

1 ENGROSSED HOUSE
2 BILL NO. 2258

By: Miller of the House of the
House

3 and

4 Daniels of the Senate

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8 [statutes and reports - Uniform Electronic Legal
9 Material Act - publishers - designation -
10 authentication of legal materials - presumption -
11 burden of proof - requirements for preservation of
12 materials - public access - uniformity -
13 codification - effective date]

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16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 31.1 of Title 75, unless there
19 is created a duplication in numbering, reads as follows:
20 This act shall be known and may be cited as the "Uniform
21 Electronic Legal Material Act".

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 31.2 of Title 75, unless there
24 is created a duplication in numbering, reads as follows:

1 As used in this act:

2 1. "Electronic" means relating to technology having electrical,
3 digital, magnetic, wireless, optical, electromagnetic, or similar
4 capabilities;

5 2. "Legal material" means, whether or not in effect:

- 6 a. the Oklahoma Session Laws,
- 7 b. the Oklahoma Administrative Code,
- 8 c. the Oklahoma Register,
- 9 d. a state agency rule that has or had the effect of law,

10 or

- 11 e. the following categories of state administrative
12 agency decisions:

13 (1) precedential decisions of the Oklahoma Tax
14 Commission,

15 (2) precedential decisions of the Oklahoma
16 Corporation Commission,

17 (3) precedential decisions of any other agency,
18 board, commission, department or other entity of
19 state government,

- 20 f. reported decisions of the following state courts:

21 (1) the Oklahoma Supreme Court,

22 (2) the Oklahoma Court of Criminal Appeals,

(3) the Court of Civil Appeals if released for publication by order of the Oklahoma Supreme Court,

(4) the Court on the Judiciary,

g. state court rules, or

h. official opinions of the Attorney General;

3. "Official publisher" means:

a. for the Constitution of the State of Oklahoma, the
Oklahoma Secretary of State,

b. the Oklahoma Statutes,

c. for the Oklahoma Session Laws, the Oklahoma Secretary of State,

d. for the Oklahoma Administrative Code, the Office of
Administrative Rules within the Office of the Oklahoma
Secretary of State.

e. for reported decisions of state courts, the Oklahoma Supreme Court

^f for state court rules, the Oklahoma Supreme Court,

g. for the precedential decisions of the Oklahoma Tax Commission, the Oklahoma Tax Commission, and

¹⁰ See, e.g., *In re Application of the Oklahoma State Bar Association for Discipline of Michael J. Clegg*, No. 2010-1000, slip op. at 10 (Okla. Sup. Ct. Jan. 12, 2011) (quoting *State Bar of Arizona v. Schlesinger*, 100 Ariz. 111, 114, 417 P.2d 831, 834 (1966)).

Corporation Commission, the Oklahoma Corporation
Commission.

1 4. "Publish" means to display, present, or release to the
2 public, or cause to be displayed, presented, or released to the
3 public, by the official publisher;

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

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

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 31.3 of Title 75, unless there
13 is created a duplication in numbering, reads as follows:

14 This act applies to all legal material in an electronic record
15 that is designated as official under Section 4 of this act and first
16 published electronically on or after the effective date of this act.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 31.4 of Title 75, unless there
19 is created a duplication in numbering, reads as follows:

20 A. If an official publisher publishes legal material only in an
21 electronic record, the publisher shall:

- 22 1. Designate the electronic record as official; and
23 2. Comply with Sections 5, 7, and 8 of this act.

1 B. An official publisher that publishes legal material in an
2 electronic record and also publishes the material in a record other
3 than an electronic record may designate the electronic record as
4 official if the publisher complies with Sections 5, 7, and 8 of this
5 act.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 31.5 of Title 75, unless there
8 is created a duplication in numbering, reads as follows:

9 An official publisher of legal material in an electronic record
10 that is designated as official under Section 4 of this act shall
11 authenticate the record. To authenticate an electronic record, the
12 publisher shall provide a method for a user to determine that the
13 record received by the user from the publisher is unaltered from the
14 official record published by the publisher.

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 31.6 of Title 75, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Legal material in an electronic record that is authenticated
19 under Section 5 of this act is presumed to be an accurate copy of
20 the legal material.

21 B. If another state has adopted a law substantially similar to
22 this act, legal material in an electronic record that is designated
23 as official and authenticated by the official publisher in that
24 state is presumed to be an accurate copy of the legal material.

1 C. A party contesting the authentication of legal material in
2 an electronic record authenticated under Section 5 of this act has
3 the burden of proving by a preponderance of the evidence that the
4 record is not authentic.

5 SECTION 7. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 31.7 of Title 75, unless there
7 is created a duplication in numbering, reads as follows:

8 A. An official publisher of legal material in an electronic
9 record that is or was designated as official under Section 4 of this
10 act shall provide for the preservation and security of the record in
11 an electronic form or a form that is not electronic.

12 B. If legal material is preserved under subsection A of this
13 section in an electronic record, the official publisher shall:

- 14 1. Ensure the integrity of the record;
- 15 2. Provide for backup and disaster recovery of the record; and
- 16 3. Ensure the continuing usability of the material.

17 SECTION 8. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 31.8 of Title 75, unless there
19 is created a duplication in numbering, reads as follows:

20 An official publisher of legal material in an electronic record
21 that is required to be preserved under Section 7 of this act shall
22 ensure that the material is reasonably available for use by the
23 public on a permanent basis.

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 31.9 of Title 75, unless there
3 is created a duplication in numbering, reads as follows:

4 In implementing this act, an official publisher of legal
5 material in an electronic record shall consider:

- 6 1. Standards and practices of other jurisdictions;
- 7 2. The most recent standards regarding authentication of,
8 preservation and security of, and public access to, legal material
9 in an electronic record and other electronic records, as promulgated
10 by national standard-setting bodies;
- 11 3. The needs of users of legal material in an electronic
record;

13 4. The views of governmental officials and entities and other
14 interested persons; and

15 5. To the extent practicable, methods and technologies for the
16 authentication of, preservation and security of, and public access
17 to, legal material which are compatible with the methods and
18 technologies used by other official publishers in this state and in
19 other states that have adopted a law substantially similar to this
20 act.

21 SECTION 10. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 31.10 of Title 75, unless there
23 is created a duplication in numbering, reads as follows:
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In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 31.11 of Title 75, unless there is created a duplication in numbering, reads as follows:

This act modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C., Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C., Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C., Section 7003(b).

SECTION 12. This act shall become effective January 1, 2026.

Passed the House of Representatives the 26th day of March, 2025.

Presiding Officer of the House
of Representatives

Presiding Officer of the Senate