

(G) (1) IF A PERSON IS AWARE THAT AN ELECTRONIC RECORD PURPORTEDLY SENT UNDER SUBSECTION (A) OF THIS SECTION, OR PURPORTEDLY RECEIVED UNDER SUBSECTION (B) OF THIS SECTION, WAS NOT ACTUALLY SENT OR RECEIVED, THE LEGAL EFFECT OF THE SENDING OR RECEIPT IS DETERMINED BY OTHER APPLICABLE LAW.

(2) EXCEPT TO THE EXTENT ALLOWED BY THE OTHER LAW, THE REQUIREMENTS OF THIS SUBSECTION MAY NOT BE VARIED BY AGREEMENT.

21-115. TRANSFERABLE RECORDS.

(A) IN THIS SECTION, "TRANSFERABLE RECORD" MEANS AN ELECTRONIC RECORD THAT:

(1) WOULD BE A NOTE UNDER TITLE 3 OF THIS ARTICLE OR A DOCUMENT UNDER TITLE 7 OF THIS ARTICLE IF THE ELECTRONIC RECORD WERE IN WRITING; AND

(2) THE ISSUER OF THE ELECTRONIC RECORD EXPRESSLY HAS AGREED IS A TRANSFERABLE RECORD.

(B) A PERSON HAS CONTROL OF A TRANSFERABLE RECORD IF A SYSTEM EMPLOYED FOR EVIDENCING THE TRANSFER OF INTERESTS IN THE TRANSFERABLE RECORD RELIABLY ESTABLISHES THAT PERSON AS THE PERSON TO WHICH THE TRANSFERABLE RECORD WAS ISSUED OR TRANSFERRED.

(C) A SYSTEM EMPLOYED FOR EVIDENCING THE TRANSFER OF INTERESTS IN THE TRANSFERABLE RECORD SATISFIES SUBSECTION (B) OF THIS SECTION, AND A PERSON IS DEEMED TO HAVE CONTROL OF A TRANSFERABLE RECORD, IF THE TRANSFERABLE RECORD IS CREATED, STORED, AND ASSIGNED IN SUCH A MANNER THAT:

(1) A SINGLE AUTHORITATIVE COPY OF THE TRANSFERABLE RECORD EXISTS THAT IS UNIQUE, IDENTIFIABLE, AND, EXCEPT AS OTHERWISE PROVIDED IN ITEMS (4), (5), AND (6) OF THIS SUBSECTION, UNALTERABLE;

(2) THE AUTHORITATIVE COPY IDENTIFIES THE PERSON ASSERTING CONTROL AS:

(I) THE PERSON TO WHICH THE TRANSFERABLE RECORD WAS ISSUED; OR

(II) IF THE AUTHORITATIVE COPY INDICATES THAT THE TRANSFERABLE RECORD HAS BEEN TRANSFERRED, THE PERSON TO WHICH THE TRANSFERABLE RECORD WAS MOST RECENTLY TRANSFERRED;

(3) THE AUTHORITATIVE COPY IS COMMUNICATED TO AND MAINTAINED BY THE PERSON ASSERTING CONTROL OR ITS DESIGNATED CUSTODIAN;

(4) COPIES OR REVISIONS THAT ADD OR CHANGE AN IDENTIFIED ASSIGNEE OF THE AUTHORITATIVE COPY CAN BE MADE ONLY WITH THE CONSENT OF THE PERSON ASSERTING CONTROL;