KEY AND ITS CORRESPONDING PUBLIC KEY  
29 IN AN ASYMMETRIC CRYPTOSYSTEM.

30 (S) "LICENSED CERTIFICATION AUTHORITY" MEANS A CERTIFICATION  
31 AUTHORITY LICENSED BY THE SECRETARY.

32 (T) "MESSAGE" MEANS A DIGITAL REPRESENTATION OF INFORMATION.

33 (U) "NOTIFY" MEANS COMMUNICATE A FACT TO ANOTHER PERSON IN A  
34 MANNER REASONABLY LIKELY UNDER THE CIRCUMSTANCES TO IMPART  
35 KNOWLEDGE OF THE INFORMATION TO THE OTHER PERSON.

1 (V) "PRIVATE KEY" MEANS THE KEY OF A KEY PAIR USED TO CREATE A  
2 DIGITAL SIGNATURE.

3 (W) "PUBLIC KEY" MEANS THE KEY OF A KEY PAIR USED TO VERIFY A DIGITAL  
4 SIGNATURE THAT A PRIVATE KEY CREATES.

5 (X) "PUBLISH" MEANS RECORD OR FILE IN A REPOSITORY.

6 (Y) "RECIPIENT" MEANS A PERSON WHO HAS RECEIVED A CERTIFICATE AND A  
7 DIGITAL SIGNATURE THAT IS VERIFIABLE BY A PUBLIC KEY LISTED IN THE  
8 CERTIFICATE.

9 (Z) "RECOGNIZED REPOSITORY" MEANS A REPOSITORY RECOGNIZED BY THE  
10 SECRETARY.

11 (AA) "RECOMMENDED RELIANCE LIMIT" MEANS THE MONETARY AMOUNT  
12 RECOMMENDED FOR RELIANCE ON A CERTIFICATE UNDER SUBTITLE 6 OF THIS  
13 TITLE.

14 (BB) "REPOSITORY" MEANS A SYSTEM FOR STORING AND RETRIEVING  
15 CERTIFICATES AND OTHER INFORMATION RELEVANT TO DIGITAL SIGNATURES.

16 (CC) "SECRETARY" MEANS THE SECRETARY OF STATE OR THE SECRETARY'S  
17 DESIGNEE.

18 (DD) "SUBSCRIBER" MEANS A PERSON WHO:

19 (1) IS THE SUBJECT LISTED IN A CERTIFICATE;

20 (2) ACCEPTS THE CERTIFICATE; AND

21 (3) HOLDS A PRIVATE KEY THAT CORRESPONDS TO A PUBLIC KEY  
22 LISTED IN THE CERTIFICATE.

23 (EE) "TIME STAMP" MEANS APPEND OR ATTACH TO A MESSAGE, DIGITAL  
24 SIGNATURE, OR CERTIFICATE A DIGITALLY SIGNED NOTATION INDICATING AT LEAST  
25 THE DATE, TIME, AND IDENTITY OF THE PERSON APPENDING OR ATTACHING THE  
26 NOTATION.

27 (FF) "TRANSACTIONAL CERTIFICATE" MEANS A VALID CERTIFICATE THAT  
28 INCORPORATES BY REFERENCE ONE OR MORE DIGITAL SIGNATURES.

29 (GG) "TRUSTWORTHY SYSTEM" MEANS COMPUTER HARDWARE AND SOFTWARE  
30 THAT:

31 (1) ARE REASONABLY SECURE FROM INTRUSION AND MISUSE;

32 (2) PROVIDE A REASONABLE LEVEL OF AVAILABILITY, RELIABILITY, AND  
33 CORRECT OPERATION; AND

1 (3) ARE REASONABLY SUITED TO PERFORM THEIR INTENDED  
2 FUNCTIONS.

3 (HH) "VALID CERTIFICATE" MEANS A CERTIFICATE THAT:

4 (1) A LICENSED CERTIFICATION AUTHORITY HAS ISSUED;

5 (2) THE SUBSCRIBER LISTED IN IT HAS ACCEPTED; AND

6 (3) HAS NOT EXPIRED OR BEEN REVOKED OR SUSPENDED.

7 (II) "VERIFY A DIGITAL SIGNATURE" MEANS DETERMINE ACCURATELY THAT:

8 (1) THE DIGITAL SIGNATURE WAS CREATED BY THE PRIVATE KEY  
9 CORRESPONDING TO THE PUBLIC KEY; AND

10 (2) THE MESSAGE HAS NOT BEEN ALTERED SINCE ITS DIGITAL  
11 SIGNATURE WAS CREATED.

12 21-102.

13 (A) THIS TITLE SHALL BE CONSTRUED CONSISTENTLY WITH THAT WHICH IS  
14 COMMERCIALY REASONABLE UNDER THE CIRCUMSTANCES AND TO EFFECTUATE  
15 THE FOLLOWING PURPOSES:

16 (1) FACILITATING COMMERCE BY MEANS OF RELIABLE ELECTRONIC  
17 MESSAGES;

18 (2) MINIMIZING THE INCIDENCE OF FORGED DIGITAL SIGNATURES AND  
19 FRAUD IN ELECTRONIC COMMERCE;

20 (3) LEGALLY IMPLEMENTING RELEVANT STANDARDS SUCH AS THE  
21 X.509 OF THE INTERNATIONAL TELECOMMUNICATION UNION; AND

22 (4) ESTABLISHING, IN COORDINATION WITH OTHER STATES, UNIFORM  
23 RULES FOR THE AUTHENTICATION AND RELIABILITY OF ELECTRONIC MESSAGES.

24 (B) THIS TITLE PREEMPTS ALL LOCAL LAWS REGARDING THE SAME SUBJECT  
25 MATTER.

26 (C)(1) THE CRIMINAL PENALTIES AND REMEDIES UNDER THIS TITLE ARE IN  
27 ADDITION TO ANY OTHER CRIMINAL PENALTIES PROVIDED BY LAW.

28 (2) INJUNCTIVE RELIEF MAY NOT BE DENIED TO A PERSON SEEKING  
29 RELIEF UNDER THIS TITLE ON THE BASIS THAT THE CONDUCT IS ALSO SUBJECT TO  
30 POTENTIAL CRIMINAL PROSECUTION.

31 (D) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS  
32 SUBSECTION AND THIS TITLE, THIS TITLE MAY BE VARIED BY AGREEMENT.

1 (2) A PERSON MAY NOT DISCLAIM RESPONSIBILITY FOR GOOD FAITH  
2 BUT THE PARTIES TO AN AGREEMENT MAY DETERMINE THE STANDARDS BY WHICH  
3 THE DUTY OF GOOD FAITH SHALL BE MEASURED IF THOSE STANDARDS ARE NOT  
4 MANIFESTLY UNREASONABLE.

5 SUBTITLE 2. SECRETARY OF STATE.

6 21-201.

7 (A) THE SECRETARY OF STATE SHALL BE A CERTIFICATION AUTHORITY FOR  
8 THE PURPOSE OF PROVIDING SERVICES TO STATE AND LOCAL GOVERNMENT.

9 (B) (1) IF 6 MONTHS ELAPSE DURING WHICH TIME NO CERTIFICATION  
10 AUTHORITY IS LICENSED, THE SECRETARY MAY BE A CERTIFICATION AUTHORITY  
11 FOR THE PRIVATE SECTOR AND MAY ISSUE, SUSPEND, AND REVOKE CERTIFICATES  
12 AS AUTHORIZED UNDER THIS TITLE.

13 (2) THE SECRETARY SHALL DISCONTINUE ACTING AS A CERTIFICATION  
14 AUTHORITY FOR THE PRIVATE SECTOR, IN A MANNER ALLOWING FOR REASONABLE  
15 TRANSITION TO PRIVATE ENTERPRISE, IF ANOTHER CERTIFICATION AUTHORITY IS  
16 LICENSED.

17 (C) (1) EXCEPT FOR LICENSING REQUIREMENTS AND SUBJECT TO  
18 PARAGRAPH (2) OF THIS SUBSECTION, THIS TITLE APPLIES TO THE ACTIVITIES AND  
19 TRANSACTIONS THAT THE SECRETARY UNDERTAKES AS A CERTIFICATION  
20 AUTHORITY, INCLUDING THE ISSUANCE, SUSPENSION, AND REVOCATION OF  
21 CERTIFICATES.

22 (2) THE LIABILITY OF THE SECRETARY FOR ACTIONS AS A  
23 CERTIFICATION AUTHORITY IS SUBJECT TO THE MONETARY LIMITATIONS  
24 DESCRIBED IN § 12-104 OF THE STATE GOVERNMENT ARTICLE.

25 (D) EXCEPT AS PROVIDED IN THIS SECTION, A UNIT OF STATE GOVERNMENT  
26 MAY NOT ACT AS A CERTIFICATION AUTHORITY. THIS LIMITATION DOES NOT APPLY  
27 TO THE USES OF DIGITAL SIGNATURES OR KEY PAIRS LIMITED TO INTERNAL  
28 PROCEDURES, AS TO WHICH THE SIGNATURE IS NOT REQUIRED BY STATUTE,  
29 ADMINISTRATIVE RULE, COURT RULE, OR REQUIREMENT OF THE OFFICE OF  
30 FINANCIAL MANAGEMENT.

31 21-202.

32 (A) IN ADDITION TO ANY OTHER POWERS OTHERWISE GRANTED BY LAW, THE  
33 SECRETARY MAY:

34 (1) ESTABLISH FEES FOR LICENSING CERTIFICATION AUTHORITIES AND  
35 FOR THE SERVICES RENDERED BY THE OFFICE OF THE SECRETARY;

36 (2) CLASSIFY AND ISSUE LICENSES ACCORDING TO SPECIFIED  
37 LIMITATIONS, SUCH AS THE MAXIMUM NUMBER OF OUTSTANDING CERTIFICATES,  
38 CUMULATIVE MAXIMUM OF RECOMMENDED RELIANCE LIMITS IN CERTIFICATES

1 ISSUED BY THE CERTIFICATION AUTHORITY, OR ISSUANCE ONLY WITH A SINGLE  
2 ENTITY;

3 (3) RECEIVE, ADMINISTER, AND DISBURSE THE RECORDS OF A  
4 LICENSED CERTIFICATION AUTHORITY OR A RECOGNIZED REPOSITORY THAT  
5 DISCONTINUES PROVIDING SERVICES FOR THE PURPOSE OF MAINTAINING ACCESS  
6 TO THE RECORDS AND REVOKING ANY PREVIOUSLY ISSUED VALID CERTIFICATES IN  
7 A MANNER THAT MINIMIZES DISRUPTION TO SUBSCRIBERS AND PERSONS RELYING  
8 ON CERTIFICATES; AND

9 (4) ESTABLISH FEES TO RECOVER THE COSTS INCURRED BY THE  
10 RECEIPT, ADMINISTRATION, AND DISBURSEMENT OF RECORDS DESCRIBED IN  
11 PARAGRAPH (3) OF THIS SUBSECTION.

12 (B) IN ADDITION TO ANY OTHER DUTIES OTHERWISE REQUIRED BY LAW, THE  
13 SECRETARY SHALL:

14 (1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE;

15 (2) MAINTAIN A PUBLICLY ACCESSIBLE DATABASE CONTAINING A  
16 CERTIFICATION AUTHORITY DISCLOSURE RECORD FOR EACH LICENSED  
17 CERTIFICATION AUTHORITY AND A LIST OF ALL JUDGMENTS FILED WITH THE  
18 SECRETARY IN ACCORDANCE WITH § 21-605 OF THIS TITLE WITHIN THE 5 YEARS  
19 IMMEDIATELY PRECEDING PUBLISHING THE DISCLOSURE RECORD; AND

20 (3) PUBLISH THE CONTENTS OF THE DATABASE IN AT LEAST ONE  
21 RECOGNIZED REPOSITORY.

22 (C) IN ADDITION TO ANY OTHER REGULATIONS ADOPTED BY THE SECRETARY  
23 TO CARRY OUT THIS TITLE, THE SECRETARY SHALL ADOPT REGULATIONS TO:

24 (1) LICENSE AND REGULATE CERTIFICATION AUTHORITIES;

25 (2) RECOGNIZE REPOSITORIES;

26 (3) DETERMINE AN AMOUNT REASONABLY APPROPRIATE FOR THE  
27 GUARANTY REQUIRED UNDER § 21-302(C)(3) OF THIS TITLE, IN LIGHT OF THE  
28 BURDEN A GUARANTY PLACES ON A LICENSED CERTIFICATION AUTHORITY AND THE  
29 ASSURANCE OF QUALITY AND FINANCIAL RESPONSIBILITY IT PROVIDES TO PERSONS  
30 WHO RELY ON CERTIFICATES ISSUED BY LICENSED CERTIFICATION AUTHORITIES;

31 (4) SPECIFY THE QUALIFICATIONS FOR INDIVIDUALS CONDUCTING  
32 AUDITS UNDER § 21-305 OF THIS TITLE;

33 (5) ESTABLISH THE REQUIREMENTS FOR THE ANNUAL COMPLIANCE  
34 AUDIT REQUIRED UNDER § 21-305 OF THIS TITLE;

35 (6) SPECIFY REASONABLE REQUIREMENTS FOR:

1 (I) THE FORM OF CERTIFICATES ISSUED BY LICENSED  
2 CERTIFICATION AUTHORITIES IN ACCORDANCE WITH GENERALLY ACCEPTED  
3 STANDARDS FOR DIGITAL SIGNATURE CERTIFICATES;

4 (II) RECORDKEEPING BY LICENSED CERTIFICATION AUTHORITIES;

5 (III) THE AMOUNT OF WORKING CAPITAL THAT IS SUFFICIENT TO  
6 CONDUCT BUSINESS AS A LICENSED CERTIFICATION AUTHORITY; AND

7 (IV) THE CONTENT, FORM, AND SOURCES OF INFORMATION IN  
8 CERTIFICATION AUTHORITY DISCLOSURE RECORDS, THE UPDATING AND  
9 TIMELINESS OF THE INFORMATION, AND OTHER PRACTICES AND POLICIES  
10 RELATING TO CERTIFICATION AUTHORITY DISCLOSURE RECORDS;

11 (7) SPECIFY THE FORM OF CERTIFICATION PRACTICE STATEMENTS;  
12 AND

13 (8) SPECIFY THE PROCEDURE AND MANNER IN WHICH THE  
14 CERTIFICATE MAY BE SUSPENDED OR REVOKED.

15 SUBTITLE 3. CERTIFICATION AUTHORITY LICENSING.

16 21-301.

17 (A) EXCEPT AS OTHERWISE PROVIDED BY THIS TITLE, A CERTIFICATION  
18 AUTHORITY THAT DOES NOT HOLD A LICENSE IS NOT SUBJECT TO THIS TITLE.

19 (B)(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND WHILE ITS  
20 LICENSE IS IN EFFECT, A LICENSED CERTIFICATION AUTHORITY IS SUBJECT TO THIS  
21 TITLE.

22 (2) THE LIABILITY LIMITS OF SUBTITLE 6 OF THIS TITLE DO NOT APPLY  
23 TO A CERTIFICATION AUTHORITY TO THE EXTENT THAT IT ISSUES A CERTIFICATE  
24 EXCEEDING THE RESTRICTIONS OF THE CERTIFICATION AUTHORITY'S LICENSE.

25 (C) UNLESS THE PARTIES ENTER INTO A CONTRACT THAT PROVIDES  
26 OTHERWISE, THE LICENSING REQUIREMENTS OF THIS SECTION, DO NOT AFFECT  
27 THE EFFECTIVENESS, ENFORCEABILITY, OR VALIDITY OF A DIGITAL SIGNATURE  
28 EXCEPT THAT §§ 21-701 THROUGH 21-710 OF THIS TITLE DO NOT APPLY TO A  
29 CERTIFICATE AND ASSOCIATED DIGITAL SIGNATURE ISSUED BY AN UNLICENSED  
30 CERTIFICATION AUTHORITY.

31 (D) EXCEPT FOR THE SECRETARY, A UNIT OF STATE GOVERNMENT MAY NOT  
32 BE A CERTIFICATION AUTHORITY.

33 (E) A UNIT OF LOCAL GOVERNMENT MAY ACT AS A CERTIFICATION  
34 AUTHORITY ONLY IF LICENSED.

1 21-302.

2 (A) AN APPLICANT FOR A CERTIFICATION AUTHORITY LICENSE SHALL:

3 (1) SUBMIT AN APPLICATION ON A FORM THAT THE SECRETARY  
4 REQUIRES; AND

5 (2) PAY AN APPLICATION FEE TO THE SECRETARY.

6 (B) THE SECRETARY SHALL ISSUE A LICENSE TO A CERTIFICATION  
7 AUTHORITY THAT:

8 (1) FILES AN APPLICATION IN ACCORDANCE WITH THE REQUIREMENTS  
9 OF THIS SUBTITLE;

10 (2) SATISFIES THE REQUIREMENTS OF SUBSECTIONS (C) AND (D) OF  
11 THIS SECTION; AND

12 (3) PAYS A FEE REQUIRED UNDER THIS SUBTITLE.

13 (C)(1) IN THIS SUBSECTION, "OPERATIVE PERSONNEL" MEANS AN INDIVIDUAL  
14 EMPLOYED BY A CERTIFICATION AUTHORITY, ACTING AS AGENT FOR A  
15 CERTIFICATION AUTHORITY, OR UNDER A CONTRACT WITH A CERTIFICATION  
16 AUTHORITY WHO HAS:

17 (I) MANAGERIAL OR POLICY-MAKING RESPONSIBILITIES FOR THE  
18 CERTIFICATION AUTHORITY; OR

19 (II) DUTIES DIRECTLY RELATING TO THE ISSUANCE OF  
20 CERTIFICATIONS, CREATION OF PRIVATE KEYS, OR ADMINISTRATION OF A  
21 CERTIFICATION AUTHORITY'S COMPUTING FACILITIES.

22 (2) AN APPLICANT FOR A CERTIFICATION AUTHORITY LICENSE AND A  
23 LICENSEE SHALL:

24 (I) BE THE SUBSCRIBER OF A CERTIFICATE PUBLISHED IN A  
25 RECOGNIZED REPOSITORY; AND

26 (II) EMPLOY AS OPERATIVE PERSONNEL ONLY INDIVIDUALS WHO:

27 1. HAVE DEMONSTRATED KNOWLEDGE AND PROFICIENCY  
28 IN MEETING THE REQUIREMENTS OF THIS TITLE;

29 2. HAVE NEVER BEEN CONVICTED WITHIN THE PAST 15  
30 YEARS OF A FELONY; AND

31 3. HAVE NEVER BEEN CONVICTED OF A CRIME INVOLVING  
32 FRAUD, FALSE STATEMENT, OR DECEPTION;

1 (III) EXCEPT AS PROVIDED IN SUBSECTION (D)(2) OF THIS SECTION,  
2 FILE WITH THE SECRETARY AND MAINTAIN A GUARANTY THAT MEETS THE  
3 REQUIREMENTS OF § 21-303 OF THIS SUBTITLE;

4 (IV) USE A TRUSTWORTHY SYSTEM, INCLUDING A SECURE MEANS  
5 FOR LIMITING ACCESS TO ITS PRIVATE KEY;

6 (V) PRESENT EVIDENCE OF WORKING CAPITAL REASONABLY  
7 SUFFICIENT, AS DETERMINED BY THE SECRETARY, TO ENABLE THE APPLICANT TO  
8 CONDUCT BUSINESS AS A CERTIFICATION AUTHORITY;

9 (VI) MAINTAIN AN OFFICE IN THIS STATE OR HAVE ESTABLISHED A  
10 REGISTERED AGENT FOR SERVICE OF PROCESS IN THIS STATE; AND

11 (VII) COMPLY WITH ANY OTHER REQUIREMENTS THAT THE  
12 SECRETARY ESTABLISHES BY REGULATION.

13 (D) (1) A UNIT OF LOCAL GOVERNMENT MAY OBTAIN A CERTIFICATION  
14 AUTHORITY LICENSE, IF, IN ADDITION TO SATISFYING THE REQUIREMENTS OF  
15 SUBSECTION (C) OF THIS SECTION, THE LOCAL GOVERNING BODY OF THE UNIT OF  
16 LOCAL GOVERNMENT APPROVES THE APPLICATION FOR A CERTIFICATION  
17 AUTHORITY LICENSE.

18 (2) A UNIT OF LOCAL GOVERNMENT THAT MAINTAINS  
19 SELF-INSURANCE, IN AN AMOUNT APPROVED BY THE SECRETARY, NEED NOT FILE A  
20 SUITABLE GUARANTEE AS OTHERWISE REQUIRED IN SUBSECTION (C) OF THIS  
21 SECTION.

22 21-303.

23 (A) A GUARANTY FILED WITH THE SECRETARY IN ACCORDANCE WITH § 21-302  
24 OF THIS SUBTITLE MUST BE A SURETY BOND EXECUTED BY A SURETY AUTHORIZED  
25 TO DO BUSINESS IN THIS STATE OR AN IRREVOCABLE LETTER OF CREDIT ISSUED BY  
26 A FINANCIAL INSTITUTION AUTHORIZED TO DO BUSINESS IN THIS STATE THAT:

27 (1) IS ISSUED PAYABLE TO THE SECRETARY FOR THE BENEFIT OF  
28 PERSONS HOLDING QUALIFIED RIGHTS OF PAYMENT AGAINST THE LICENSED  
29 CERTIFICATION AUTHORITY NAMED AS THE PRINCIPAL OF THE BOND OR CUSTOMER  
30 OR THE LETTER OF CREDIT;

31 (2) IS IN AN AMOUNT SPECIFIED BY THE SECRETARY BY REGULATION;

32 (3) STATES IT IS ISSUED TO SATISFY THE REQUIREMENTS OF THIS  
33 SUBTITLE;

34 (4) SPECIFIES A TERM OF EFFECTIVENESS THAT EXTENDS AT LEAST AS  
35 LONG AS THE TERM OF THE LICENSE TO BE ISSUED TO THE CERTIFICATION  
36 AUTHORITY; AND

37 (5) IS IN A FORM THAT THE SECRETARY PRESCRIBES.

1 (B) A GUARANTY MAY PROVIDE THAT THE TOTAL ANNUAL LIABILITY ON THE  
2 GUARANTY TO ALL PERSONS MAKING CLAIMS BASED ON IT MAY NOT EXCEED THE  
3 FACE AMOUNT OF THE GUARANTY.

4 21-304.

5 (A) UNLESS THE LICENSE IS RENEWED FOR A 1-YEAR TERM, AS PROVIDED IN  
6 THIS SECTION, THE LICENSE EXPIRES ON A DATE SPECIFIED BY THE SECRETARY.

7 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE SECRETARY SHALL  
8 MAIL TO THE LICENSED CERTIFICATION AUTHORITY, AT THE LAST KNOWN ADDRESS  
9 OF THE LICENSED CERTIFICATION AUTHORITY OR THE RESIDENT AGENT OF THE  
10 CERTIFICATION AUTHORITY:

11 (1) A RENEWAL APPLICATION FORM; AND

12 (2) A NOTICE THAT STATES:

13 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

14 (II) THE DATE BY WHICH THE SECRETARY MUST RECEIVE THE  
15 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE  
16 LICENSE EXPIRES; AND

17 (III) THE AMOUNT OF THE RENEWAL FEE.

18 (C) BEFORE THE LICENSE EXPIRES, THE LICENSED CERTIFICATION  
19 AUTHORITY MAY RENEW IT FOR AN ADDITIONAL 1-YEAR TERM, IF THE LICENSEE:

20 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

21 (2) PAYS TO THE SECRETARY A RENEWAL FEE; AND

22 (3) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON A FORM  
23 THAT THE SECRETARY PROVIDES.

24 21-305.

25 (A) AT LEAST ONCE EACH YEAR, THE OPERATIONS OF A LICENSED  
26 CERTIFICATION AUTHORITY SHALL BE AUDITED FOR THE PURPOSE OF  
27 DETERMINING COMPLIANCE WITH THIS TITLE.

28 (B) IF THE CERTIFICATION AUTHORITY IS ALSO A RECOGNIZED REPOSITORY,  
29 THE AUDIT MUST INCLUDE THE REPOSITORY.

30 (C) THE AUDITOR WHO SIGNS THE COMPLIANCE AUDIT REPORT:

31 (1) SHALL BE A CERTIFIED PUBLIC ACCOUNTANT, LICENSED BY THIS  
32 STATE OR ANY OTHER STATE WITH LICENSING STANDARDS THAT ARE EQUIVALENT  
33 TO THE LICENSING STANDARDS OF THIS STATE; AND

1 (2) AS DETERMINED BY THE SECRETARY, SHALL POSSESS THE  
2 COMPUTER SECURITY QUALIFICATIONS THAT ARE NECESSARY TO CONDUCT THE  
3 AUDIT.

4 (D)(1) ANY ANNUAL AUDIT FOR THE SECRETARY OR A UNIT OF LOCAL  
5 GOVERNMENT SHALL BE COMPLETED BY THE STATE AUDITOR.

6 (2) THE STATE AUDITOR MAY CONTRACT FOR THE ADMINISTRATION OF  
7 THE AUDITS UNDER THIS SUBSECTION.

8 (E)(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN  
9 AUDITOR THAT COMPLETES AN AUDIT UNDER THIS SECTION SHALL SUBMIT A  
10 CERTIFIED COPY OF THE AUDIT TO THE SECRETARY IMMEDIATELY ON COMPLETING  
11 THE AUDIT REPORT.

12 (2) IF THE AUDIT CONCERNS THE SECRETARY, THE AUDITOR SHALL  
13 SUBMIT A CERTIFIED COPY OF THE AUDIT TO THE SECRETARY, THE GOVERNOR, THE  
14 SPEAKER OF THE HOUSE, AND THE PRESIDENT OF THE SENATE IMMEDIATELY ON  
15 COMPLETING THE AUDIT REPORT.

16 (F) THE SECRETARY SHALL PUBLISH THE DATE AND RESULTS OF THE AUDIT  
17 OF A CERTIFICATION AUTHORITY IN THE RECOGNIZED REPOSITORY THAT CONTAINS  
18 THE DISCLOSURE RECORD OF THE CERTIFICATION AUTHORITY.

19 21-306.

20 (A) SUBJECT TO THE HEARING PROVISIONS OF § 21-310 OF THIS SUBTITLE,  
21 THE SECRETARY MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY  
22 LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

23 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
24 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

25 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

26 (3) DIRECTLY OR THROUGH ANOTHER PERSON WILLFULLY MAKES A  
27 MISREPRESENTATION OR KNOWINGLY MAKES A FALSE PROMISE;

28 (4) ADVERTISES IN ANY MISLEADING OR UNTRUTHFUL MANNER;

29 (5) PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO,  
30 RECEIVES PROBATION BEFORE JUDGMENT WITH RESPECT TO, OR IS CONVICTED OF:

31 (I) FORGERY, THEFT, EXTORTION, CONSPIRACY TO DEFRAUD, OR A  
32 SIMILAR CRIME;

33 (II) A CRIME INVOLVING MORAL TURPITUDE; OR

34 (III) A CRIME THAT CONSTITUTES A VIOLATION OF ANY PROVISION  
35 OF THIS TITLE;

1 (6) ENGAGES IN CONDUCT THAT DEMONSTRATES BAD FAITH,  
2 INCOMPETENCY, OR A LACK OF TRUSTWORTHINESS OR THAT CONSTITUTES  
3 DISHONEST, FRAUDULENT, OR IMPROPER DEALINGS;

4 (7) WITH ACTUAL KNOWLEDGE OF THE VIOLATION, ASSOCIATES WITH A  
5 LICENSEE IN A TRANSACTION OR PRACTICE THAT VIOLATES ANY PROVISION OF THIS  
6 TITLE;

7 (8) FAILS TO REMAIN QUALIFIED FOR A LICENSE UNDER § 21-302(C)(1)  
8 THROUGH (4) OF THIS SUBTITLE;

9 (9) FAILS TO SUBMIT TO THE AUDIT REQUIRED BY § 21-305 OF THIS  
10 SUBTITLE;

11 (10) VIOLATES AN ORDER OF THE SECRETARY ISSUED UNDER THIS  
12 TITLE; AND

13 (11) VIOLATES ANY OTHER PROVISION OF THIS TITLE OR ANY  
14 REGULATION ADOPTED UNDER THIS TITLE.

15 (B) THE SECRETARY MAY INVESTIGATE THE ACTIVITIES AND ISSUE ORDERS  
16 TO FURTHER AN INVESTIGATION OF A LICENSED CERTIFICATION AUTHORITY TO  
17 DETERMINE COMPLIANCE WITH THIS TITLE.

18 21-307.

19 (A) (1) INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING A  
20 LICENSE UNDER § 21-306(A) OF THIS SUBTITLE, THE SECRETARY MAY IMPOSE A  
21 PENALTY THAT IS THE LESSER OF \$10,000 OR 90% OF THE RECOMMENDED RELIANCE  
22 LIMIT OF A MATERIAL CERTIFICATE FOR EACH VIOLATION.

23 (2) IN THE CASE OF A VIOLATION THAT CONTINUES FOR MORE THAN  
24 ONE DAY, EACH DAY IS CONSIDERED A SEPARATE VIOLATION.

25 (3) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER  
26 THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:

27 (I) THE SERIOUSNESS OF THE VIOLATION;

28 (II) THE HARM CAUSED BY THE VIOLATION;

29 (III) THE GOOD FAITH OF THE LICENSEE; AND

30 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSEE.

31 (4) THE SECRETARY SHALL PAY ANY PENALTY COLLECTED UNDER THIS  
32 SUBSECTION INTO THE GENERAL FUND OF THE STATE.

33 (B) THE SECRETARY MAY ORDER A CERTIFICATION AUTHORITY FOUND TO BE  
34 IN VIOLATION OF THIS TITLE TO PAY THE COSTS INCURRED IN PROSECUTING OR

1 ADJUDICATING THE VIOLATION OR ENFORCING ANY ORDER ISSUED BECAUSE OF  
2 THE VIOLATION.

3 21-308.

4 (A) IN ADDITION TO TAKING ACTION UNDER §§ 21-306 AND 21-307 OF THIS  
5 SUBTITLE OR § 10-226 OF THE STATE GOVERNMENT ARTICLE, THE SECRETARY  
6 SUMMARILY MAY SUSPEND, WITHOUT A PRIOR HEARING, A LICENSE PENDING  
7 REVOCATION PROCEEDINGS OR OTHER ACTIONS, IF THE SECRETARY DETERMINES  
8 THAT THE LICENSED CERTIFICATION AUTHORITY:

9 (1) HAS USED OR IS USING ITS LICENSE TO VIOLATE A STATE OR  
10 FEDERAL LAW, INCLUDING AN UNFAIR OR DECEPTIVE TRADE PRACTICE AS DEFINED  
11 BY TITLE 13 OF THIS ARTICLE; OR

12 (2) HAS ENGAGED OR IS ENGAGING IN CONDUCT GIVING RISE TO A  
13 SERIOUS RISK OF ECONOMIC LOSS TO THE PUBLIC IF THE LICENSE IS NOT  
14 IMMEDIATELY SUSPENDED.

15 (B) THE SUSPENSION ORDER SHALL PROVIDE:

16 (1) NOTICE AND AN OPPORTUNITY FOR A HEARING BEFORE THE  
17 SECRETARY TO SHOW CAUSE THAT THE ORDER SHOULD BE VACATED; AND

18 (2) NOTICE THAT THE SECRETARY SHALL ENTER THE ORDER AS FINAL,  
19 UNTIL THE OUTCOME OF THE REVOCATION OR OTHER PROCEEDINGS, IF THE  
20 PERSON SUBJECT TO THE SUSPENSION OR ORDER FAILS TO REQUEST A HEARING  
21 WITHIN 15 DAYS AFTER THE RECEIPT OF THE ORDER.

22 (C)(1) A PERSON SUBJECT TO A SUMMARY SUSPENSION ORDER MAY WAIVE A  
23 RIGHT TO A HEARING.

24 (2) IF THE PERSON SUBJECT TO THE SUMMARY SUSPENSION ORDER  
25 WAIVES THE RIGHT TO A HEARING, THE SECRETARY IS NOT REQUIRED TO HOLD A  
26 HEARING TO TAKE ANY ACTION UNDER SUBSECTION (B)(2) OF THIS SECTION.

27 (D) A SUSPENSION UNDER THIS SECTION SHALL BE EFFECTIVE FROM THE  
28 DATE THE WRITTEN ORDER IS ISSUED BY THE SECRETARY.

29 21-309.

30 (A) IN ADDITION TO TAKING ANY OTHER ACTION AUTHORIZED BY THIS  
31 SUBTITLE, WHENEVER THE SECRETARY DETERMINES THAT A PERSON IS ENGAGING  
32 IN OR IS ABOUT TO ENGAGE IN AN ACTIVITY THAT CONSTITUTES A VIOLATION OF  
33 THIS TITLE, THE SECRETARY MAY SUE IN THE CIRCUIT COURT TO OBTAIN ONE OR  
34 MORE OF THE FOLLOWING REMEDIES:

35 (1) A TEMPORARY RESTRAINING ORDER;

36 (2) A TEMPORARY OR PERMANENT INJUNCTION;

- 1 (3) A DECLARATORY JUDGMENT;
- 2 (4) RESTITUTION;
- 3 (5) RESCISSION; OR
- 4 (6) ANY OTHER RELIEF THAT THE COURT CONSIDERS JUST.

5 (B) THE SECRETARY MAY NOT BE REQUIRED TO POST A BOND IN ANY ACTION  
6 UNDER THIS SECTION.

7 21-310.

8 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE  
9 GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION UNDER  
10 § 21-306 OR § 21-307 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST  
11 WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE  
12 THE SECRETARY.

13 (B) THE SECRETARY SHALL GIVE NOTICE AND HOLD THE HEARING IN  
14 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

15 (C) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS  
16 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE SECRETARY NEVERTHELESS  
17 MAY HEAR AND DETERMINE THE MATTER.

18 (D) IN CONNECTION WITH A PROCEEDING BEFORE THE SECRETARY UNDER  
19 THIS SUBTITLE, THE SECRETARY MAY:

- 20 (1) HOLD HEARINGS;
- 21 (2) ADMINISTER OATHS;
- 22 (3) BY DEPOSITION IN THE SAME MANNER AS PROVIDED IN CIVIL CASES,  
23 TAKE TESTIMONY;
- 24 (4) ISSUE SUBPOENAS; AND
- 25 (5) PETITION TO A CIRCUIT COURT TO COMPEL COMPLIANCE WITH A  
26 SUBPOENA.

27 21-311.

28 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY IN A  
29 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,  
30 MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE  
31 GOVERNMENT ARTICLE.

1 21-312.

2 (A) A LICENSED CERTIFICATION AUTHORITY MAY USE ONLY A  
3 TRUSTWORTHY SYSTEM TO:

4 (1) ISSUE, SUSPEND, OR REVOKE A CERTIFICATE;

5 (2) PUBLISH OR GIVE NOTICE OF THE ISSUANCE, SUSPENSION, OR  
6 REVOCATION OF A CERTIFICATE; OR

7 (3) CREATE A PUBLIC KEY.

8 (B) A LICENSED CERTIFICATION AUTHORITY SHALL DISCLOSE ANY MATERIAL  
9 CERTIFICATION PRACTICE STATEMENT AND ANY FACT MATERIAL TO:

10 (1) THE RELIABILITY OF A CERTIFICATE THAT IT HAS ISSUED; OR

11 (2) ITS ABILITY TO PERFORM ITS SERVICES.

12 (C) A CERTIFICATION AUTHORITY MAY REQUIRE A WRITTEN, SIGNED, AND  
13 REASONABLY SPECIFIC INQUIRY FROM AN IDENTIFIED PERSON AND PAYMENT OF  
14 REASONABLE COMPENSATION AS CONDITIONS TO ISSUING A DISCLOSURE  
15 REQUIRED IN THIS SECTION.

16 21-313.

17 (A) A LICENSED CERTIFICATION AUTHORITY THAT DISCONTINUES  
18 PROVIDING CERTIFICATION AUTHORITY SERVICES SHALL:

19 (1) NOTIFY ALL SUBSCRIBERS LISTED IN VALID CERTIFICATES ISSUED  
20 BY THE CERTIFICATION AUTHORITY BEFORE DISCONTINUING SERVICES;

21 (2) MINIMIZE, TO THE EXTENT COMMERCIALY REASONABLE,  
22 DISRUPTION TO THE SUBSCRIBERS OF VALID CERTIFICATES AND PARTIES RELYING  
23 ON THE CERTIFICATES; AND

24 (3) MAKE REASONABLE ARRANGEMENTS FOR PRESERVATION OF ITS  
25 RECORDS.

26 (B) A GUARANTY REQUIRED UNDER § 21-302(C)(3) OF THIS SUBTITLE MAY NOT  
27 BE RELEASED UNTIL THE EXPIRATION OF THE TERM SPECIFIED IN THE GUARANTY.

28 SUBTITLE 4. ISSUANCE AND ACCEPTANCE OF CERTIFICATES.

29 21-401.

30 (A) A LICENSED CERTIFICATION AUTHORITY MAY ISSUE A CERTIFICATE TO A  
31 SUBSCRIBER IF:

32 (1) THE CERTIFICATION AUTHORITY HAS RECEIVED A REQUEST FOR  
33 THE ISSUANCE OF A CERTIFICATE SIGNED BY THE PROSPECTIVE SUBSCRIBER; AND

1           (2)     THE CERTIFICATION AUTHORITY HAS CONFIRMED THAT:

2                   (I)     THE PROSPECTIVE SUBSCRIBER IS THE PERSON TO BE LISTED  
3 IN THE PROPOSED CERTIFICATE;

4                   (II)    THE INFORMATION SUBMITTED FOR THE PROPOSED  
5 CERTIFICATE IS ACCURATE;

6                   (III)   THE PROSPECTIVE SUBSCRIBER RIGHTFULLY HOLDS THE  
7 PRIVATE KEY CORRESPONDING TO THE PUBLIC KEY THAT WILL BE LISTED IN THE  
8 CERTIFICATE;

9                   (IV)   THE PUBLIC KEY THAT WILL BE LISTED IN THE CERTIFICATE  
10 CAN BE USED TO VERIFY A DIGITAL SIGNATURE AFFIXED BY THE PRIVATE KEY HELD  
11 BY THE PROSPECTIVE SUBSCRIBER; AND

12                  (V)     THE CERTIFICATE PROVIDES INFORMATION SUFFICIENT TO  
13 LOCATE OR IDENTIFY AT LEAST ONE RECOGNIZED REPOSITORY IN WHICH  
14 NOTIFICATION OF THE REVOCATION OR SUSPENSION OF THE CERTIFICATE WILL BE  
15 LISTED IF THE CERTIFICATE IS SUSPENDED OR REVOKED.

16    (B)     IF THE PROSPECTIVE SUBSCRIBER IS ACTING THROUGH AN AGENT, THE  
17 CERTIFICATION AUTHORITY SHALL CONFIRM THAT THE SUBSCRIBER HAS  
18 AUTHORIZED THE AGENT TO HOLD THE SUBSCRIBER'S PRIVATE KEY AND TO  
19 REQUEST THE ISSUANCE OF A CERTIFICATE LISTING THE CORRESPONDING PUBLIC  
20 KEY.

21    (C)     THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF THIS SECTION MAY  
22 NOT BE WAIVED OR DISCLAIMED BY THE LICENSED CERTIFICATION AUTHORITY OR  
23 THE SUBSCRIBER.

24    (D)     IF THE SUBSCRIBER ACCEPTS THE ISSUED CERTIFICATE AND UNLESS THE  
25 LICENSED CERTIFICATION AUTHORITY AND THE SUBSCRIBER ENTER INTO A  
26 CONTRACT THAT PROVIDES OTHERWISE, THE CERTIFICATION AUTHORITY SHALL  
27 PUBLISH A SIGNED COPY OF THE CERTIFICATE IN THE RECOGNIZED REPOSITORY IN  
28 WHICH THE CERTIFICATION AUTHORITY AND THE SUBSCRIBER AGREE.

29    (E)     IF THE SUBSCRIBER DOES NOT ACCEPT THE CERTIFICATE, THE LICENSED  
30 CERTIFICATION AUTHORITY THAT HAS ISSUED THE CERTIFICATE:

31                  (1)     MAY NOT PUBLISH IT; OR

32                  (2)     IF THE CERTIFICATE HAS ALREADY BEEN PUBLISHED, SHALL  
33 CANCEL ITS PUBLICATION.

34    (F)     THIS SECTION MAY NOT BE CONSTRUED TO PREVENT A LICENSED  
35 CERTIFICATION AUTHORITY FROM CONFORMING TO STANDARDS, CERTIFICATION  
36 PRACTICE STATEMENTS, SECURITY PLANS, OR CONTRACTUAL AGREEMENTS MORE  
37 RIGOROUS THAN BUT CONSISTENT WITH THIS TITLE.

1 21-402.

2 (A) A CERTIFICATE MUST CONTAIN THE DATE ON WHICH IT EXPIRES.

3 (B) WHEN A CERTIFICATE EXPIRES, THE SUBSCRIBER AND THE  
4 CERTIFICATION AUTHORITY CEASE TO CERTIFY, AS PROVIDED IN § 21-403 OF THIS  
5 SUBTITLE, AND THE CERTIFICATION AUTHORITY IS DISCHARGED OF ITS DUTIES  
6 ARISING FROM HAVING ISSUED THE CERTIFICATE.

7 21-403.

8 (A) BY ACCEPTING A CERTIFICATE ISSUED BY A LICENSED CERTIFICATION  
9 AUTHORITY, THE SUBSCRIBER LISTED IN THE CERTIFICATE CERTIFIES TO ALL WHO  
10 REASONABLY RELY ON THE INFORMATION CONTAINED IN THE CERTIFICATE THAT:

11 (1) THE SUBSCRIBER RIGHTFULLY HOLDS THE PRIVATE KEY  
12 CORRESPONDING TO THE PUBLIC KEY LISTED IN THE CERTIFICATE;

13 (2) ALL REPRESENTATIONS MADE BY THE SUBSCRIBER TO THE  
14 LICENSED CERTIFICATION AUTHORITY AND MATERIAL TO THE INFORMATION  
15 LISTED IN THE CERTIFICATE ARE TRUE; AND

16 (3) ALL MATERIAL REPRESENTATIONS MADE BY THE SUBSCRIBER TO  
17 THE LICENSED CERTIFICATION AUTHORITY OR MADE IN THE CERTIFICATE ARE  
18 TRUE EVEN IF NOT CONFIRMED BY THE LICENSED CERTIFICATION AUTHORITY IN  
19 ISSUING THE CERTIFICATE.

20 (B) AN AGENT REQUESTING A CERTIFICATE ON BEHALF OF A PRINCIPAL WHO  
21 WILL BE NAMED IN THE CERTIFICATE CERTIFIES THAT:

22 (1) THE AGENT HOLDS THE AUTHORITY LEGALLY REQUIRED TO APPLY  
23 FOR THE ISSUANCE OF A CERTIFICATE FOR THE PERSON NAMED IN THE  
24 CERTIFICATE; AND

25 (2) THE AGENT HAS THE AUTHORITY TO SIGN DIGITALLY ON BEHALF OF  
26 THE PERSON NAMED IN THE CERTIFICATE AND, IF THE AUTHORITY IS LIMITED IN  
27 ANY WAY, ADEQUATE SAFEGUARDS EXIST TO PREVENT A DIGITAL SIGNATURE FROM  
28 EXCEEDING THE BOUNDS OF THE AGENT'S AUTHORITY.

29 (C) A PERSON MAY NOT DISCLAIM OR CONTRACTUALLY LIMIT THE  
30 APPLICATION OF THIS SECTION OR OBTAIN INDEMNITY FOR DAMAGES ARISING  
31 FROM A VIOLATION OF THIS SECTION IF THE DISCLAIMER, LIMITATION, OR  
32 INDEMNITY RESTRICTS LIABILITY FOR MISREPRESENTATION AS AGAINST PERSONS  
33 WHO REASONABLY RELY ON THE CERTIFICATE.

34 (D)(1) BY ACCEPTING A CERTIFICATE, A SUBSCRIBER UNDERTAKES TO  
35 INDEMNIFY THE ISSUING LICENSED CERTIFICATION AUTHORITY FOR LOSS OR  
36 DAMAGE CAUSED BY ISSUANCE OR PUBLICATION OF A CERTIFICATE IN RELIANCE  
37 ON A FALSE AND MATERIAL REPRESENTATION OF FACT BY THE SUBSCRIBER OR THE

1 FAILURE BY THE SUBSCRIBER TO DISCLOSE A MATERIAL FACT IF THE  
2 REPRESENTATION OR FAILURE TO DISCLOSE WAS MADE WITH:

3 (I) THE INTENT TO DECEIVE THE CERTIFICATION AUTHORITY OR  
4 A PERSON RELYING ON THE CERTIFICATE; OR

5 (II) NEGLIGENCE.

6 (2) IF THE LICENSED CERTIFICATION AUTHORITY ISSUED THE  
7 CERTIFICATE AT THE REQUEST OF AN AGENT OF A SUBSCRIBER, THE AGENT  
8 PERSONALLY UNDERTAKES TO INDEMNIFY THE CERTIFICATION AUTHORITY UNDER  
9 THIS SUBSECTION, AS IF THE AGENT WAS ACCEPTING SUBSCRIBERS IN THE AGENT'S  
10 OWN RIGHT.

11 (3) THE INDEMNITY PROVIDED IN THIS SUBSECTION MAY NOT BE  
12 DISCLAIMED OR CONTRACTUALLY LIMITED IN SCOPE. HOWEVER, A CONTRACT MAY  
13 PROVIDE ADDITIONAL TERMS, CONSISTENT WITH THIS SUBSECTION, REGARDING  
14 INDEMNIFICATION.

15 (E) IN OBTAINING INFORMATION ABOUT THE SUBSCRIBER THAT IS MATERIAL  
16 TO THE ISSUANCE OF A CERTIFICATE, THE CERTIFICATION AUTHORITY MAY  
17 REQUIRE THE SUBSCRIBER TO CERTIFY THE ACCURACY OR RELEVANT  
18 INFORMATION UNDER OATH OR AFFIRMATION OF TRUTHFULNESS AND UNDER  
19 PENALTY OF PERJURY.

20 21-404.

21 (A) BY ACCEPTING A CERTIFICATE ISSUED BY A LICENSED CERTIFICATION  
22 AUTHORITY, THE SUBSCRIBER IDENTIFIED IN THE CERTIFICATE ASSUMES A DUTY  
23 TO EXERCISE REASONABLE CARE TO RETAIN CONTROL OF THE PRIVATE KEY AND TO  
24 PREVENT ITS DISCLOSURE TO A PERSON NOT AUTHORIZED TO CREATE THE  
25 SUBSCRIBER'S DIGITAL SIGNATURE.

26 (B) THE SUBSCRIBER IS RELEASED OF THE DUTY DESCRIBED IN SUBSECTION  
27 (A) OF THIS SECTION IF THE CERTIFICATE EXPIRES OR IS REVOKED.

28 (C) A PRIVATE KEY IS THE PERSONAL PROPERTY OF THE SUBSCRIBER WHO  
29 RIGHTFULLY HOLDS IT.

30 (D) A PRIVATE KEY IN THE POSSESSION OF A UNIT OF STATE OR LOCAL  
31 GOVERNMENT IS NOT A PUBLIC RECORD, AS DEFINED IN § 21-611 OF THE STATE  
32 GOVERNMENT ARTICLE.

33 21-405.

34 IF THE CERTIFICATE IS ISSUED BY A LICENSED CERTIFICATION AUTHORITY, A  
35 UNIT OF STATE OR LOCAL GOVERNMENT, A PUBLIC OFFICIAL, OR AN EMPLOYEE OF A  
36 UNIT OF STATE OR LOCAL GOVERNMENT MAY BECOME A SUBSCRIBER TO A  
37 CERTIFICATE FOR PURPOSES OF CONDUCTING OFFICIAL BUSINESS.

1 21-406.

2 (A) BY ISSUING A CERTIFICATE, A LICENSED CERTIFICATION AUTHORITY  
3 WARRANTS TO THE SUBSCRIBER NAMED IN THE CERTIFICATE THAT:

4 (1) THE CERTIFICATE CONTAINS NO INFORMATION THAT THE  
5 CERTIFICATION AUTHORITY KNOWS IS FALSE;

6 (2) THE CERTIFICATE SATISFIES ALL MATERIAL REQUIREMENTS OF  
7 THIS TITLE; AND

8 (3) THE CERTIFICATION AUTHORITY HAS NOT EXCEEDED ANY LIMITS  
9 OF ITS LICENSE IN ISSUING THE CERTIFICATE.

10 (B) A LICENSED CERTIFICATION AUTHORITY MAY NOT DISCLAIM OR LIMIT  
11 THE WARRANTIES DESCRIBED IN THIS SECTION.

12 21-407.

13 UNLESS THE SUBSCRIBER AND THE LICENSED CERTIFICATION AUTHORITY  
14 OTHERWISE AGREE, BY ISSUING A CERTIFICATE, THE CERTIFICATION AUTHORITY  
15 SHALL:

16 (1) ACT PROMPTLY TO SUSPEND OR REVOKE A CERTIFICATE IN  
17 ACCORDANCE WITH SUBTITLE 6 OF THIS TITLE; AND

18 (2) NOTIFY THE SUBSCRIBER WITHIN A REASONABLE TIME OF ANY  
19 FACTS KNOWN TO THE CERTIFICATION AUTHORITY THAT SIGNIFICANTLY AFFECT  
20 THE VALIDITY OR RELIABILITY OF THE CERTIFICATE ONCE IT IS ISSUED.

21 21-408.

22 BY ISSUING A CERTIFICATE, A LICENSED CERTIFICATION AUTHORITY  
23 CERTIFIES TO ALL WHO REASONABLY RELY ON THE INFORMATION CONTAINED IN  
24 THE CERTIFICATE OR ON A DIGITAL SIGNATURE VERIFIABLE BY THE PUBLIC KEY  
25 LISTED IN THE CERTIFICATE THAT:

26 (1) THE INFORMATION IN THE CERTIFICATE AND LISTED AS  
27 CONFIRMED BY THE CERTIFICATION AUTHORITY IS ACCURATE;

28 (2) ALL INFORMATION FORESEEABLY MATERIAL TO THE RELIABILITY  
29 OF THE CERTIFICATE IS STATED OR INCORPORATED BY REFERENCE WITHIN THE  
30 CERTIFICATE;

31 (3) THE SUBSCRIBER HAS ACCEPTED THE CERTIFICATE; AND

32 (4) THE LICENSED CERTIFICATION AUTHORITY HAS COMPLIED WITH  
33 ALL APPLICABLE LAWS OF THE STATE GOVERNING THE ISSUANCE OF THE  
34 CERTIFICATE.

1 21-409.

2 BY PUBLISHING A CERTIFICATE, A LICENSED CERTIFICATION AUTHORITY  
3 CERTIFIES TO THE REPOSITORY IN WHICH THE CERTIFICATE IS PUBLISHED AND TO  
4 ALL WHO REASONABLY RELY ON THE CERTIFICATE THAT THE CERTIFICATION  
5 AUTHORITY HAS ISSUED THE CERTIFICATE TO THE SUBSCRIBER.

6 21-410.

7 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A UNIT OF STATE OR  
8 LOCAL GOVERNMENT AND ITS OFFICERS AND EMPLOYEES IN THEIR OFFICIAL  
9 CAPACITIES MAY BECOME SUBSCRIBERS TO CERTIFICATES FOR THE PURPOSE OF  
10 CONDUCTING OFFICIAL BUSINESS.

11 (B) THE UNIT OF STATE OR LOCAL GOVERNMENT AND ITS OFFICERS AND  
12 EMPLOYEES MAY SUBSCRIBE TO A CERTIFICATE ISSUED ONLY BY A LICENSED  
13 CERTIFICATION AUTHORITY.

14 SUBTITLE 5. SUSPENSION AND REVOCATION OF CERTIFICATES.

15 21-501.

16 (A) A LICENSED CERTIFICATION AUTHORITY IMMEDIATELY SHALL REVOKE A  
17 CERTIFICATE ON CONFIRMING THAT THE CERTIFICATE WAS NOT ISSUED AS  
18 REQUIRED BY § 21-401 OF THIS TITLE.

19 (B) A LICENSED CERTIFICATION AUTHORITY MAY SUSPEND A CERTIFICATE  
20 THAT IT HAS ISSUED WITHIN A REASONABLE TIME, NOT EXCEEDING 96 HOURS, TO  
21 INVESTIGATE AND CONFIRM THE GROUNDS FOR REVOCATION UNDER THIS SECTION.

22 (C) THE CERTIFICATION AUTHORITY SHALL PROVIDE NOTICE TO THE  
23 SUBSCRIBER AS SOON AS PRACTICABLE AFTER THE CERTIFICATION AUTHORITY  
24 DETERMINES THAT IT MUST SUSPEND OR REVOKE A CERTIFICATE UNDER THIS  
25 SECTION.

26 21-502.

27 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSED  
28 CERTIFICATION AUTHORITY SHALL SUSPEND A CERTIFICATE FOR A PERIOD NOT  
29 EXCEEDING 96 HOURS:

30 (1) BY ORDER OF THE SECRETARY UNDER § 21-508 OF THIS SUBTITLE;  
31 OR

32 (2) IF ONE OF THE FOLLOWING PERSONS REQUESTS THE SUSPENSION:

33 (I) A PERSON THAT THE CERTIFICATION AUTHORITY REASONABLY  
34 BELIEVES TO BE THE SUBSCRIBER NAMED IN THE CERTIFICATE;

1 (II) AN AGENT OF THE SUBSCRIBER TO WHOM THE SUBSCRIBER  
2 GRANTS THE AUTHORITY TO REQUEST THE SUSPENSION; OR

3 (III) A PERSON ACTING ON BEHALF OF AN UNAVAILABLE  
4 SUBSCRIBER.

5 (B) A LICENSED CERTIFICATION AUTHORITY IS NOT REQUIRED TO SUSPEND A  
6 CERTIFICATE UNDER SUBSECTION (A) OF THIS SECTION IF:

7 (1) THE CERTIFICATION AUTHORITY AND THE SUBSCRIBER AGREE  
8 OTHERWISE; OR

9 (2) THE CERTIFICATE IS A TRANSACTIONAL CERTIFICATE.

10 (C) A CERTIFICATION AUTHORITY NEED NOT CONFIRM THE IDENTITY OR THE  
11 AGENCY OF THE PERSON REQUESTING THE SUSPENSION OF A CERTIFICATE UNDER  
12 SUBSECTION (A) OF THIS SECTION.

13 (D) A CERTIFICATION AUTHORITY MAY REQUIRE A PERSON REQUESTING A  
14 SUSPENSION TO PROVIDE EVIDENCE, INCLUDING A STATEMENT UNDER OATH OR  
15 AFFIRMATION, REGARDING THE REQUESTOR'S IDENTITY, AUTHORIZATION, OR THE  
16 UNAVAILABILITY OF THE SUBSCRIBER.

17 21-503.

18 (A) A LICENSED CERTIFICATION AUTHORITY SHALL TERMINATE A  
19 SUSPENSION INITIATED BY REQUEST:

20 (1) IF THE SUBSCRIBER NAMED IN THE SUSPENDED CERTIFICATE  
21 REQUESTS TERMINATION OF THE SUSPENSION, THE CERTIFICATION AUTHORITY  
22 HAS CONFIRMED THAT THE PERSON REQUESTING SUSPENSION IS THE SUBSCRIBER  
23 OR AN AGENT OF THE SUBSCRIBER AUTHORIZED TO TERMINATE THE SUSPENSION;  
24 OR

25 (2) WHEN THE CERTIFICATION AUTHORITY DISCOVERS AND CONFIRMS  
26 THAT THE REQUEST FOR THE SUSPENSION WAS MADE WITHOUT AUTHORIZATION BY  
27 THE SUBSCRIBER.

28 (B) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE CERTIFICATION  
29 AUTHORITY TO CONFIRM A REQUEST FOR SUSPENSION.

30 21-504.

31 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSED  
32 CERTIFICATION AUTHORITY SHALL REVOKE A CERTIFICATE IF:

33 (1) THE SUBSCRIBER NAMED IN THE CERTIFICATE REQUESTS THE  
34 REVOCATION; AND

1           (2)     THE CERTIFICATION AUTHORITY CONFIRMS THAT THE PERSON  
2 REQUESTING REVOCATION IS THE SUBSCRIBER OR AN AGENT OF THE SUBSCRIBER  
3 WHO HAS THE ACTUAL AUTHORITY TO REQUEST THE REVOCATION.

4     (B)     A LICENSED CERTIFICATION AUTHORITY NEED NOT REVOKE A  
5 CERTIFICATE UNDER THIS SECTION IF IT IS A TRANSACTIONAL CERTIFICATE.

6     (C)     A LICENSED CERTIFICATION AUTHORITY SHALL CONFIRM A REQUEST  
7 FOR REVOCATION AND REVOKE A CERTIFICATE WITHIN ONE BUSINESS DAY AFTER  
8 RECEIVING:

9           (1)     A SUBSCRIBER'S WRITTEN REQUEST; AND

10          (2)     EVIDENCE REASONABLY SUFFICIENT TO CONFIRM THE IDENTITY  
11 AND AGENCY OF ANY PERSON REQUESTING THE REVOCATION.

12 21-505.

13     (A)     EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSED  
14 CERTIFICATION AUTHORITY SHALL REVOKE A CERTIFICATE THAT IS ISSUED ON  
15 RECEIVING:

16          (1)     A CERTIFIED COPY OF THE SUBSCRIBER'S DEATH CERTIFICATE OR  
17 OTHER EVIDENCE THAT CONFIRMS THE DEATH OF THE SUBSCRIBER; OR

18          (2)     DOCUMENTS THAT EFFECT THE DISSOLUTION OF THE SUBSCRIBER  
19 OR OTHER EVIDENCE THAT CONFIRMS THE DISSOLUTION OF THE SUBSCRIBER.

20     (B)     IF A SUBSCRIBER IS DISSOLVED AND REINSTATED OR RESTORED BEFORE  
21 THE REVOCATION IS COMPLETE, THE CERTIFICATION AUTHORITY IS NOT REQUIRED  
22 TO REVOKE THE CERTIFICATE.

23 21-506.

24     A LICENSED CERTIFICATION AUTHORITY MAY REVOKE A CERTIFICATE THAT IT  
25 ISSUED IF THE CERTIFICATE BECOMES UNRELIABLE:

26          (1)     NOTWITHSTANDING A CONTRACTUAL AGREEMENT BETWEEN THE  
27 CERTIFICATION AUTHORITY AND THE SUBSCRIBER TO THE CONTRARY; AND

28          (2)     REGARDLESS OF WHETHER OR NOT THE SUBSCRIBER HAS PROVIDED  
29 CONSENT.

30 21-507.

31     (A)(1)  IMMEDIATELY AFTER REVOKING A CERTIFICATE AS PROVIDED IN THIS  
32 SUBTITLE, A LICENSED CERTIFICATION AUTHORITY SHALL GIVE NOTICE OF THE  
33 REVOCATION ACCORDING TO THE DIRECTIONS PROVIDED IN THE CERTIFICATE.

1           (2)     THE LICENSED CERTIFICATION AUTHORITY SHALL PUBLISH A  
2 SIGNED NOTICE OF THE REVOCATION IN ANY REPOSITORY LISTED IN THE  
3 CERTIFICATE BEING REVOKED.

4           (3)     IF A REPOSITORY NO LONGER EXISTS, REFUSES TO ACCEPT  
5 PUBLICATION, OR IF NONE OF THE REPOSITORIES LISTED IN THE CERTIFICATE ARE  
6 RECOGNIZED UNDER SUBTITLE 8 OF THIS TITLE, THE LICENSED CERTIFICATION  
7 AUTHORITY SHALL ALSO PUBLISH THE NOTICE IN A RECOGNIZED REPOSITORY.

8     (B)(1) IMMEDIATELY AFTER THE REVOCATION OF A CERTIFICATE BY A  
9 LICENSED CERTIFICATION AUTHORITY, THE LICENSED CERTIFICATION AUTHORITY  
10 SHALL PROVIDE NOTICE OF THE REVOCATION OF THE CERTIFICATE ACCORDING TO  
11 THE SPECIFICATIONS IN THE CERTIFICATE.

12           (2)     IF ONE OR MORE REPOSITORIES ARE SPECIFIED, THEN THE  
13 LICENSED CERTIFICATION AUTHORITY SHALL PUBLISH A SIGNED NOTICE OF THE  
14 REVOCATION IN ALL REPOSITORIES.

15           (3)     IF A REPOSITORY NO LONGER EXISTS OR IF NO REPOSITORY IS  
16 RECOGNIZED UNDER SUBTITLE 8 OF THIS TITLE, THEN THE LICENSED  
17 CERTIFICATION AUTHORITY SHALL ALSO PUBLISH NOTICE IN A RECOGNIZED  
18 REPOSITORY.

19 21-508.

20     (A)     THE SECRETARY MAY ORDER A LICENSED CERTIFICATION AUTHORITY TO  
21 SUSPEND OR REVOKE A CERTIFICATE THAT THE CERTIFICATION AUTHORITY ISSUED  
22 IF THE SECRETARY DETERMINES THAT:

23           (1)     THE CERTIFICATE WAS ISSUED WITHOUT SUBSTANTIAL  
24 COMPLIANCE WITH § 21-401 OF THIS TITLE; AND

25           (2)     THE LACK OF COMPLIANCE POSES A SIGNIFICANT RISK TO PERSONS  
26 WHO REASONABLY RELY ON THE CERTIFICATE.

27     (B)     BEFORE ISSUING AN ORDER UNDER SUBSECTION (A) OF THIS SECTION,  
28 THE SECRETARY SHALL PROVIDE THE LICENSED CERTIFICATION AUTHORITY AND  
29 THE SUBSCRIBER NOTICE AND AN OPPORTUNITY FOR A HEARING IN ACCORDANCE  
30 WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

31     (C)     IF THE SECRETARY DETERMINES THAT THE ISSUANCE OF THE  
32 CERTIFICATE POSES A SUBSTANTIAL RISK TO THE GENERAL PUBLIC AND REQUIRES  
33 AN IMMEDIATE REMEDY, THE SECRETARY MAY PASS AN ORDER SUSPENDING THE  
34 CERTIFICATE FOR A PERIOD OF NOT MORE THAN 96 HOURS FROM THE  
35 DETERMINATION.

1 21-509.

2 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE  
3 SECRETARY MAY SUSPEND A CERTIFICATE ISSUED BY A LICENSED CERTIFICATION  
4 AUTHORITY FOR A PERIOD NOT EXCEEDING 96 HOURS IF:

5 (1) THE SUSPENSION IS REQUESTED BY A PERSON WHO CLAIMS TO BE  
6 THE SUBSCRIBER NAMED IN THE CERTIFICATE, A PERSON AUTHORIZED TO ACT FOR  
7 THE SUBSCRIBER, OR A PERSON ACTING ON BEHALF OF AN UNAVAILABLE  
8 SUBSCRIBER; AND

9 (2) THE REQUESTER REPRESENTS THAT THE CERTIFICATION  
10 AUTHORITY THAT ISSUED THE CERTIFICATE IS UNAVAILABLE.

11 (B) THE SECRETARY MAY NOT SUSPEND THE CERTIFICATE UNDER THIS  
12 SECTION IF:

13 (1) THE CERTIFICATE PROVIDES OTHERWISE; OR

14 (2) THE CERTIFICATE IS A TRANSACTIONAL CERTIFICATE.

15 (C) THE SECRETARY MAY REQUIRE THE PERSON THAT REQUESTS THE  
16 SUSPENSION TO PROVIDE EVIDENCE, INCLUDING A STATEMENT UNDER OATH OR  
17 AFFIRMATION REGARDING:

18 (1) THE PERSON'S OWN IDENTITY;

19 (2) AUTHORIZATION OF THE PERSON REQUESTING THE SUSPENSION;  
20 OR

21 (3) THE UNAVAILABILITY OF THE ISSUING CERTIFICATION AUTHORITY.

22 21-510.

23 (A) IMMEDIATELY ON SUSPENDING A CERTIFICATE, THE SECRETARY SHALL  
24 PROVIDE TO APPLICABLE REPOSITORIES NOTICE OF THE SUSPENSION IN  
25 ACCORDANCE WITH ANY INSTRUCTIONS ON THE CERTIFICATE.

26 (B) IF MORE THAN ONE REPOSITORY IS SPECIFIED, THE SECRETARY SHALL  
27 PUBLISH A SIGNED NOTICE OF THE SUSPENSION IN ALL OF THE REPOSITORIES.

28 (C) IF A REPOSITORY NO LONGER EXISTS, REFUSES TO ACCEPT PUBLICATION,  
29 OR IF NONE OF THE LISTED REPOSITORIES IS RECOGNIZED UNDER SUBTITLE 8 OF  
30 THIS TITLE, THE SECRETARY SHALL ALSO PUBLISH THE NOTICE IN A RECOGNIZED  
31 REPOSITORY.

32 (D) IF A CERTIFICATE IS SUSPENDED BY THE SECRETARY, THE SECRETARY  
33 SHALL PROVIDE NOTICE FOR A LICENSED CERTIFICATION AUTHORITY, PROVIDED  
34 THAT THE PERSON REQUESTING THE SUSPENSION PAYS, IN ADVANCE, ANY FEE  
35 THAT A REPOSITORY REQUIRES FOR PUBLICATION OF THE NOTICE OF SUSPENSION.

1 21-511.

2 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE CONTRACT BETWEEN  
3 A SUBSCRIBER AND A LICENSED CERTIFICATION AUTHORITY MAY LIMIT OR  
4 PRECLUDE REQUESTED SUSPENSION BY THE LICENSED CERTIFICATION AUTHORITY  
5 OR OTHERWISE MAY PROVIDE FOR THE TERMINATION OF A REQUESTED  
6 SUSPENSION.

7 (B) IF THE CONTRACT LIMITS OR PRECLUDES SUSPENSION BY THE  
8 SECRETARY WHEN THE ISSUING CERTIFICATION AUTHORITY IS UNAVAILABLE, THE  
9 LIMITATION OR PRECLUSION IS EFFECTIVE ONLY IF NOTICE IS PUBLISHED IN THE  
10 CERTIFICATE.

11 21-512.

12 (A) IN REQUESTING A SUSPENSION, A PERSON MAY NOT KNOWINGLY  
13 MISREPRESENT THE PERSON'S OWN IDENTITY TO A CERTIFICATION AUTHORITY OR  
14 THE SECRETARY.

15 (B) IN REQUESTING A SUSPENSION, A PERSON MAY NOT KNOWINGLY  
16 MISREPRESENT THE PERSON'S OWN AUTHORITY TO REQUEST A SUSPENSION TO A  
17 CERTIFICATION AUTHORITY OR THE SECRETARY.

18 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
19 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000, IMPRISONMENT  
20 NOT EXCEEDING 1 YEAR, OR BOTH.

21 21-513.

22 ON A REGIONAL BASIS, THE SECRETARY MAY AUTHORIZE OTHER UNITS OF  
23 STATE OR LOCAL GOVERNMENT TO PERFORM ANY OF THE FUNCTIONS OF THE  
24 SECRETARY UNDER THIS SUBTITLE.

25 21-514.

26 THE SECRETARY OR A LICENSED CERTIFICATION AUTHORITY SHALL EFFECT A  
27 SUSPENSION UNDER THIS SUBTITLE BY THE END OF THE NEXT BUSINESS DAY  
28 AFTER THE DAY ON WHICH THE CERTIFICATION AUTHORITY RECEIVES THE  
29 INFORMATION REQUIRED UNDER THIS SUBTITLE.

30 21-515.

31 (A) A SUBSCRIBER CEASES TO CERTIFY UNDER § 21-403 OF THIS TITLE AND  
32 HAS NO DUTY TO KEEP THE PRIVATE KEY SECURE AS REQUIRED BY § 21-404 OF THIS  
33 TITLE AT THE EARLIER OF:

34 (1) THE PUBLICATION OF ANY VALID NOTICE OF REVOCATION UNDER  
35 THIS TITLE;

1 (2) ONE BUSINESS DAY AFTER THE SUBSCRIBER REQUESTS  
2 REVOCATION IN WRITING, SUPPLIES TO THE ISSUING CERTIFICATION AUTHORITY  
3 INFORMATION REASONABLY SUFFICIENT TO CONFIRM THE REQUEST, AND PAYS ANY  
4 CONTRACTUALLY REQUIRED FEE; OR

5 (3) THE DAY ON WHICH THE CERTIFICATE EXPIRES.

6 (B) ON NOTIFICATION, AS REQUIRED BY § 21-507 OF THIS SUBTITLE, A  
7 LICENSED CERTIFICATION AUTHORITY:

8 (1) IS DISCHARGED OF ITS WARRANTIES, ARISING FROM THE  
9 CERTIFICATE THAT IT REVOKED, AS TO ONLY THOSE TRANSACTIONS OCCURRING  
10 AFTER THE NOTIFICATION; AND

11 (2) CEASES TO CERTIFY, AS REQUIRED BY §§ 21-402 AND 21-403 OF THIS  
12 TITLE, AND CEASES TO WARRANT, AS REQUIRED BY § 21-406 OF THIS TITLE, THE  
13 CERTIFICATE THAT IT REVOKED.

14 SUBTITLE 6. RELIANCE LIMITS AND DAMAGES.

15 21-601.

16 IN THIS SUBTITLE, "QUALIFIED RIGHT TO PAYMENT" MEANS AN AWARD OF  
17 DAMAGES AGAINST A LICENSED CERTIFICATION AUTHORITY BY A COURT HAVING  
18 JURISDICTION OVER THE CERTIFICATION AUTHORITY IN A CIVIL ACTION FOR A  
19 VIOLATION OF THIS TITLE.

20 21-602.

21 (A) BY SPECIFYING A RECOMMENDED RELIANCE LIMIT IN A CERTIFICATE,  
22 THE ISSUING LICENSED CERTIFICATE AUTHORITY RECOMMENDS THAT PERSONS  
23 RELY ON THE CERTIFICATE ONLY TO THE EXTENT THAT THE TOTAL AMOUNT AT  
24 RISK DOES NOT EXCEED THE RECOMMENDED RELIANCE LIMIT.

25 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION AND § 21-603  
26 OF THIS SUBTITLE, A LICENSED CERTIFICATION AUTHORITY IS:

27 (1) NOT LIABLE FOR A LOSS CAUSED BY RELIANCE ON A FALSE OR  
28 FORGED DIGITAL SIGNATURE OF A SUBSCRIBER, IF WITH RESPECT TO THE FALSE OR  
29 FORGED DIGITAL SIGNATURE, THE CERTIFICATION AUTHORITY COMPLIED WITH ALL  
30 OF THE MATERIAL REQUIREMENTS OF THIS TITLE;

31 (2) NOT LIABLE IN EXCESS OF THE AMOUNT SPECIFIED IN THE  
32 CERTIFICATE AS ITS RECOMMENDED RELIANCE LIMIT FOR:

33 (I) A LOSS CAUSED BY RELIANCE ON A MISREPRESENTATION IN  
34 THE CERTIFICATE OF A FACT THAT THE LICENSED CERTIFICATION AUTHORITY IS  
35 REQUIRED TO CONFIRM; OR

1 (II) FAILURE TO COMPLY WITH SUBTITLE 4 OF THIS TITLE IN  
2 ISSUING THE CERTIFICATE; AND

3 (3) NOT LIABLE FOR:

4 (I) PUNITIVE OR EXEMPLARY DAMAGES THAT WOULD NOT  
5 OTHERWISE BE PERMITTED BY MARYLAND CASE LAW OR STATUTORY LAW; OR

6 (II) DAMAGES FOR PAIN AND SUFFERING ARISING FROM THE  
7 ISSUANCE OF THE CERTIFICATE OR THE NONTORTIOUS CONDUCT OF THE ISSUING  
8 LICENSED CERTIFICATION AUTHORITY.

9 (C) THE LIMITATION ON LIABILITY DESCRIBED IN THIS SECTION MAY BE  
10 WAIVED BY A CERTIFICATION AUTHORITY.

11 21-603.

12 (A) NOTWITHSTANDING § 21-602 OF THIS SUBTITLE, A LICENSED  
13 CERTIFICATION AUTHORITY IS LIABLE FOR:

14 (1) ITS LACK OF GOOD FAITH; AND

15 (2) BREACH OF WARRANTIES AND CERTIFICATIONS UNDER SUBTITLES 4  
16 AND 5 OF THIS TITLE.

17 (B) THE WARRANTIES AND OBLIGATION OF GOOD FAITH MAY NOT BE  
18 DISCLAIMED.

19 (C) UNLESS MANIFESTLY UNREASONABLE, A COURT SHALL MEASURE THE  
20 OBLIGATION OF GOOD FAITH BY CONSIDERING ANY AGREEMENT OR NOTIFICATION  
21 THAT COMPLIES WITH § 21-604 OF THIS SUBTITLE.

22 21-604.

23 UNLESS THE LIQUIDATION, LIMITATION, ALTERATION, OR EXCLUSION IS  
24 UNCONSCIONABLE, CONSEQUENTIAL OR INCIDENTAL DAMAGES MAY BE  
25 LIQUIDATED, LIMITED, ALTERED, OR EXCLUDED BY:

26 (1) AGREEMENT; OR

27 (2) NOTIFYING ANY PERSON WHO WILL RELY ON THE LIMITATION,  
28 ALTERATION, OR EXCLUSION OF CONSEQUENTIAL OR INCIDENTAL DAMAGES IN THE  
29 CERTIFICATE BEFORE THE PERSON RELIES ON THE CERTIFICATE.

30 21-605.

31 (A)(1) IF THE GUARANTY REQUIRED UNDER § 21-302(C)(3) OF THIS TITLE IS A  
32 SURETY BOND, A PERSON MAY RECOVER FROM THE SURETY THE FULL AMOUNT OF A  
33 QUALIFIED RIGHT TO PAYMENT AGAINST THE PRINCIPAL NAMED IN THE BOND, OR  
34 IF THERE IS MORE THAN ONE QUALIFIED RIGHT TO PAYMENT DURING THE TERM OF

1 THE BOND, A RATABLE SHARE, UP TO A MAXIMUM TOTAL LIABILITY OF THE SURETY  
2 EQUAL TO THE AMOUNT OF THE BOND.

3 (2) IF THE GUARANTY IS A LETTER OF CREDIT, A PERSON MAY RECOVER  
4 FROM THE ISSUING FINANCIAL INSTITUTION ONLY IN ACCORDANCE WITH THE  
5 TERMS OF THE LETTER OF CREDIT.

6 (B) CLAIMANTS MAY RECOVER SUCCESSIVELY ON THE SAME GUARANTY,  
7 PROVIDED THAT THE TOTAL LIABILITY ON THE GUARANTY TO ALL PERSONS MAKING  
8 QUALIFIED RIGHTS OF PAYMENT DURING ITS TERM MUST NOT EXCEED THE  
9 AMOUNT OF THE GUARANTY.

10 (C) IN ADDITION TO RECOVERING THE AMOUNT OF A QUALIFIED RIGHT TO  
11 PAYMENT, A CLAIMANT MAY RECOVER FROM THE PROCEEDS OF THE GUARANTY,  
12 UNTIL DEPLETED, REASONABLE ATTORNEYS' FEES AND COURT COSTS INCURRED BY  
13 THE CLAIMANT IN COLLECTING THE CLAIM, PROVIDED THAT THE TOTAL LIABILITY  
14 ON THE GUARANTY TO ALL PERSONS MAKING QUALIFIED RIGHTS OF PAYMENT OR  
15 RECOVERING ATTORNEYS' FEES DURING ITS TERM MAY NOT EXCEED THE AMOUNT  
16 OF THE GUARANTY.

17 (D) TO RECOVER A QUALIFIED RIGHT TO PAYMENT AGAINST A SURETY OR  
18 ISSUER OF A GUARANTY, THE CLAIMANT SHALL FILE WITH THE SECRETARY:

19 (1) A WRITTEN NOTICE OF THE CLAIM THAT CONTAINS THE NAME AND  
20 ADDRESS OF THE CLAIMANT, THE AMOUNT CLAIMED, GROUNDS FOR THE QUALIFIED  
21 RIGHT TO PAYMENT, AND ANY OTHER INFORMATION REQUIRED BY THE SECRETARY;  
22 AND

23 (2) A CERTIFIED COPY OF THE JUDGMENT ON WHICH THE QUALIFIED  
24 RIGHT TO PAYMENT IS BASED.

25 (E) RECOVERY OF A QUALIFIED RIGHT TO PAYMENT FROM THE PROCEEDS OF  
26 A GUARANTY IS FOREVER BARRED UNLESS NOTICE OF THE CLAIM IS FILED AS  
27 REQUIRED IN SUBSECTION (D)(1) OF THIS SECTION WITHIN 3 YEARS AFTER THE  
28 OCCURRENCE OF THE VIOLATION OF THIS TITLE THAT IS THE BASIS FOR THE CLAIM.

29 SUBTITLE 7. DIGITAL SIGNATURES.

30 21-701.

31 (A) THIS SECTION APPLIES TO DIGITAL SIGNATURES THAT ARE VERIFIED BY  
32 REFERENCE TO THE PUBLIC KEY LISTED IN A CERTIFICATE ISSUED BY A LICENSED  
33 CERTIFICATION AUTHORITY.

34 (B) WHERE A RULE OF LAW REQUIRES A SIGNATURE OR PROVIDES FOR  
35 CERTAIN CONSEQUENCES IN THE ABSENCE OF A SIGNATURE, THAT RULE OF LAW IS  
36 SATISFIED BY A DIGITAL SIGNATURE IF:

37 (1) THE DIGITAL SIGNATURE WAS AFFIXED BY THE SIGNER WITH THE  
38 INTENTION OF SIGNING THE MESSAGE; AND

1           (2)     THE RECIPIENT HAS NO KNOWLEDGE OR NOTICE THAT THE SIGNER:

2                   (I)     BREACHED A DUTY AS A SUBSCRIBER; OR

3                   (II)    DOES NOT RIGHTFULLY HOLD THE PRIVATE KEY USED TO  
4 AFFIX THE DIGITAL SIGNATURE.

5     (C)     NOTHING IN THIS TITLE MAY BE CONSTRUED TO:

6           (1)     PRECLUDE A MARK FROM BEING A VALID SIGNATURE UNDER OTHER  
7 APPLICABLE LAW;

8           (2)     OBLIGATE A RECIPIENT, OR ANY OTHER PERSON ASKED TO RELY ON  
9 A DIGITAL SIGNATURE, TO ACCEPT A DIGITAL SIGNATURE, OR TO RESPOND TO AN  
10 ELECTRONIC MESSAGE CONTAINING A DIGITAL SIGNATURE, EXCEPT AS PROVIDED  
11 BY § 21-705 OF THIS SUBTITLE; OR

12           (3)     PRECLUDE THE RECIPIENT OF A DIGITAL SIGNATURE OR AN  
13 ELECTRONIC MESSAGE CONTAINING A DIGITAL SIGNATURE FROM ESTABLISHING  
14 THE CONDITIONS UNDER WHICH THE RECIPIENT WILL ACCEPT A DIGITAL  
15 SIGNATURE.

16 21-702.

17     UNLESS OTHERWISE PROVIDED BY LAW OR CONTRACT, THE RECIPIENT OF A  
18 DIGITAL SIGNATURE ASSUMES THE RISK THAT A DIGITAL SIGNATURE IS FORGED IF  
19 THE RELIANCE ON THE DIGITAL SIGNATURE IS NOT RELIABLE UNDER THE  
20 CIRCUMSTANCES.

21 21-703.

22     IN ADDITION TO OTHER RELEVANT EVIDENCE, A COURT SHALL CONSIDER THE  
23 FOLLOWING FACTORS IN DETERMINING THE REASONABLENESS OF A RECIPIENT'S  
24 RELIANCE ON A CERTIFICATE AND ON THE DIGITAL SIGNATURES VERIFIABLE WITH  
25 REFERENCE TO A PUBLIC KEY LISTED IN A CERTIFICATE:

26           (1)     FACTS WHICH THE RELYING PERSON KNOWS OR OF WHICH THE  
27 RELYING PERSON HAS NOTICE, INCLUDING ALL FACTS LISTED IN THE CERTIFICATE  
28 OR INCORPORATED BY REFERENCE IN THE CERTIFICATE;

29           (2)     IF KNOWN, THE VALUE OR IMPORTANCE OF THE DIGITALLY SIGNED  
30 MESSAGE;

31           (3)     THE COURSE OF DEALING BETWEEN THE RELYING PERSON AND THE  
32 SUBSCRIBER AND THE AVAILABLE INDICIA OR RELIABILITY OR UNRELIABILITY  
33 APART FROM THE DIGITAL SIGNATURE; AND

34           (4)     USAGE OF TRADE, PARTICULARLY TRADE CONDUCTED BY  
35 TRUSTWORTHY SYSTEMS OR OTHER COMPUTER-BASED MEANS.

1 21-704.

2 (A) A MESSAGE IS AS VALID, ENFORCEABLE, AND EFFECTIVE AS IF IT HAD  
3 BEEN WRITTEN ON PAPER IF IT:

4 (1) BEARS IN ITS ENTIRETY A DIGITAL SIGNATURE; AND

5 (2) IS VERIFIED BY THE PUBLIC KEY LISTED IN A CERTIFICATE THAT  
6 WAS:

7 (I) ISSUED BY A LICENSED CERTIFICATION AUTHORITY; AND

8 (II) VALID AT THE TIME THE DIGITAL SIGNATURE WAS CREATED.

9 (B) NOTHING IN THIS TITLE MAY BE CONSTRUED TO ELIMINATE, MODIFY, OR  
10 CONDITION ANY OTHER REQUIREMENTS FOR A CONTRACT TO BE VALID,  
11 ENFORCEABLE, AND EFFECTIVE.

12 (C) A DIGITAL SIGNATURE MAY NOT BE CONSIDERED AN INSTRUMENT UNDER  
13 THIS ARTICLE UNLESS THE PARTIES TO THE TRANSACTION, INCLUDING THE  
14 AFFECTED FINANCIAL INSTITUTIONS, AGREE.

15 21-705.

16 (A) THIS SECTION APPLIES TO A DIGITALLY SIGNED DOCUMENT THAT IS  
17 PRINTED ON PAPER IF THE PRINTOUT REVEALS THAT THE DIGITAL SIGNATURE WAS  
18 ELECTRONICALLY VERIFIED BEFORE THE DOCUMENT WAS PRINTED OUT AND IN  
19 THE ABSENCE OF FINDING THAT THE DOCUMENT HAS BEEN ALTERED.

20 (B) A PERSON MAY NOT REFUSE TO HONOR, ACCEPT, OR ACT ON A COURT  
21 ORDER, WRIT, OR WARRANT ON THE BASIS THAT IT IS ELECTRONIC IN FORM AND  
22 WAS SIGNED WITH A DIGITAL SIGNATURE, IF THE DIGITAL SIGNATURE WAS  
23 CERTIFIED BY A LICENSED CERTIFICATION AUTHORITY OR OTHERWISE ISSUED  
24 UNDER COURT RULE.

25 21-706.

26 THIS TITLE MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE COURT  
27 OF APPEALS TO ADOPT RULES AND REGULATIONS CONCERNING THE PRACTICE AND  
28 PROCEDURE IN THE COURTS OF THIS STATE, INCLUDING RULES GOVERNING THE  
29 USE OF DIGITAL SIGNATURES IN JUDICIAL PROCEEDINGS.

30 21-707.

31 UNLESS IT IS EVIDENT THAT THE SIGNER DESIGNATED AN INSTANCE IN WHICH  
32 THE DIGITALLY SIGNED MESSAGE IS INTENDED TO BE A UNIQUE ORIGINAL, A COPY  
33 OF A DIGITALLY SIGNED MESSAGE IS AS EFFECTIVE, VALID, AND ENFORCEABLE AS  
34 THE ORIGINAL OF THE MESSAGE.

1 21-708.

2 (A) UNLESS OTHERWISE PROVIDED BY LAW OR CONTRACT, A DIGITAL  
3 SIGNATURE VERIFIED BY REFERENCE TO THE PUBLIC KEY LISTED IN A VALID  
4 CERTIFICATE ISSUED BY A LICENSED CERTIFICATION AUTHORITY SATISFIES THE  
5 REQUIREMENTS FOR ACKNOWLEDGMENT OF DEEDS AND OTHER REAL PROPERTY  
6 CONVEYANCES UNDER THE REAL PROPERTY ARTICLE IF WORDS OF AN EXPRESS  
7 ACKNOWLEDGMENT APPEAR WITH THE DIGITAL SIGNATURE REGARDLESS OF  
8 WHETHER THE SIGNER PHYSICALLY AND PERSONALLY APPEARED BEFORE EITHER  
9 THE CERTIFICATION AUTHORITY OR SOME OTHER PERSON AUTHORIZED TO TAKE  
10 ACKNOWLEDGMENT OF DEEDS, MORTGAGES, OR OTHER CONVEYANCES OF  
11 INSTRUMENTS UNDER THE REAL PROPERTY ARTICLE WHEN THE DIGITAL  
12 SIGNATURE IS CREATED IF:

13 (1) THE CERTIFICATE SO PROVIDES;

14 (2) THE CERTIFICATE IS ISSUED BY A LICENSED CERTIFICATION  
15 AUTHORITY;

16 (3) THE DIGITAL SIGNATURE IS VERIFIABLE BY THAT CERTIFICATE;  
17 AND

18 (4) THE DIGITAL SIGNATURE IS AFFIXED WHEN THAT CERTIFICATE WAS  
19 VALID.

20 (B) IF THE DIGITAL SIGNATURE IS USED AS AN ACKNOWLEDGMENT, THEN  
21 THE LICENSED CERTIFICATION AUTHORITY IS RESPONSIBLE TO THE SAME EXTENT  
22 AS A NOTARY UP TO THE RECOMMENDED RELIANCE LIMIT FOR FAILURE TO SATISFY  
23 THE REQUIREMENTS FOR AN ACKNOWLEDGMENT.

24 (C) EXCEPT AS PROVIDED IN SUBTITLE 6 OF THIS TITLE, THE CERTIFICATION  
25 AUTHORITY MAY NOT DISCLAIM OR LIMIT THE EFFECT OF THIS SECTION.

26 21-709.

27 (A) IN ADJUDICATING A DISPUTE INVOLVING A DIGITAL SIGNATURE, A COURT  
28 SHALL PRESUME THAT:

29 (1) A CERTIFICATE IS ISSUED BY THE CERTIFICATION AUTHORITY THAT  
30 DIGITALLY SIGNED IT AND IS ACCEPTED BY THE SUBSCRIBER LISTED IN IT; AND

31 (2) THE INFORMATION LISTED IN A VALID CERTIFICATE AND  
32 CONFIRMED BY A LICENSED CERTIFICATION AUTHORITY ISSUING THE CERTIFICATE  
33 IS ACCURATE.

34 (B) IF THE DIGITAL SIGNATURE IS VERIFIED BY THE PUBLIC KEY LISTED IN A  
35 VALID CERTIFICATE ISSUED BY A LICENSED CERTIFICATION AUTHORITY, A COURT  
36 SHALL PRESUME:



1 (III) CERTIFICATION AUTHORITY DISCLOSURE RECORDS FOR  
2 LICENSED CERTIFICATION AUTHORITIES;

3 (IV) ALL ORDERS OR ADVISORY STATEMENTS PUBLISHED BY THE  
4 SECRETARY IN REGULATING CERTIFICATION AUTHORITIES; AND

5 (V) OTHER INFORMATION REQUIRED BY REGULATION THAT THE  
6 SECRETARY ADOPTS;

7 (3) OPERATES BY MEANS OF A TRUSTWORTHY SYSTEM THAT MAY,  
8 UNDER REGULATION THAT THE SECRETARY ADOPTS, INCLUDE ADDITIONAL OR  
9 DIFFERENT ATTRIBUTES THAN THOSE APPLICABLE TO A CERTIFICATION  
10 AUTHORITY THAT DOES NOT OPERATE AS A RECOGNIZED REPOSITORY;

11 (4) CONTAINS NO AMOUNT OF INFORMATION THAT IS KNOWN OR  
12 LIKELY TO BE UNTRUE, INACCURATE, OR NOT REASONABLY RELIABLE;

13 (5) CONTAINS CERTIFICATES PUBLISHED BY CERTIFICATION  
14 AUTHORITIES THAT CONFORM TO LEGALLY BINDING REQUIREMENTS THAT THE  
15 SECRETARY FINDS TO BE SUBSTANTIALLY SIMILAR TO OR MORE STRINGENT  
16 TOWARD THE CERTIFICATION AUTHORITIES THAN THOSE OF THIS STATE;

17 (6) KEEPS AN ARCHIVE OF CERTIFICATES THAT HAVE BEEN  
18 SUSPENDED OR REVOKED OR THAT HAVE EXPIRED WITHIN AT LEAST THE PAST 3  
19 YEARS; AND

20 (7) COMPLIES WITH OTHER REASONABLE REQUIREMENTS THAT THE  
21 SECRETARY ADOPTS BY REGULATION.

22 (B) A REPOSITORY MAY APPLY TO THE SECRETARY FOR RECOGNITION BY  
23 FILING A WRITTEN REQUEST AND PROVIDING EVIDENCE TO THE SECRETARY THAT  
24 IS SUFFICIENT FOR THE SECRETARY TO FIND THAT THE CONDITIONS FOR  
25 RECOGNITION ARE SATISFIED.

26 (C)(1) A REPOSITORY MAY DISCONTINUE ITS RECOGNITION BY FILING NOTICE  
27 TO THE SECRETARY AT LEAST 30 DAYS BEFORE THE DATE OF DISCONTINUANCE.

28 (2) THE SECRETARY MAY DISCONTINUE RECOGNITION OF A  
29 REPOSITORY IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE  
30 GOVERNMENT ARTICLE IF THE SECRETARY FINDS THAT THE REPOSITORY NO  
31 LONGER SATISFIES THE CONDITIONS FOR RECOGNITION LISTED IN THIS SECTION  
32 OR BY REGULATION THAT THE SECRETARY ADOPTS.

33 21-802.

34 (A) NOTWITHSTANDING A DISCLAIMER BY THE REPOSITORY OR A CONTRACT  
35 TO THE CONTRARY BETWEEN THE REPOSITORY, A CERTIFICATION AUTHORITY, OR A  
36 SUBSCRIBER, A REPOSITORY IS LIABLE FOR A LOSS INCURRED BY A PERSON  
37 REASONABLY RELYING ON A DIGITAL SIGNATURE VERIFIED BY THE PUBLIC KEY  
38 LISTED IN A SUSPENDED OR REVOKED CERTIFICATE, IF THE LOSS WAS INCURRED

1 MORE THAN ONE BUSINESS DAY AFTER THE REPOSITORY RECEIVES A REQUEST TO  
2 PUBLISH NOTICE OF THE SUSPENSION OR REVOCATION AND FAILED TO PUBLISH  
3 THE NOTICE WHEN THE PERSON RELIED ON THE DIGITAL SIGNATURE.

4 (B) UNLESS WAIVED, A RECOGNIZED REPOSITORY OR THE OWNER OR  
5 OPERATOR OF A RECOGNIZED REPOSITORY IS:

6 (1) NOT LIABLE FOR FAILURE TO RECORD PUBLICATION OF A  
7 SUSPENSION OR REVOCATION UNLESS THE REPOSITORY HAS RECEIVED NOTICE OF  
8 PUBLICATION AND ONE BUSINESS DAY HAS ELAPSED SINCE THE NOTICE WAS  
9 RECEIVED;

10 (2) NOT LIABLE UNDER SUBSECTION (A) OF THIS SECTION IN EXCESS OF  
11 THE AMOUNT SPECIFIED IN THE CERTIFICATE AS THE RECOMMENDED RELIANCE  
12 LIMIT;

13 (3) NOT LIABLE UNDER SUBSECTION (A) OF THIS SECTION FOR:

14 (I) PUNITIVE OR EXEMPLARY DAMAGES; AND

15 (II) DAMAGES FOR PAIN AND SUFFERING ARISING FROM THE  
16 ISSUANCE OF THE CERTIFICATE OR THE NONTORTIOUS CONDUCT OF THE ISSUING  
17 LICENSED CERTIFICATION AUTHORITY;

18 (4) NOT LIABLE FOR MISREPRESENTATION IN A CERTIFICATE  
19 PUBLISHED BY A LICENSED CERTIFICATION AUTHORITY;

20 (5) NOT LIABLE FOR ACCURATELY RECORDING OR REPORTING  
21 INFORMATION THAT A LICENSED CERTIFICATION AUTHORITY OR THE SECRETARY  
22 HAS PUBLISHED AS REQUIRED OR AUTHORIZED UNDER THIS TITLE, INCLUDING  
23 INFORMATION ABOUT THE SUSPENSION OR REVOCATION OF A CERTIFICATE; OR

24 (6) NOT LIABLE FOR REPORTING INFORMATION ABOUT A  
25 CERTIFICATION AUTHORITY, A CERTIFICATE, OR A SUBSCRIBER, IF THE  
26 INFORMATION IS PUBLISHED AS REQUIRED BY LAW OR REGULATION, OR IS  
27 PUBLISHED BY ORDER OF THE SECRETARY IN THE PERFORMANCE OF THE  
28 LICENSING AND REGULATORY DUTIES OF THAT OFFICE UNDER THIS TITLE.

29 (C) UNLESS UNCONSCIONABLE, CONSEQUENTIAL OR INCIDENTAL DAMAGES  
30 MAY BE LIQUIDATED, LIMITED, ALTERED, OR EXCLUDED BY:

31 (1) AGREEMENT; OR

32 (2) NOTIFYING ANY PERSON WHO WILL RELY ON A DIGITAL SIGNATURE  
33 VERIFIED BY THE PUBLIC KEY LISTED IN A SUSPENDED OR REVOKED CERTIFICATE  
34 BEFORE THE PERSON RELIES ON THE CERTIFICATE.

## SUBTITLE 9. MISCELLANEOUS.

1  
2 21-901.

3 THIS SUBTITLE APPLIES TO LICENSED AND UNLICENSED CERTIFICATION  
4 AUTHORITIES.

5 21-902.

6 A CERTIFICATION AUTHORITY MAY NOT CONDUCT ITS BUSINESS IN A MANNER  
7 THAT CREATES AN UNREASONABLE RISK OF LOSS TO SUBSCRIBERS OF THE  
8 CERTIFICATION AUTHORITY, TO PERSONS RELYING ON CERTIFICATES ISSUED BY  
9 THE CERTIFICATION AUTHORITY, OR TO A REPOSITORY.

10 21-903.

11 THE SECRETARY MAY PUBLISH IN A REPOSITORY OR ELSEWHERE A BRIEF  
12 ADVISORY STATEMENT ABOUT THE ACTIVITIES OF A CERTIFICATION AUTHORITY,  
13 WHETHER LICENSED OR NOT, THAT CREATE A RISK PROHIBITED BY § 21-902 OF THIS  
14 SUBTITLE.

15 21-904.

16 THE CERTIFICATION AUTHORITY NAMED IN AN ADVISEMENT ISSUED UNDER §  
17 21-903 OF THIS SUBTITLE MAY PROTEST THE PUBLICATION OF THE ADVISORY  
18 STATEMENT BY FILING A WRITTEN DEFENSE OF NOT MORE THAN 10,000 BYTES.

19 21-905.

20 ON THE RECEIPT OF A PROTEST UNDER § 21-904 OF THIS SUBTITLE, THE  
21 SECRETARY SHALL:

22 (1) PUBLISH THE DEFENSE WITH THE ADVISORY STATEMENT; AND

23 (2) PROMPTLY, PROVIDE NOTICE AND AN OPPORTUNITY TO BE HEARD  
24 TO THE CERTIFICATION AUTHORITY FILING THE DEFENSE UNDER § 21-904 OF THIS  
25 SUBTITLE.

26 21-906.

27 AFTER ANY HEARING, THE SECRETARY SHALL:

28 (1) RESCIND THE ADVISORY STATEMENT IF THE SECRETARY  
29 DETERMINES THAT THE ADVISORY STATEMENT WAS UNWARRANTED;

30 (2) CANCEL THE ADVISORY STATEMENT IF THE SECRETARY  
31 DETERMINES THAT THE ADVISORY STATEMENT IS NO LONGER WARRANTED;

32 (3) CONTINUE OR AMEND THE ADVISORY STATEMENT IF THE  
33 SECRETARY DETERMINES THAT THE ADVISORY STATEMENT CONTINUES TO BE  
34 WARRANTED; OR

