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SENATE BILL 79

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO LICENSING; AMENDING A SECTION OF THE UNIFORM ELECTRONIC TRANSACTIONS ACT TO ALLOW AGENCIES TO PROVIDE A MANNER FOR APPLICANTS TO ELECTRONICALLY OBTAIN, RENEW, REACTIVATE AND REINSTATE PROFESSIONAL AND OCCUPATIONAL CERTIFICATIONS, PERMITS, REGISTRATIONS AND LICENCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 14-16-18 NMSA 1978 (being Laws 2001, Chapter 131, Section 18) is amended to read:

"14-16-18. ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC RECORDS BY GOVERNMENTAL AGENCIES.--

~~[(a)]~~ A. Except as otherwise provided in Subsection F of Section [12(f)] 14-16-12 NMSA 1978, each governmental agency of this state shall determine whether, and the extent to which, it will send and accept electronic records and

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1 electronic signatures to and from other persons and otherwise
2 create, generate, communicate, store, process, use and rely
3 upon electronic records and electronic signatures.

4 [~~(b)~~] B. To the extent that a governmental agency
5 uses electronic records and electronic signatures under
6 Subsection [~~(a)~~] A of this section, the governmental agency,
7 giving due consideration to security, may specify:

8 (1) the manner and format in which the
9 electronic records must be created, generated, sent,
10 communicated, received and stored and the systems established
11 for those purposes;

12 (2) if electronic records must be signed by
13 electronic means, the type of electronic signature required,
14 the manner and format in which the electronic signature must be
15 affixed to the electronic record and the identity of, or
16 criteria that must be met by, any third party used by a person
17 filing a document to facilitate the process;

18 (3) control processes and procedures as
19 appropriate to ensure adequate preservation, disposition,
20 integrity, security, confidentiality and auditability of
21 electronic records; and

22 (4) any other required attributes for
23 electronic records [~~which~~] that are specified for corresponding
24 nonelectronic records or reasonably necessary under the
25 circumstances.

.190835.2

1 C. A governmental agency may provide by rule the
2 manner by which an applicant may satisfy by electronic means
3 all agency requirements to obtain, renew, reactivate and
4 reinstate a professional or occupational certification, permit,
5 registration or license.

6 [~~e~~] D. Except as otherwise provided in Subsection
7 F of Section [~~12(f)~~] 14-16-12 NMSA 1978, the Uniform Electronic
8 Transactions Act does not require a governmental agency of this
9 state to use or permit the use of electronic records or
10 electronic signatures."

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