

(3) THE RECORD MUST CONTAIN THE INFORMATION FORMATTED IN THE MANNER SPECIFIED IN THE OTHER LAW.

(C) IF A SENDER INHIBITS THE ABILITY OF A RECIPIENT TO STORE OR PRINT AN ELECTRONIC RECORD, THE ELECTRONIC RECORD IS NOT ENFORCEABLE AGAINST THE RECIPIENT.

(D) THE REQUIREMENTS OF THIS SECTION MAY NOT BE VARIED BY AGREEMENT, BUT:

(1) TO THE EXTENT A LAW OTHER THAN THIS TITLE REQUIRES INFORMATION TO BE PROVIDED, SENT, OR DELIVERED IN WRITING BUT PERMITS THAT REQUIREMENT TO BE VARIED BY AGREEMENT, THE REQUIREMENT UNDER SUBSECTION (A) OF THIS SECTION THAT THE INFORMATION BE IN THE FORM OF AN ELECTRONIC RECORD CAPABLE OF RETENTION MAY ALSO BE VARIED BY AGREEMENT; AND

(2) A REQUIREMENT UNDER A LAW OTHER THAN THIS TITLE TO SEND, COMMUNICATE, OR TRANSMIT A RECORD BY REGISTERED OR CERTIFIED MAIL, POSTAGE PREPAID, OR BY REGULAR MAIL, MAY BE VARIED BY AGREEMENT TO THE EXTENT PERMITTED BY THE OTHER LAW.

21-108. ATTRIBUTION AND EFFECT OF ELECTRONIC RECORD AND ELECTRONIC SIGNATURE.

(A) (1) AN ELECTRONIC RECORD OR ELECTRONIC SIGNATURE IS ATTRIBUTABLE TO A PERSON IF IT WAS THE ACT OF THE PERSON.

(2) THE ACT OF THE PERSON MAY BE SHOWN IN ANY MANNER, INCLUDING A SHOWING OF THE EFFICACY OF ANY SECURITY PROCEDURE APPLIED TO DETERMINE THE PERSON TO WHICH THE ELECTRONIC RECORD OR ELECTRONIC SIGNATURE WAS ATTRIBUTABLE.

(B) THE EFFECT OF AN ELECTRONIC RECORD OR ELECTRONIC SIGNATURE ATTRIBUTED TO A PERSON UNDER SUBSECTION (A) OF THIS SECTION IS DETERMINED FROM THE CONTEXT AND SURROUNDING CIRCUMSTANCES AT THE TIME OF ITS CREATION, EXECUTION, OR ADOPTION, INCLUDING THE PARTIES' AGREEMENT, IF ANY, AND OTHERWISE AS PROVIDED BY LAW.

21-109. EFFECT OF CHANGE OR ERROR.

IF A CHANGE OR ERROR IN AN ELECTRONIC RECORD OCCURS IN A TRANSMISSION BETWEEN PARTIES TO A TRANSACTION, THE FOLLOWING RULES APPLY:

(1) IF THE PARTIES HAVE AGREED TO USE A SECURITY PROCEDURE TO DETECT CHANGES OR ERRORS AND ONE PARTY HAS CONFORMED TO THE PROCEDURE, BUT THE OTHER PARTY HAS NOT, AND THE NONCONFORMING PARTY WOULD HAVE DETECTED THE CHANGE OR ERROR HAD THAT PARTY ALSO CONFORMED, THE CONFORMING PARTY MAY AVOID THE EFFECT OF THE CHANGED OR ERRONEOUS ELECTRONIC RECORD;

(2) IN AN AUTOMATED TRANSACTION INVOLVING AN INDIVIDUAL, THE