

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 770 Session of
2005

INTRODUCED BY C. WILLIAMS, WONDERLING, FUMO, WOZNIAK, O'PAKE,
BOSCOLA, LOGAN AND FERLO, JUNE 17, 2005

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 18, 2006

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~~; AND FURTHER PROVIDING <—
5 FOR ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS.

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

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

11 Section 103. Definitions.

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

15 * * *

16 "United States Postal Service Electronic Postmark" or "USPS
17 EPM." An electronic service provided by the United States
18 Postal Service. ~~that provides evidentiary proof that an~~ <—

~~electronic document existed in a certain form at a certain time
and such electronic document was opened at a time and date
documented by the United States Post Office.~~

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

~~(a) General rule. Upon agreement between an agency or
entity and any other agency or entity, communication postmarked
by the United States Postal Service Electronic Postmark shall
have the same force of law as the United States Post Office
Certified Mail Return Receipt Requested. Any governmental agency
or entity may devise policies and procedures for the use of the
USPS EPM in respect to their agency and operations.~~

~~(b) Exception. This section does not authorize the use of
an electronic postmark or USPS EPM for the service of original
process of a summons, complaint or other papers for the purpose
of obtaining jurisdiction over a defendant in a lawsuit.~~

SECTION 2. SECTION 502 OF THE ACT IS AMENDED BY ADDING A
SUBSECTION TO READ:

SECTION 502. ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS.

* * *

(D) USE OF ELECTRONIC POSTMARK.--

(1) EXCEPT FOR EXECUTIVE AGENCIES, EACH GOVERNMENTAL
AGENCY IN THIS COMMONWEALTH SHALL DETERMINE THE EXTENT TO
WHICH IT WILL UTILIZE THE USPS EPM OR ANY SIMILAR SERVICE TO
SEND AND ACCEPT ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES
TO AND FROM OTHER PERSONS. EXECUTIVE AGENCIES SHALL COMPLY
WITH STANDARDS PUBLISHED BY THE OFFICE OF ADMINISTRATION
CONCERNING THE USE OF THE USPS EPM OR ANY SIMILAR SERVICE.

(2) THIS SUBSECTION DOES NOT AUTHORIZE THE USE OF AN
ELECTRONIC POSTMARK OR THE USPS EPM FOR THE SERVICE OF

1 ORIGINAL PROCESS OF A SUMMONS, COMPLAINT OR OTHER PAPERS FOR
2 THE PURPOSE OF OBTAINING JURISDICTION OVER A DEFENDANT IN A
3 LAWSUIT.

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