
By: **Delegate Barve (Chairman, Joint Technology Oversight Committee)**
and Delegates Pendergrass, Brown, Eckardt, Fulton, Goldwater, Hill, J.
Kelly, La Vay, Love, and Walkup

Introduced and read first time: February 2, 2001

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Electronic Transactions Act - Scope**

3 FOR the purpose of prohibiting the provisions of the Maryland Uniform Electronic
4 Transactions Act from modifying, limiting, or superseding certain provisions of
5 the federal Electronic Signatures in Global and National Commerce Act;
6 exempting certain notices of product recall or material failure of a product,
7 certain documents that accompany toxic or dangerous materials, and
8 transactions governed by certain laws governing family law from the Maryland
9 Uniform Electronic Transactions Act; repealing provisions of the Maryland
10 Uniform Electronic Transactions Act that exempt certain records from the scope
11 of the Act and allow governmental agencies to adopt certain regulations;
12 defining certain terms; specifying that the provisions of this Act are intended by
13 the General Assembly to be consistent with a certain federal act; and generally
14 relating to the scope of the Maryland Uniform Electronic Transactions Act.

15 BY repealing and reenacting, with amendments,
16 Article - Commercial Law
17 Section 21-102
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2000 Supplement)

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

22 **Article - Commercial Law**

23 21-102.

24 (a) Except as otherwise provided in subsections (b)[,] AND (c) [,and (d)] of
25 this section, this title applies to electronic records and electronic signatures relating
26 to a transaction.

27 (b) This title does not apply to a transaction to the extent it is governed by:

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

3 (2) The Maryland Uniform Commercial Code, other than §§ 1-107 and
4 1-206 and Titles 2 and 2A;

5 (3) The Uniform Computer Information Transactions Act [if enacted by
6 this State; and];

7 (4) A law or regulation governing notice of:

8 (i) The cancellation or termination of utility services, including
9 water, heat, and power;

10 (ii) Default, acceleration, repossession, foreclosure, eviction, or the
11 right to cure, under a credit agreement, mortgage, or a rental agreement for a
12 primary residence of an individual; [or]

13 (iii) The cancellation or termination of health insurance, health
14 insurance benefits, or life insurance benefits, excluding annuities[.]; OR

15 (IV) RECALL OF A PRODUCT, OR MATERIAL FAILURE OF A PRODUCT,
16 THAT RISKS ENDANGERING HEALTH OR SAFETY; AND

17 (5) A LAW GOVERNING ADOPTION, DIVORCE, OR OTHER FAMILY LAW
18 MATTERS.

19 (c) This title does not apply to:

20 (1) Court orders, notices, or official court documents, except as provided
21 in the Maryland Rules; or

22 (2) [A record that serves as a unique and transferable instrument of
23 rights and obligations, including an instrument of title where possession of the
24 instrument is deemed to confer title, unless an electronic version of that record is
25 created, stored, and transferred in a manner that:

26 (i) Allows for the existence of only one unique, identifiable, and
27 unalterable original with the functional attributes of an equivalent physical
28 instrument;

29 (ii) Can be possessed by only one person; and

30 (iii) Cannot be copied except in a form that is readily identifiable as
31 a copy] DOCUMENTS REQUIRED TO ACCOMPANY TRANSPORTATION OR HANDLING
32 OF HAZARDOUS MATERIALS, PESTICIDES, OR OTHER TOXIC OR DANGEROUS
33 MATERIALS.

34 (d) [Notwithstanding the provisions of this section, a governmental agency
35 may adopt regulations that require specific notices within the regulatory authority of
36 the agency to be provided or made available in writing upon the agency's

1 determination that it is necessary for the protection, public health, or safety of
2 consumers.

3 (e) This title applies to an electronic record or electronic signature otherwise
4 excluded from the application of this title under subsection (b) of this section to the
5 extent it is governed by a law other than those specified in subsection (b) of this
6 section.

7 [(f)] (E) A transaction subject to this title is also subject to other applicable
8 substantive law.

9 (F) THE PROVISIONS OF THIS TITLE MAY NOT MODIFY, LIMIT, OR SUPERSEDE
10 THE PROVISIONS OF THE FEDERAL ELECTRONIC SIGNATURES IN GLOBAL AND
11 NATIONAL COMMERCE ACT AS IT RELATES TO USE OF AN ELECTRONIC RECORD TO
12 PROVIDE OR MAKE AVAILABLE INFORMATION THAT IS REQUIRED TO BE PROVIDED
13 OR MADE AVAILABLE IN WRITING TO A CONSUMER.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
15 are intended by the General Assembly to be consistent with the provisions of the
16 federal Electronic Signatures in Global and National Commerce Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 June 1, 2001.