

1 (f) The legal effectiveness, validity, or enforceability of any contract
 2 or policy of insurance executed by a party may not be denied solely
 3 because of the failure to obtain electronic consent or confirmation of
 4 consent of the party in accordance with subsection (c)(3).

5 (g) A withdrawal of consent by a party does not affect the legal
 6 effectiveness, validity, or enforceability of a notice or document delivered
 7 by electronic means to the party before the withdrawal of consent is
 8 effective. A withdrawal of consent by a party is effective within a
 9 reasonable period of time after receipt of the withdrawal by the insurer.
 10 Further by an insurer to comply with subsection (c)(4) may be treated as
 11 the election of the party, as a withdrawal of consent for purposes of this
 12 section.

13 (h) This section does not apply to a notice or document delivered by
 14 an insurer to an electronic form before the effective date of this act by a
 15 party who, before that date, has consented to receive a notice or document
 16 in an electronic form otherwise allowed by law.

17 (i) If the consent of a party to receive certain notices or documents in
 18 an electronic form is on file with an insurer before the effective date of this
 19 act, and pursuant to this section, an insurer intends to deliver additional
 20 notices or documents to such party in an electronic form, then prior to
 21 delivering such additional notices or documents electronically, the insurer
 22 shall notify the party of the notices or documents that may be delivered by
 23 electronic means under this section that were not previously delivered
 24 electronically and the party's right to withdraw consent to have notices or
 25 documents delivered by electronic means.

26 (j) Except as otherwise provided by law, if an oral communication or
 27 a recording of an oral communication from a party can be reliably stored
 28 and reproduced by an insurer, the oral communication or recording may
 29 qualify as a notice or document delivered by electronic means for purposes
 30 of this section. If a provision of this title or applicable law requires a
 31 signature or notice or document to be notarized, acknowledged, verified or
 32 made under oath, the requirement is satisfied if the electronic signature of
 33 the person authorized to perform those acts, together with all other
 34 information required by the provision, is attached to or
 35 logically associated with the signature, notice or document.

36 (k) This section shall not be construed to modify, limit or supersede
 37 the provisions of the federal electronic signatures in global and national
 38 commerce act, public law 106-229.

39 Sec. 5. This act shall take effect and be in force from and after its
 40 publication in the statute book.

KMS amendment
 House Insurance Committee
 February 20, 2013

(l) The provisions of this act shall not apply to any mutual insurance company organized pursuant to article 12a of chapter 40 of the Kansas statutes annotated.