

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

CHAPTER 11
SENATE BILL 1084

AN ACT

AMENDING SECTIONS 44-7007, 44-7012 AND 44-7042, ARIZONA REVISED STATUTES;
RELATING TO ELECTRONIC TRANSACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-7007, Arizona Revised Statutes, is amended to
3 read:

4 44-7007. Legal recognition of electronic records, signatures
5 and contracts; definition

6 A. A record or signature in electronic form cannot be denied legal
7 effect and enforceability solely because the record or signature is in
8 electronic form.

9 B. A contract formed by an electronic record cannot be denied legal
10 effect and enforceability solely because an electronic record was used in
11 its formation.

12 C. An electronic record satisfies any law that requires a record to
13 be in writing **OR TO BE RETAINED, OR BOTH.**

14 D. An electronic signature satisfies any law that requires a
15 signature.

16 **E. FOR THE PURPOSES OF THIS SECTION, "LAW" INCLUDES A GOVERNMENTAL**
17 **AGENCY'S POLICY.**

18 Sec. 2. Section 44-7012, Arizona Revised Statutes, is amended to
19 read:

20 44-7012. Electronic records retention; originals; definition

21 A. If a law requires that a record be retained, the requirement is
22 satisfied by retaining an electronic record of the information in the
23 record that:

24 1. Accurately reflects the information prescribed in the record
25 after the record was first generated in its final form as an electronic
26 record or otherwise.

27 2. Remains accessible for later reference.

28 ~~B. Subsection A does not apply to any information whose sole~~
29 ~~purpose is to enable the record to be sent, communicated or received.~~

30 ~~C.~~ B. A person may satisfy subsection A **OF THIS SECTION** by using
31 the services of another person to satisfy subsection A **OF THIS SECTION**.

32 ~~D.~~ C. If a law requires:

33 1. A record to be presented or retained in its original form, or
34 provides consequences if the record is not presented or retained in its
35 original form, that law is satisfied by an electronic record retained
36 according to subsection A **OF THIS SECTION**.

37 2. Retention of a check, that requirement is satisfied by retention
38 of an electronic record of the information on the front and back of the
39 check according to subsection A **OF THIS SECTION**.

40 ~~E.~~ D. A record retained as an electronic record pursuant to
41 subsection A **OF THIS SECTION** satisfies a law that requires a person to
42 retain a record for evidentiary, audit or like purposes, unless a law that
43 is enacted after ~~the effective date of this chapter~~ **JULY 18, 2000**
44 prohibits the use of an electronic record for the specified purpose.

~~F. This section does not prohibit a governmental agency from adopting additional requirements for the retention of a record that is subject to that agency's jurisdiction.~~

E. FOR THE PURPOSES OF THIS SECTION, "LAW" INCLUDES A GOVERNMENTAL AGENCY'S POLICY.

Sec. 3. Section 44-7042, Arizona Revised Statutes, is amended to read:

44-7042. Sending and accepting electronic records

A. Except as otherwise provided in section 44-7012, subsection ~~F~~ D, each governmental agency shall determine if, and the extent to which, the governmental agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely on electronic records and electronic signatures. State agencies shall comply with the appropriate standards and policies adopted or established by the department of administration pursuant to title 18, chapter 1 and the secretary of state pursuant to section 18-442.

B. To the extent that a governmental agency uses electronic records and electronic signatures pursuant to subsection A of this section, the governmental agency after giving due consideration to security may specify:

1. The manner and format in which the electronic records must be created, generated, sent, communicated, received and stored and the systems established for those purposes.

2. If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record and the identity of or criteria that must be met by any third party used by a person filing a document to facilitate the process.

3. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality and ability to perform audits of electronic records.

4. Any other required attributes for electronic records that are specified for corresponding nonelectronic records or that are reasonably necessary under the circumstances.

~~C. Except as otherwise provided in section 44-7012, subsection E, this chapter does not require a governmental agency to use or allow the use of electronic records or electronic signatures.~~

APPROVED BY THE GOVERNOR MARCH 14, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 14, 2017.