

(3) A REQUIREMENT THAT A TERM BE CONSPICUOUS, OR THE LIKE, IS SATISFIED BY A TERM THAT IS CONSPICUOUS UNDER THIS TITLE.

(4) A REQUIREMENT OF CONSENT OR AGREEMENT TO A TERM IS SATISFIED BY A MANIFESTATION OF ASSENT TO THE TERM IN ACCORDANCE WITH THIS TITLE.

21-106. RULES OF CONSTRUCTION.

(A) THIS TITLE SHALL BE LIBERALLY CONSTRUED AND APPLIED TO PROMOTE ITS UNDERLYING PURPOSES AND POLICIES TO:

(1) SUPPORT AND FACILITATE THE REALIZATION OF THE FULL POTENTIAL OF COMPUTER INFORMATION TRANSACTIONS;

(2) CLARIFY THE LAW GOVERNING COMPUTER INFORMATION TRANSACTIONS;

(3) ENABLE EXPANDING COMMERCIAL PRACTICE IN COMPUTER INFORMATION TRANSACTIONS BY COMMERCIAL USAGE AND AGREEMENT OF THE PARTIES; ~~AND~~

(4) PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO THE SUBJECT MATTER OF THIS TITLE AMONG STATES THAT ENACT IT; AND

(5) PERMIT THE CONTINUED EXPANSION OF COMMERCIAL PRACTICES IN THE EXCLUDED TRANSACTIONS THROUGH CUSTOM, USAGE, AND AGREEMENT OF THE PARTIES.

(B) EXCEPT AS OTHERWISE PROVIDED IN § 21-113(A) OF THIS SUBTITLE, THE USE OF MANDATORY LANGUAGE OR THE ABSENCE OF A PHRASE SUCH AS "UNLESS OTHERWISE AGREED" IN A PROVISION OF THIS TITLE DOES NOT PRECLUDE THE PARTIES FROM VARYING THE EFFECT OF THE PROVISION BY AGREEMENT.

(C) THE FACT THAT A PROVISION OF THIS TITLE IMPOSES A CONDITION FOR A RESULT DOES NOT BY ITSELF MEAN THAT THE ABSENCE OF THAT CONDITION YIELDS A DIFFERENT RESULT.

(D) TO BE ENFORCEABLE, A TERM NEED NOT BE CONSPICUOUS, NEGOTIATED, OR EXPRESSLY ASSENTED OR AGREED TO, UNLESS ~~THIS TITLE EXPRESSLY SO REQUIRES~~ REQUIRED BY APPLICABLE LAW.

21-107. LEGAL RECOGNITION OF ELECTRONIC RECORD AND AUTHENTICATION; USE OF ELECTRONIC AGENTS.

(A) A RECORD OR AUTHENTICATION MAY NOT BE DENIED LEGAL EFFECT OR ENFORCEABILITY SOLELY BECAUSE IT IS IN ELECTRONIC FORM.

(B) THIS TITLE DOES NOT REQUIRE THAT A RECORD OR AUTHENTICATION BE GENERATED, STORED, SENT, RECEIVED, OR OTHERWISE PROCESSED BY ELECTRONIC MEANS OR IN ELECTRONIC FORM.

(C) IN ANY TRANSACTION, A PERSON MAY ESTABLISH REQUIREMENTS REGARDING THE TYPE OF AUTHENTICATION OR RECORD ACCEPTABLE TO IT.