

SENATE BILL NO. 1186

October 08, 2020, Introduced by Senator MACGREGOR and referred to the Committee on Government Operations.

A bill to amend 2000 PA 305, entitled "Uniform electronic transactions act," by amending section 18 (MCL 450.848) and by adding section 18a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 and electronic signatures.

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

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

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

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

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

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

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

26 **Sec. 18a. (1) Notwithstanding any other provision of this act,**
27 **beginning April 30, 2020, strict compliance with section 18 is**
28 **suspended to permit each state department to send and accept**
29 **electronic records and electronic signatures to and from other**

1 persons without a determination from or approval by the department
2 of technology, management, and budget.

3 (2) This section does not apply after December 31, 2020.