

## **SUMMARY OF VIRGINIA'S UNIFORM ELECTRONIC TRANSACTIONS ACT**

- I. Purpose of UETA - to enable electronic commerce by providing that contracts and records are not invalid simply because they are in an electronic format rather than on paper
- II. Core Function of UETA - "**§ 59.1-485. Legal recognition of electronic records, electronic signatures, and electronic contracts.**
  - (a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.
  - (b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.
  - (c) If a law requires a record to be in writing, an electronic record satisfies the law.
  - (d) If a law requires a signature, or provides for certain consequences in the absence of a signature, an electronic signature satisfies the law."
- III. Scope of UETA
  - a. Applies to electronic records and signatures relating to a transaction
    - i. E.g., sales and leases of goods (UCC Articles 2 and 2A)
  - b. Electronic filings and record keeping with certain government agencies
    - i. All public bodies
    - ii. But not the courts - the courts will follow whatever rules the Virginia Supreme Court creates
      - a. The Rules of the Supreme Court
      - b. The Supreme Court has the authority to make rules for the lower courts
  - c. Virginia laws specifically excluded from UETA
    - i. Wills, codicils, or testamentary trusts
    - ii. Uniform Commercial Code Sections
      1. Title 8.1A. General Provisions
        - a. But does cover § 8.1A-306. Waiver or renunciation of claim or right after breach
      2. Title 8.3A. Negotiable Instruments
      3. Title 8.4. Bank Deposits and Collections
      4. Title 8.4A. Funds Transfers
      5. Title 8.5A. Letters of Credit
      6. Title 8.6A. Bulk Transfers
      7. Title 8.7. Warehouse Receipts, Bills of Lading and Other Documents of Title
      8. Title 8.8A. Investment Securities
      9. Title 8.9A. Secured Transactions
      10. Titles 8.10 and 8.11. Effective Dates and Transition Provisions (of UCC)