

Subject Local government, electronic filing of documents, signatures

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Summary

This bill allows a town, home rule charter or statutory city, or county to accept documents, signatures, or filings received by United States mail, or to use the Uniform Electronic Transactions Act in Minnesota Statutes, chapter 325L, to accept documents, signatures, or filings electronically or by facsimile, during a peacetime public health emergency. This authority applies notwithstanding any law, rule, or ordinance to the contrary.

The bill lists the provisions of law covered by the bill. The bill also states that there is no in-person requirement under the bill.

Effective the day after enactment and expires the earlier of January 6, 2021, or 60 days after the peacetime public health emergency is terminated.

Related information – The Uniform Electronic Transactions Act (UETA)

The UETA in Minnesota Statutes, chapter 325L, applies to all levels and branches of government as well as private entities. It allows but does not require the use of electronic transactions. Section 325L.18 provides for each governmental agency (which includes local governments) to determine whether, and the extent to which, it will send and accept electronic records and electronic signatures.

Section 325L.03 lists exceptions to the application of the law:

“(a) Except as otherwise provided in paragraphs (b) and (e), this chapter applies to electronic records and electronic signatures relating to a transaction.

(b) This chapter does not apply to a transaction to the extent it is governed by:

(1) the Uniform Commercial Code other than section 336.1-306, article 2, and article 2A; and

(2) section 145C.03, subdivision 1, relating to requirements for creation of a health care directive; section 507.24, relating to requirements for recording any conveyance, power of attorney, or other instrument affecting real estate; section 523.23, subdivision 3, relating to requirements for creation of a statutory short form power of attorney; and section 253B.03, subdivision 6b, relating to requirements for creation of a declaration of preferences or instructions regarding intrusive mental health treatment.

(c) This chapter applies to an electronic record or electronic signature otherwise excluded from the application of this chapter under paragraph (b) to the extent it is governed by a law other than those specified in paragraph (b).

(d) A transaction subject to this chapter is also subject to other applicable substantive law.

(e) This chapter does not apply to the creation and execution of wills, codicils, or trusts other than trusts relating to the conduct of business, commercial, or governmental purposes.”

Transaction “means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.”

Record “means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.” Minn. Stat. § 325L.02.



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