

2012 -- H 7750

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - UNIFORM ELECTRONIC
LEGAL MATERIAL ACT

Introduced By: Representatives Hearn, Marcello, Cimini, Williams, and Nunes

Date Introduced: February 16, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 155

4 UNIFORM ELECTRONIC LEGAL MATERIAL ACT

5 **42-155-1. Short title.** – This chapter shall be known and may be cited as the “Uniform
6 Electronic Legal Material Act.”

7 **42-155-2. Definitions.** – As used in this chapter:

8 (1) “Electronic” means relating to technology having electrical, digital, magnetic,
9 wireless, optical, electromagnetic, or similar capabilities.

10 (2) “Legal material” means, whether or not in effect:

11 (i) The constitution of this state;

12 (ii) The public laws, acts and resolves of this state;

13 (iii) The general laws of this state;

14 (iv) A state agency rule that has or had the effect of law;

15 (v) State administrative agency decisions;

16 (vi) Reported decisions of state courts; and

17 (vii) State court rules.

18 (3) “Official publisher” means:

1 (i) For state administrative agencies, the agency in question; and

2 (ii) For all other legal material, Lexis Nexis.

3 (4) “Publish” means to display, present, or release to the public, or cause to be displayed,
4 presented, or released to the public, by the official publisher.

5 (5) “Record” means information that is inscribed on a tangible medium or that is stored in
6 an electronic or other medium and is retrievable in perceivable form.

7 (6) “State” means a state of the United States, the District of Columbia, Puerto Rico, the
8 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of
9 the United States.

10 **42-155-3. Applicability.** – This chapter applies to all legal material in an electronic
11 record that is designated as official under section 42-155-4 and first published electronically on or
12 after the effective date of this chapter.

13 **42-155-4. Legal material in official electronic record.** – (a) If an official publisher
14 publishes legal material only in an electronic record, the publisher shall:

15 (1) Designate the electronic record as official; and

16 (2) Comply with the provisions of sections 42-155-5, 42-155-7, and 42-155-8.

17 (b) An official publisher that publishes legal material in an electronic record and also
18 publishes the material in a record other than an electronic record may designate the electronic
19 record as official if the publisher complies with the provisions of sections 42-155-5, 42-155-7,
20 and 42-155-8.

21 **42-155-5. Authentication of official electronic record.** – An official publisher of legal
22 material in an electronic record that is designated as official under section 42-155-4 shall
23 authenticate the record. To authenticate an electronic record, the publisher shall provide a
24 method for a user to determine that the record received by the user from the publisher is unaltered
25 from the official record published by the publisher.

26 **42-155-6. Effect of authentication.** – (a) Legal material in an electronic record that is
27 authenticated under section 42-155-5 is presumed to be an accurate copy of the legal material.

28 (b) If another state has adopted a law substantially similar to this chapter, legal material
29 in an electronic record that is designated as official and authenticated by the official publisher in
30 that state is presumed to be an accurate copy of the legal material.

31 (c) A party contesting the authentication of legal material in an electronic record
32 authenticated under section 42-155-5 has the burden of proving by a preponderance of the
33 evidence that the record is not authentic.

34 **42-155-7. Preservation and security of legal material in official electronic record.** –

1 (a) An official publisher of legal material in an electronic record that is or was designated
2 as official under section 42-155-4 shall provide for the preservation and security of the record in
3 an electronic form or a form that is not electronic.

4 (b) If legal material is preserved under subsection (a) in an electronic record, the official
5 publisher shall:

6 (1) Ensure the integrity of the record;

7 (2) Provide for backup and disaster recovery of the record; and

8 (3) Ensure the continuing usability of the material.

9 **42-155-8. Public access to legal material in official electronic record.** – An official
10 publisher of legal material in an electronic record that is required to be preserved under section
11 42-155-7 shall ensure that the material is reasonably available for use by the public on a
12 permanent basis.

13 **42-155-9. Standards.** – In implementing this chapter, an official publisher of legal
14 material in an electronic record shall consider:

15 (1) Standards and practices of other jurisdictions;

16 (2) The most recent standards regarding authentication of, preservation and security of,
17 and public access to, legal material in an electronic record and other electronic records, as
18 promulgated by national standard-setting bodies;

19 (3) The needs of users of legal material in an electronic record;

20 (4) The views of governmental officials and entities and other interested persons; and

21 (5) To the extent practicable, methods and technologies for the authentication of,
22 preservation and security of, and public access to, legal material which are compatible with the
23 methods and technologies used by other official publishers in this state and in other states that
24 have adopted a law substantially similar to this chapter.

25 **42-155-10. Uniformity of application and construction.** – In applying and construing
26 this uniform act, consideration must be given to the need to promote uniformity of the law with
27 respect to its subject matter among states that enact it.

28 **42-155-11. Relation to electronic signatures in global and national commerce act.** –
29 This chapter modifies, limits, and supersedes the electronic signatures in global and national
30 commerce act, 15 U.S.C. section 7001 et seq., but does not modify, limit, or supersede section
31 101(c) of that act, 15 U.S.C. section 7001(c), or authorize electronic delivery of any of the notices
32 described in section 103(b) of that act, 15 U.S.C. section 7003(b).

33 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - UNIFORM ELECTRONIC
LEGAL MATERIAL ACT

- 1 This act would create the “Uniform Electronic Legal Material Act” for the purpose of
- 2 regulating the official publication of legal material in an electronic record.
- 3 This act would take effect upon passage.

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