

SENATE BILL NO. 2192

Introduced by

Senator Nething

1 A BILL for an Act to create and enact five new subsections to section 6-01-02 and a new
2 section to chapter 6-08 of the North Dakota Century Code, relating to the legal recognition of
3 electronic records and signatures.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Five new subsections to section 6-01-02 of the North Dakota Century
6 Code are created and enacted as follows:

7 "Electronic" means relating to technology having electrical, digital, magnetic,
8 wireless, optical, electromagnetic, or similar capabilities.

9 "Electronic communication" means any form of communication, not directly
10 involving the physical transmission of paper that creates a record that may be
11 retained, retrieved, and reviewed by a recipient of the communication and may be
12 directly reproduced in paper form by the recipient through an automated process.

13 "Electronic record" means a record created, generated, sent, communicated,
14 received, or stored by electronic means.

15 "Electronic signature" means an electronic sound, symbol, or process attached to
16 or logically associated with a record and signed or adopted by a person with the
17 intent to sign the record.

18 "Record" means information that is inscribed on a tangible medium or that is stored
19 in an electronic or other medium and is retrievable in perceivable form.

20 **SECTION 2.** A new section to chapter 6-08 of the North Dakota Century Code is
21 created and enacted as follows:

1 **Legal recognition of electronic records and electronic signatures.** A record or
2 signature on a record or document may not be denied legal effect or enforceability solely
3 because it is in electronic form. A contract between a financial institution and another person
4 may not be denied legal effect or enforceability solely because an electronic record was used in
5 its formation. If a provision requires a record to be in writing, an electronic record satisfies the
6 requirement. If a provision requires a signature, an electronic signature satisfies the
7 requirement.