

An Act

ENROLLED SENATE
BILL NO. 657

By: Jolley of the Senate

and

Stiles, Kirby, Cooksey,
Roberts (Dustin) and
Mulready of the House

An Act relating to electronic signatures; amending 12A O.S. 2001, Section 15-121, which relates to registration of certification authorities; deleting real estate transactions; providing an effective date; and declaring an emergency.

SUBJECT: Electronic signatures

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12A O.S. 2001, Section 15-121, is amended to read as follows:

Section 15-121. (a) No person, other than a state agency, board, or commission, shall act as a registered certification authority in this state until such person:

(1) Registers with the Secretary on forms approved and provided by the Secretary;

(2) Files with the Secretary a good and sufficient surety bond, certificate of insurance, or other evidence of financial security in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00); and

(3) Meets the requirements of any rules promulgated by the Secretary.

(b) ~~Real estate transactions and district~~ District and appellate court filings shall require the use of a registered certification authority.

(c) If a registered certification authority fails to maintain any of the qualifications listed in subsection (a) of this section, the registration of the certification authority shall be deemed lapsed.

(d) Any person who knowingly acts as a registered certification authority who has not met the requirements set forth in subsection (a) of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or up to thirty (30) days in a county jail, or both, for each violation. Each violation shall be a separate offense under this section.

(e) Notwithstanding any contractual provisions to the contrary, a certification authority shall be liable for damages suffered by any person injured as a result of the fraudulent or unauthorized acts of the certification authority.

(f) In addition to any civil or criminal actions, the Secretary or the Attorney General may apply to the district court in the county in which a violation of this section has allegedly occurred for an order enjoining or restraining the person from continuing the acts specified in the complaint. The court may grant a temporary or permanent injunction or restraining order, with or without bond, as it deems just and proper.

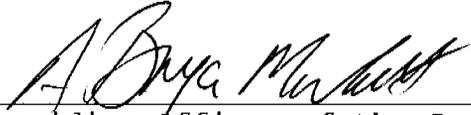
(g) The Secretary is authorized to adopt rules to implement the provisions of this section, and related provisions.

(h) The Secretary shall have the authority to establish reciprocity with other states and nations for purposes of this section, and related provisions.

SECTION 2. This act shall become effective July 1, 2011.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 7th day of March, 2011.


Presiding Officer of the Senate

Passed the House of Representatives the 6th day of April, 2011.


Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 7th
day of April, 20 11,
at 1:22 o'clock P M.

By: Jessie R. Boyer

Approved by the Governor of the State of Oklahoma the 13th day of
April, 20 11, at 11:25 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____
13th day of April, 20 11,
at 3:54 o'clock P M.

By: Michelle R. Day