

Substitute for HOUSE BILL No. 2667

By Committee on E-Government

2-27

AN ACT concerning electronic and digital signatures; relating to the adoption of rules and regulations; amending K.S.A. 2001 Supp. 16-1605 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2001 Supp. 16-1605 is hereby amended to read as follows: 16-1605. (a) This act does not require a record or signature to be created, generated, sent, communicated, received, stored or otherwise processed or used by electronic means or in electronic form.

(b) This act applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties' conduct.

(c) A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. The right granted by this subsection may not be waived by agreement.

(d) Except as otherwise provided in this act, the effect of any of its provisions may be varied by agreement. The presence in certain provisions of this act of the words "unless otherwise agreed", or words of similar import, does not imply that the effect of other provisions may not be varied by agreement.

(e) Whether an electronic record or electronic signature has legal consequences is determined by this act and other applicable law.

(f) This act does not require any person to use ~~or permit the use of~~ electronic or digital signatures.

(g) ~~Any~~ All state agency ~~may~~ agencies shall adopt rules and regulations governing the agency's agencies' use of digital signatures and electronic signatures prior to offering or implementing the use of digital signatures and electronic signatures as long as the rules and regulations meet or exceed those adopted by the secretary.

Sec. 2. K.S.A. 2001 Supp. 16-1605 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.