

IN THE SENATE

SENATE BILL NO. 1082

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO HIGHWAY DISTRICT RECORDS; AMENDING CHAPTER 13, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-1337A, IDAHO CODE, TO PROVIDE FOR THE REPRODUCTION AND RETENTION OF DOCUMENTS IN PHOTOGRAPHIC, DIGITAL AND OTHER NONPAPER MEDIUM, TO PROVIDE CONDITIONS RELATING TO THE MEDIUM CHOSEN FOR REPRODUCTION AND RETENTION, TO PROVIDE THAT DOCUMENTS RETAINED PURSUANT TO SPECIFIED LAW SHALL BE CONSIDERED ORIGINAL PUBLIC RECORDS, TO PROVIDE THAT CERTAIN CERTIFIED COPIES SHALL BE DEEMED TRANSCRIPTS, TO PROVIDE FOR THE DISPOSAL OR RETURN OF ORIGINAL PAPER DOCUMENTS, TO PROVIDE FOR TREATMENT OF REQUISITE DUPLICATE COPIES AND TO PROVIDE THAT HIGHWAY DISTRICTS MAY INCORPORATE ELECTRONIC VERSIONS OF AGREEMENTS BY REFERENCE INTO CONTRACTS IF CERTAIN CONDITIONS ARE MET.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 13, Title 40, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 40-1337A, Idaho Code, and to read as follows:

40-1337A. PHOTOGRAPHIC OR DIGITAL STORAGE AND USE OF HIGHWAY DISTRICT RECORDS. (1) A highway district official may reproduce and retain documents in a photographic, digital or other nonpaper medium. The medium in which a document is retained shall accurately reproduce the document in paper form during the period for which the document must be retained and shall preclude unauthorized alteration of the document.

(a) If the medium chosen for retention is photographic, all film used must meet the quality standards of the American national standards institute (ANSI).

(b) If the medium chosen for retention is digital, the medium must provide for reproduction on paper at a resolution of at least two hundred (200) dots per inch.

(c) A document retained by the highway district in any form or medium permitted under this section shall be deemed an original public record for all purposes. A reproduction or copy of such a document, certified by the highway district official, shall be deemed to be a transcript or certified copy of the original and shall be admissible before any court or administrative hearing.

(d) Once a paper document is retained in a nonpaper medium as authorized by this section, the original paper document may be disposed of or returned to the sender.

(e) Whenever any record is reproduced by photographic or digital process as herein provided, it shall be made in duplicate, and the custodian thereof shall place one (1) copy in a fire-resistant vault, or off-site storage facility, and he shall retain the other copy in his of-

1 fice with suitable equipment for displaying such record at not less than
2 original size and for making copies of the record.

3 (2) A highway district may incorporate an electronic version of another
4 agreement by reference into a contract, if:

5 (a) The unsigned terms are stored in accordance with the provisions of
6 this section;

7 (b) The signed contract contains a prominently displayed notification
8 of the incorporation by reference; and

9 (c) The unsigned terms are readily available for inspection by the par-
10 ties.