

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 770 Session of
2005INTRODUCED BY C. WILLIAMS, WONDERLING, FUMO, WOZNIAK, O'PAKE,
BOSCOLA, LOGAN AND FERLO, JUNE 17, 2005SENATOR WONDERLING, COMMUNICATIONS AND TECHNOLOGY, AS AMENDED,
DECEMBER 6, 2005

AN ACT

1 Amending the act of December 16, 1999 (P.L.971, No.69), entitled
2 "An act regulating electronic transactions," providing for
3 the definition of "United States Postal Service Electronic
4 Postmark" and for electronic postmark.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 103 of the act of December 16, 1999
8 (P.L.971, No.69), known as the Electronic Transactions Act, is
9 amended by adding a definition to read:

10 Section 103. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "United States Postal Service Electronic Postmark." POSTMARK" <—
16 OR "USPS EPM." An electronic service provided by the United
17 States Postal Service that provides evidentiary proof that an
18 electronic document existed in a certain form at a certain time

1 and such electronic document was opened at a time and date
2 documented by the United States Post Office.

3 Section 2. The act is amended by adding a section to read:
4 Section 504. Electronic postmark.

5 ~~Notwithstanding any other provisions, any agency or entity~~ <—
6 ~~may require any vendor, entity or individual it regulates or~~
7 ~~does business with to have an e-mail address to which and from~~
8 ~~which communication may be received or delivered. Such~~

9 (A) GENERAL RULE.--UPON AGREEMENT BETWEEN AN AGENCY OR <—
10 ENTITY AND ANY OTHER AGENCY OR ENTITY, communication postmarked
11 by the United States Postal Service Electronic Postmark shall
12 have the same force of law as the United States Post Office
13 Certified Mail-Return Receipt Requested. Any state agency or
14 entity may devise policies and procedures for the use of the
15 ~~United States Postal Service Electronic Postmark~~ USPS EPM in <—
16 respect to their agency and operations.

17 (B) EXCEPTION.--THIS SECTION DOES NOT AUTHORIZE THE USE OF <—
18 AN ELECTRONIC POSTMARK OR USPS EPM FOR THE SERVICE OF ORIGINAL
19 PROCESS OF A SUMMONS, COMPLAINT OR OTHER PAPERS FOR THE PURPOSE
20 OF OBTAINING JURISDICTION OVER A DEFENDANT IN A LAWSUIT.

21 Section 3. This act shall take effect in 60 days.