



1 intermediate appellate court of the State of Hawaii;  
2 or

3 (6) State court rules.

4 "Official publisher" means:

5 (1) For the Constitution of the State of Hawaii, the  
6 revisor of statutes;

7 (2) For the session laws of Hawaii, the revisor of  
8 statutes;

9 (3) For the Hawaii Revised Statutes, the revisor of  
10 statutes;

11 (4) For any administrative agency rules, the office of the  
12 governor;

13 (5) For a state court decision included under paragraph  
14 (5) of the definition of "legal material", the supreme  
15 court; or

16 (6) For state court rules, the supreme court.

17 "Publish" means to display, present, or release to the  
18 public, or cause to be displayed, presented, or released to the  
19 public, by the official publisher.

20 "Record" means information that is inscribed on a tangible  
21 medium or that is stored in an electronic or other medium and is  
22 retrievable in perceivable form.



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1 "State" means a state of the United States, the District of  
2 Columbia, Puerto Rico, the United States Virgin Islands, or any  
3 territory or insular possession subject to the jurisdiction of  
4 the United States.

5 § -3 **Applicability.** This chapter applies to all legal  
6 material in an electronic record that is designated as official  
7 under section -4 and first published electronically on or  
8 after the effective date of this chapter.

9 § -4 **Legal material in official electronic record.** (a)  
10 If an official publisher publishes legal material only in an  
11 electronic record, the publisher shall:

12 (1) Designate the electronic record as official; and

13 (2) Comply with sections -5, -7, and -8.

14 (b) An official publisher that publishes legal material in  
15 an electronic record and also publishes the material in a record  
16 other than an electronic record may designate the electronic  
17 record as official if the publisher complies with sections  
18 -5, -7, and -8.

19 § -5 **Authentication of official electronic record.** An  
20 official publisher of legal material in an electronic record  
21 that is designated as official under section -4 shall  
22 authenticate the record. To authenticate an electronic record,



1 the publisher shall provide a method for a user to determine  
2 that the record received by the user from the publisher is  
3 unaltered from the official record published by the publisher.

4       § -6 **Effect of authentication.** (a) Legal material in  
5 an electronic record that is authenticated under section -5  
6 is presumed to be an accurate copy of the legal material.

7       (b) If another state has adopted a law substantially  
8 similar to this chapter, legal material in an electronic record  
9 that is designated as official and authenticated by the official  
10 publisher in that state is presumed to be an accurate copy of  
11 the legal material.

12       (c) A party contesting the authentication of legal  
13 material in an electronic record authenticated under section  
14 -5 has the burden of proving by a preponderance of the  
15 evidence that the record is not authentic.

16       § -7 **Preservation and security of legal material in**  
17 **official electronic record.** (a) An official publisher of legal  
18 material in an electronic record that is or was designated as  
19 official under section -4 shall provide for the preservation  
20 and security of the record in an electronic form or a form that  
21 is not electronic.



1 (b) If legal material is preserved under subsection (a) in  
2 an electronic record, the official publisher shall:

3 (1) Ensure the integrity of the record;

4 (2) Provide for backup and disaster recovery of the  
5 record; and

6 (3) Ensure the continuing usability of the material.

7 § -8 **Public access to legal material in official**  
8 **electronic record.** An official publisher of legal material in  
9 an electronic record that is required to be preserved under  
10 section -7 shall ensure that the material is reasonably  
11 available for use by the public on a permanent basis.

12 § -9 **Standards.** In implementing this chapter, an  
13 official publisher of legal material in an electronic record  
14 shall consider:

15 (1) Standards and practices of other jurisdictions;

16 (2) The most recent standards regarding authentication of,  
17 preservation and security of, and public access to,  
18 legal material in an electronic record and other  
19 electronic records, as promulgated by national  
20 standard-setting bodies;

21 (3) The needs of users of legal material in an electronic  
22 record;



1 (4) The views of governmental officials and entities and  
2 other interested persons; and

3 (5) To the extent practicable, methods and technologies  
4 for the authentication of, preservation and security  
5 of, and public access to, legal material that are  
6 compatible with the methods and technologies used by  
7 other official publishers in this State and in other  
8 states that have adopted a law substantially similar  
9 to this chapter.

10 § -10 **Uniformity of application and construction.** In  
11 applying and construing this uniform act, consideration shall be  
12 given to the need to promote uniformity of the law with respect  
13 to its subject matter among states that enact it.

14 § -11 **Relation to Electronic Signatures in Global and**  
15 **National Commerce Act.** This chapter modifies, limits, and  
16 supersedes the Electronic Signatures in Global and National  
17 Commerce Act, 15 U.S.C. Section 7001 et seq., but does not  
18 modify, limit, or supersede Section 101(c) of that act, 15  
19 U.S.C. Section 7001(c), or authorize electronic delivery of any  
20 of the notices described in Section 103(b) of that act, 15  
21 U.S.C. Section 7003(b)."



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1 SECTION 2. This Act shall take effect on July 1, 2013.

2

INTRODUCED BY:

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JAN 16 2013



# H.B. NO. 18

**Report Title:**

Uniform Electronic Legal Material Act

**Description:**

Establishes authentication and other requirements for selected legal materials if they are published exclusively in electronic form. Does not require electronic publication.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

