electronic records and time and place of receipt of electronic records; establishing rules for certain electronic records to be transferable records that transfer certain interests under certain circumstances; establishing rules governing the enforceability of transferable records and the rights and defenses available to certain persons under certain circumstances; requiring governmental agencies to make certain determinations about use of electronic records and electronic signatures; authorizing governmental agencies that use electronic records and electronic signatures to establish certain standards and encourage certain acts; requiring that certain standards adopted by units of State government be consistent with those specified in the State Information Technology Master Plan; providing for the construction, effect, and application of this Act; defining certain terms; making provisions of this Act severable; and generally relating to electronic records, electronic signatures, and the adoption of the Maryland Uniform Electronic Transactions Act.

BY adding to
    Article – Commercial Law
    Section 21–101 through 21–120, inclusive, to be under the new title "Title 21. The Maryland Uniform Electronic Transactions Act"
    Annotated Code of Maryland
    (1990 Replacement Volume and 1999 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Commercial Law

TITLE 21. THE MARYLAND UNIFORM ELECTRONIC TRANSACTIONS ACT.

21–101. DEFINITIONS.

(A)   IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B)   "AGREEMENT" MEANS THE BARGAIN OF THE PARTIES IN FACT, AS FOUND IN THEIR LANGUAGE OR INFERRED FROM OTHER CIRCUMSTANCES AND FROM RULES, REGULATIONS, AND PROCEDURES GIVEN THE EFFECT OF AGREEMENTS UNDER LAWS OTHERWISE APPLICABLE TO A PARTICULAR TRANSACTION.

(C)   "AUTOMATED TRANSACTION" MEANS A TRANSACTION CONDUCTED OR PERFORMED, IN WHOLE OR IN PART, BY ELECTRONIC MEANS OR ELECTRONIC RECORDS, IN WHICH THE ACTS OR RECORDS OF ONE OR BOTH PARTIES ARE NOT REVIEWED BY AN INDIVIDUAL IN THE ORDINARY COURSE OF FORMING A CONTRACT, PERFORMING UNDER AN EXISTING CONTRACT, OR FULFILLING AN OBLIGATION REQUIRED BY THE TRANSACTION.

(D)   "COMPUTER PROGRAM" MEANS A SET OF STATEMENTS OR INSTRUCTIONS TO BE USED DIRECTLY OR INDIRECTLY IN AN INFORMATION PROCESSING SYSTEM IN ORDER TO BRING ABOUT A CERTAIN RESULT.