

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2978

(SENATE AUTHORS: LATZ and Metzen)

DATE	D-PG	OFFICIAL STATUS
05/07/2014	8847	Introduction and first reading Referred to Judiciary

1.1 A bill for an act
 1.2 relating to electronic transactions; clarifying certain agreements to vary delivery
 1.3 by mail; amending Minnesota Statutes 2012, section 325L.08.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2012, section 325L.08, is amended to read:

1.6 **325L.08 PROVISION OF INFORMATION IN WRITING; PRESENTATION**
 1.7 **OF RECORDS.**

1.8 (a) If parties have agreed to conduct transactions by electronic means and a law
 1.9 requires a person to provide, send, or deliver information in writing to another person, the
 1.10 requirement is satisfied if the information is provided, sent, or delivered, as the case may
 1.11 be, in an electronic record capable of retention by the recipient at the time of receipt. An
 1.12 electronic record is not capable of retention by the recipient if the sender or its information
 1.13 processing system inhibits the ability of the recipient to print or store the electronic record.

1.14 (b) If a law other than this chapter requires a record (i) to be posted or displayed in a
 1.15 certain manner, (ii) to be sent, communicated, or transmitted by a specified method, or (iii)
 1.16 to contain information that is formatted in a certain manner, the following rules apply:

1.17 (1) the record must be posted or displayed in the manner specified in the other law;

1.18 (2) except as otherwise provided in paragraph (d), clause (2), the record must be
 1.19 sent, communicated, or transmitted by the method specified in the other law;

1.20 (3) the record must contain the information formatted in the manner specified in
 1.21 the other law.

1.22 (c) If a sender inhibits the ability of a recipient to store or print an electronic record,
 1.23 the electronic record is not enforceable against the recipient.

1.24 (d) The requirements of this section may not be varied by agreement, but:

2.1 (1) to the extent a law other than this chapter requires information to be provided,
2.2 sent, or delivered in writing but permits that requirement to be varied by agreement, the
2.3 requirement under paragraph (a) that the information be in the form of an electronic record
2.4 capable of retention may also be varied by agreement; and

2.5 (2) a requirement under a law other than this chapter to send, communicate, or
2.6 transmit a record by first-class mail, postage prepaid or regular United States mail may be
2.7 varied by agreement ~~to the extent permitted by the other law.~~