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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 2375

March 27, 2007

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The bill was read for the first time and referred to the Committee on Commerce and Labor

1.1 A bill for an act
1.2 relating to insurance; requiring use of electronic records and signatures in certain
1.3 instances; amending Minnesota Statutes 2006, section 60A.08, subdivision 5,
1.4 by adding a subdivision; proposing coding for new law in Minnesota Statutes,
1.5 chapter 60A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. **[60A.011] LEGAL RECOGNITION OF ELECTRONIC RECORDS**
1.8 **AND SIGNATURES.**

1.9 Subdivision 1. **Definitions.** (a) For purposes of this section, the words, terms, and
1.10 phrases defined in this subdivision have the meanings given them.

1.11 (b) "Electronic" means relating to technology having electrical, digital, magnetic,
1.12 wireless, optical, electromagnetic, or similar capabilities.

1.13 (c) "Electronic record" means a record created, generated, sent, communicated,
1.14 received, or stored by electronic means.

1.15 (d) "Electronic signature" means an electronic sound, symbol, or process attached
1.16 to or logically associated with a record and executed or adopted by a person with the
1.17 intent to sign the record.

1.18 (e) "Record" means information that is inscribed on a tangible medium or that is
1.19 stored in an electronic or other medium and is retrievable in perceivable form.

1.20 Subd. 2. **Electronic records and signatures.** For purposes of this chapter:

1.21 (1) a record or signature may not be denied legal effect or enforceability solely
1.22 because it is in electronic form;

1.23 (2) a contract may not be denied legal effect or enforceability solely because an
1.24 electronic record was used in its formation;

2.1 (3) if a provision requires a record to be in writing, an electronic record satisfies
2.2 the requirement; and

2.3 (4) if a provision requires a signature, an electronic signature satisfies the
2.4 requirement.

2.5 Sec. 2. Minnesota Statutes 2006, section 60A.08, subdivision 5, is amended to read:

2.6 Subd. 5. **Signatures required.** All insurance policies shall be signed by the
2.7 secretary or an assistant secretary, and by the president or vice-president, or in their
2.8 absence, by two directors of the insurer. The signatures may be facsimile or electronic
2.9 signatures.

2.10 Sec. 3. Minnesota Statutes 2006, section 60A.08, is amended by adding a subdivision
2.11 to read:

2.12 Subd. 15. **Electronic records and signatures.** At the request of an applicant,
2.13 policyholder, insured, or claimant, an insurer shall transact business with the requester by
2.14 electronic record and shall accept electronic signatures whenever signatures in writing are
2.15 required.

2.16 To be valid, the request must be made or confirmed by the applicant, policyholder,
2.17 insured, or claimant electronically in a manner that reasonably demonstrates that the
2.18 requester can access information in the electronic form that will be used by the insurer to
2.19 transact business with the requester.