

Act No. 247
Public Acts of 2020
Approved by the Governor
November 5, 2020
Filed with the Secretary of State
November 5, 2020
EFFECTIVE DATE: November 5, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Rep. Lightner

ENROLLED HOUSE BILL No. 6295

AN ACT to amend 2000 PA 305, entitled “An act to authorize and provide the terms and conditions under which information and signatures can be transmitted, received, and stored by electronic means,” by amending sections 3 and 18 (MCL 450.833 and 450.848), and by adding section 18a.

The People of the State of Michigan enact:

Sec. 3. (1) Except as otherwise provided in subsection (2) and section 4, this act applies to electronic records and electronic signatures relating to a transaction.

(2) Except as otherwise provided in section 18a, this act does not apply to a transaction to the extent it is governed by either of the following:

(a) A law governing the creation and execution of wills, codicils, or testamentary trusts.

(b) Except as otherwise provided in subsection (3), the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.9994.

(3) This act applies to a transaction to the extent it is governed by section 1206 or 1306 or article 2 or 2A of the uniform commercial code, 1962 PA 174, MCL 440.1206, 440.1306, and 440.2101 to 440.2982.

(4) A transaction subject to this act is also subject to other applicable substantive law.

Sec. 18. (1) Except as otherwise provided in section 12(6), the department of technology, management, and budget shall determine whether, and the extent to which, each state department will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(2) To the extent that a governmental agency uses electronic records and electronic signatures under subsection (1), the department of technology, management, and budget, giving due consideration to security, may specify any or all of the following:

(a) The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

(b) If an electronic record is required to be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature is to be affixed to the electronic record, and the identity of or criteria that is to be met by any third party used by a person filing a document.

(c) Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

(d) Any other required attributes for electronic records that are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

(3) Except as otherwise provided in section 12(6), this act does not require a governmental agency or official of this state to use or permit the use of electronic records or electronic signatures.

(4) This section is subject to section 18a.

Sec. 18a. (1) Notwithstanding any other provision of this act, for the period beginning April 30, 2020 and ending December 31, 2020, strict compliance with section 18 is suspended to permit each state department to send and accept electronic records and electronic signatures to and from other persons without a determination from or approval by the department of technology, management, and budget.

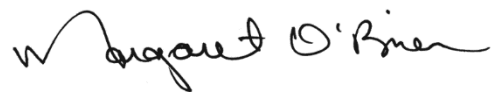
(2) Except as otherwise provided in this subsection, this act applies to a transaction that is governed by the uniform commercial code and entered into on or after April 30, 2020 and before January 1, 2021. During the time period described in this subsection, to the extent there is a conflict between the uniform commercial code and this act, the uniform commercial code controls.

(3) As used in this section, "the uniform commercial code" means the uniform commercial code, 1962 PA 174, MCL 440.1101 to 440.9994.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor