

1                           **SENATE FLOOR VERSION**  
2                           April 22, 2025  
3                           **AS AMENDED**

4                           ENGROSSED HOUSE  
5                           BILL NO. 2258

6                           By: Miller of the House

7                           and

8                           Daniels of the Senate

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

15                          BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16                          SECTION 1.        NEW LAW        A new section of law to be codified  
17                          in the Oklahoma Statutes as Section 31.1 of Title 75, unless there  
18                          is created a duplication in numbering, reads as follows:

19                          This act shall be known and may be cited as the "Uniform  
20                          Electronic Legal Material Act".

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

24                          As used in this act:

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

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

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

10          or

- 11           f. 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, **or**

20           g. official opinions of the Attorney General;

21       3. "Official publisher" means:

- 22           a. for the Constitution of the State of Oklahoma, the  
23           Oklahoma Secretary of State,

1                   b. for the Oklahoma Session Laws, the Oklahoma Secretary  
2                   of State,  
3                   c. for the Oklahoma Administrative Code, the Office of  
4                   Administrative Rules within the Office of the Oklahoma  
5                   Secretary of State,  
6                   d. for the precedential decisions of the Oklahoma Tax  
7                   Commission, the Oklahoma Tax Commission, and  
8                   e. for the precedential decisions of the Oklahoma  
9                   Corporation Commission, the Oklahoma Corporation  
10                  Commission;

11                 4. "Publish" means to display, present, or release to the  
12                 public, or cause to be displayed, presented, or released to the  
13                 public, by the official publisher;

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

17                 6. "State" means a state of the United States, the District of  
18                 Columbia, Puerto Rico, the United States Virgin Islands, or any  
19                 territory or insular possession subject to the jurisdiction of the  
20                 United States.

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

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

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

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

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

11           B. An official publisher that publishes legal material in an  
12 electronic record and also publishes the material in a record other  
13 than an electronic record may designate the electronic record as  
14 official if the publisher complies with Sections 5, 7, and 8 of this  
15 act.

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

19           An official publisher of legal material in an electronic record  
20 that is designated as official under Section 4 of this act shall  
21 authenticate the record. To authenticate an electronic record, the  
22 publisher shall provide a method for a user to determine that the  
23 record received by the user from the publisher is unaltered from the  
24 official record published by the publisher.

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

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

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

11 C. A party contesting the authentication of legal material in  
12 an electronic record authenticated under Section 5 of this act has  
13 the burden of proving by a preponderance of the evidence that the  
14 record is not authentic.

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

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

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

24 1. Ensure the integrity of the record;

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

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

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

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

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

15           1. Standards and practices of other jurisdictions;

16           2. The most recent standards regarding authentication of,  
17       preservation and security of, and public access to, legal material  
18       in an electronic record and other electronic records, as promulgated  
19       by national standard-setting bodies;

20           3. The needs of users of legal material in an electronic  
21       record;

22           4. The views of governmental officials and entities and other  
23       interested persons; and

1       5. To the extent practicable, methods and technologies for the  
2 authentication of, preservation and security of, and public access  
3 to, legal material which are compatible with the methods and  
4 technologies used by other official publishers in this state and in  
5 other states that have adopted a law substantially similar to this  
6 act.

7       SECTION 10.      NEW LAW      A new section of law to be codified  
8 in the Oklahoma Statutes as Section 31.10 of Title 75, unless there  
9 is created a duplication in numbering, reads as follows:

10      In applying and construing this uniform act, consideration must  
11 be given to the need to promote uniformity of the law with respect  
12 to its subject matter among states that enact it.

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

16      This act modifies, limits, and supersedes the Electronic  
17 Signatures in Global and National Commerce Act, 15 U.S.C., Section  
18 7001 et seq., but does not modify, limit, or supersede Section  
19 101(c) of that act, 15 U.S.C., Section 7001(c), or authorize  
20 electronic delivery of any of the notices described in Section  
21 103(b) of that act, 15 U.S.C., Section 7003(b).

22      SECTION 12. This act shall become effective January 1, 2026.  
23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
April 22, 2025 - DO PASS AS AMENDED  
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