

SENATE BILL 397

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2001 Regular Session  
11r1667  
CF 11r1666

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By: **Senator Teitelbaum (Chairman, Joint Technology Oversight  
Committee) and Senators Astle, Currie, DeGrange, Exum, and Hogan**

Introduced and read first time: February 2, 2001

Assigned to: Finance

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 6, 2001

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CHAPTER \_\_\_\_\_

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:

1

**Article - Commercial Law**

2 21-102.

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

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

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

9 (2) The Maryland Uniform Commercial Code, other than §§ 1-107 and  
10 1-206 and Titles 2 and 2A;

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

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

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

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

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

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

23 (5) A LAW GOVERNING ADOPTION, DIVORCE, OR OTHER FAMILY LAW  
24 MATTERS.

25 (c) This title does not apply to:

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

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

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

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

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

6 (d) [Notwithstanding the provisions of this section, a governmental agency  
7 may adopt regulations that require specific notices within the regulatory authority of  
8 the agency to be provided or made available in writing upon the agency's  
9 determination that it is necessary for the protection, public health, or safety of  
10 consumers.

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

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

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

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

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