

# AN ACT

To enact sections 149.21, 149.22, 149.23, 149.24, 149.25, 149.26, and 149.27 of the Revised Code to adopt the Uniform Electronic Legal Material Act.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 149.21, 149.22, 149.23, 149.24, 149.25, 149.26, and 149.27 of the Revised Code be enacted to read as follows:

Sec. 149.21. (A) As used in sections 149.21 to 149.27 of the Revised Code:

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

(2) "Legal material" means all of the following, whether or not in effect:

(a) The Constitution of this state;

(b) The session laws of this state;

(c) The Revised Code;

(d) State agency rules that have or had the effect of law;

(e) The final decisions of state administrative agencies.

(3) "Official publisher" includes all of the following:

(a) For the Constitution of this state, the secretary of state;

(b) For the session laws of this state, the secretary of state;

(c) For the Revised Code, the legislative service commission;

(d) For the Ohio administrative code, the legislative service commission;

(e) For a rule not published in the Ohio administrative code, the state agency adopting the rule;

(f) For the final decision of a state administrative agency, the agency making the decision.

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

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

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

(B) Sections 149.21 to 149.27 of the Revised Code may be cited as the Uniform Electronic Legal Material Act.

(C) Sections 149.21 to 149.27 of the Revised Code apply to all legal material in an electronic record that is designated as official under section 149.22 of the Revised Code and is first published electronically on or after the effective date of this act.

Sec. 149.22. (A) If an official publisher publishes legal material only in an electronic record, the publisher shall designate the electronic record as official and comply with division (A) of section 149.23, and with section 149.24 of the Revised Code.

(B) An official publisher that publishes legal material in an electronic record and also publishes the material in a record other than an electronic record may designate the electronic record as official if the

publisher complies with division (A) of section 149.23 and with section 149.24 of the Revised Code.

Sec. 149.23. (A) An official publisher of legal material in an electronic record that is designated as official under section 149.22 of the Revised Code shall authenticate the record. To authenticate an electronic record, the publisher shall provide a method for a user to determine that the record received by the user from the publisher is unaltered from the official record published by the publisher.

(B) Legal material in an electronic record that is authenticated under division (A) of this section is presumed to be an accurate copy of the legal material.

(C) If another state has adopted a law substantially similar to sections 149.21 to 149.27 of the Revised Code, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

(D) A party that contests the authentication of legal material in an electronic record authenticated under division (A) of this section has the burden of proving by a preponderance of the evidence that the record is not authentic.

Sec. 149.24. (A) An official publisher of legal material in an electronic record that is or was designated as official under section 149.22 of the Revised Code shall provide for the preservation and security of the record in an electronic or nonelectronic form, and shall do all of the following:

(1) Ensure the integrity of the record;

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

(3) Ensure the continuing usability of the material.

(B) An official publisher of legal material in an electronic record that is required to be preserved under division (A) of this section shall ensure that the material is reasonably available for use by the public on a permanent basis.

Sec. 149.25. In implementing sections 149.21 to 149.27 of the Revised Code, an official publisher of legal material in an electronic record shall consider all of the following:

(A) Standards and practices of other jurisdictions;

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

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

(D) The views of governmental officials and entities, and other interested persons;

(E) To the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to, legal material that are compatible with the methods and technologies used by other official publishers in this state and in other states that have adopted a law substantially similar to sections 149.21 to 149.27 of the Revised Code.

Sec. 149.26. In applying and construing sections 149.21 to 149.27 of the Revised Code, a court shall consider the need to promote uniformity of the Uniform Electronic Legal Material Act with respect to its subject matter among states that enact it.

Sec. 149.27. Sections 149.21 to 149.27 of the Revised Code modify, limit, and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq., but do not modify, limit, or supersede 15 U.S.C. 7001(c) or authorize electronic delivery of any of the notices or documents described in 15 U.S.C. 7003(b).

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

S. B. No. 139

132nd G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_