

21-113. AUTOMATED TRANSACTION.

IN AN AUTOMATED TRANSACTION, THE FOLLOWING RULES APPLY:

(1) A CONTRACT MAY BE FORMED BY THE INTERACTION OF ELECTRONIC AGENTS OF THE PARTIES, EVEN IF NO INDIVIDUAL WAS AWARE OF OR REVIEWED THE ELECTRONIC AGENTS' ACTIONS OR THE RESULTING TERMS AND AGREEMENTS;

(2) A CONTRACT MAY BE FORMED BY THE INTERACTION OF AN ELECTRONIC AGENT AND AN INDIVIDUAL, ACTING ON THE INDIVIDUAL'S OWN BEHALF OR FOR ANOTHER PERSON, INCLUDING BY AN INTERACTION IN WHICH THE INDIVIDUAL PERFORMS ACTIONS THAT THE INDIVIDUAL IS FREE TO REFUSE TO PERFORM AND WHICH THE INDIVIDUAL KNOWS OR HAS REASON TO KNOW WILL CAUSE THE ELECTRONIC AGENT TO COMPLETE THE TRANSACTION OR PERFORMANCE; AND

(3) THE TERMS OF THE CONTRACT ARE DETERMINED BY THE SUBSTANTIVE LAW APPLICABLE TO IT.

21-114. TIME AND PLACE OF SENDING AND RECEIPT.

(A) UNLESS OTHERWISE AGREED BETWEEN THE SENDER AND THE RECIPIENT, AN ELECTRONIC RECORD IS SENT WHEN IT:

(1) IS ADDRESSED PROPERLY OR OTHERWISE DIRECTED PROPERLY TO AN INFORMATION PROCESSING SYSTEM THAT THE RECIPIENT HAS DESIGNATED OR USES FOR THE PURPOSE OF RECEIVING ELECTRONIC RECORDS OR INFORMATION OF THE TYPE SENT AND FROM WHICH THE RECIPIENT IS ABLE TO RETRIEVE THE ELECTRONIC RECORD;

(2) IS IN A FORM CAPABLE OF BEING PROCESSED BY THAT SYSTEM; AND

(3) ENTERS AN INFORMATION PROCESSING SYSTEM OUTSIDE THE CONTROL OF THE SENDER OR OF A PERSON THAT SENT THE ELECTRONIC RECORD ON BEHALF OF THE SENDER OR ENTERS A REGION OF THE INFORMATION PROCESSING SYSTEM DESIGNATED OR USED BY THE RECIPIENT WHICH IS UNDER THE CONTROL OF THE RECIPIENT.

(B) UNLESS OTHERWISE AGREED BETWEEN THE SENDER AND THE RECIPIENT, AN ELECTRONIC RECORD IS RECEIVED WHEN:

(1) IT ENTERS AN INFORMATION PROCESSING SYSTEM THAT THE RECIPIENT HAS DESIGNATED OR USES FOR THE PURPOSE OF RECEIVING ELECTRONIC RECORDS OR INFORMATION OF THE TYPE SENT AND FROM WHICH THE RECIPIENT IS ABLE TO RETRIEVE THE ELECTRONIC RECORD; AND

(2) IT IS IN A FORM CAPABLE OF BEING PROCESSED BY THAT SYSTEM.

(C) SUBSECTION (B) OF THIS SECTION APPLIES EVEN IF THE PLACE WHERE THE INFORMATION PROCESSING SYSTEM IS LOCATED IS DIFFERENT FROM THE PLACE WHERE THE ELECTRONIC RECORD IS DEEMED TO BE RECEIVED UNDER SUBSECTION (D) OF THIS SECTION.