

SUBCHAPTER B: ELECTRONIC REPORTING REQUIREMENTS
§§19.10, 19.12, 19.14
Effective March 15, 2007

§19.10. Use of Electronic Document Receiving System.

(a) When the executive director has announced on the commission's public Web site that it is accepting specified electronic documents, individuals who submit to the commission electronic documents to satisfy requirements of authorized programs or designated state programs must use the commission's electronic document receiving system.

(b) Individuals desiring to use an electronic signature device must execute an electronic signature agreement with handwritten wet ink signature or by using an electronic identity verification system utilized by the commission.

(c) Authorized signatories may not allow another individual to use the electronic signature device unique to his or her signature.

Adopted February 7, 2007

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§19.12. Authorized Electronic Signature.

(a) When the electronic signature device is used to create an individual's electronic signature, the code or mechanism must be unique to that individual at the time the signature is created and the individual must be uniquely entitled to use it. Signatories shall:

(1) protect the electronic signature device from compromise; and

(2) report to the commission any evidence that the device has been compromised, within one business day of the discovery.

(b) An electronic signature device is compromised if the code or mechanism is available for use by any other individual.

(c) An electronic document must bear the valid electronic signature of a signatory if that signatory is required under the authorized program or the state program to sign the paper document for which the electronic document substitutes.

(d) An electronic signature on an electronic document is valid if it has been created with an electronic signature device that the identified signatory is uniquely entitled to use for signing that document; the device has not been compromised; and the signatory is an individual who is authorized to sign the document by virtue of his or her legal status and/or his or her relationship to the entity on whose behalf the signature is executed.

(e) The presence of an electronic signature on an electronic document submitted to the commission establishes that the signatory intended to sign the electronic document and to submit it to the commission to fulfill the purpose of the electronic document.

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§19.14. Enforcement.

(a) An electronic signature on an electronic document submitted to the commission is the legal equivalent of a handwritten signature on a paper document submitted to the commission.

(b) Persons, as defined in §3.2 of this title (relating to Definitions), and signatories are subject to penalties, fines, and other remedies under commission rules or applicable statutes for failure to comply with a reporting requirement of the commission if the person or signatory reports electronically and fails to comply with the applicable provisions of this chapter, applicable statutes, commission rules, and the electronic participation agreement.

(c) Nothing in this chapter limits the use of an electronic document, copy of record, or information derived from electronic documents as evidence in enforcement proceedings.

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