

CHAPTER 325K

ELECTRONIC AUTHENTICATION ACT

325K.03	Role of the secretary.	325K.10	Issuance of certificate.
325K.04	Fees.	325K.14	Suspension of certificate.
325K.05	Licensure and qualifications of certification authorities.	325K.15	Certificate revocation.
325K.09	General requirements for certification authorities.		

325K.03 ROLE OF THE SECRETARY.

[For text of subds 1 to 3, see M.S.1998]

Subd. 4. **Certification practice statement.** The secretary in the role of licensed certification authority may adopt and amend a certification practice statement without using the provisions of chapter 14.

History: 1999 c 250 art 1 s 94

325K.04 FEES.

(a) The secretary shall set reasonable fees for all services rendered under this chapter, in amounts sufficient to compensate for the costs of all services provided by the secretary under this chapter. Until July 1, 2001, the fees need not be set by rule.

(b) The digital signature account is created in the special revenue fund. All fees recovered by the secretary must be deposited in the digital signature account. Money in the digital signature account is appropriated to the secretary to pay the costs of all services provided by the secretary.

History: 1999 c 250 art 1 s 95

325K.05 LICENSURE AND QUALIFICATIONS OF CERTIFICATION AUTHORITIES.

Subdivision 1. **License conditions.** To obtain or retain a license, a certification authority must:

- (1) be the subscriber of a certificate published in a recognized repository;
 - (2) employ as operative personnel only persons who have not been convicted within the past 15 years of a felony or a crime involving fraud, false statement, or deception;
 - (3) employ as operative personnel only persons who have demonstrated knowledge and proficiency in following the requirements of this chapter;
 - (4) file with the secretary a suitable guaranty, unless the certification authority is a department, office, or official of a federal, state, city, or county governmental entity that is self-insured;
 - (5) use a trustworthy system, including a secure means for limiting access to its private key;
 - (6) present proof to the secretary of having working capital reasonably sufficient, according to rules adopted by the secretary, to enable the applicant to conduct business as a certification authority;
 - (7) register its business organization with the secretary, unless the applicant is a governmental entity or is otherwise prohibited from registering;
 - (8) require a potential subscriber to appear in person before the certification authority, or an agent of the certification authority, to prove the subscriber's identity before a certificate is issued to the subscriber; and
 - (9) comply with all further licensing requirements established by rule by the secretary.
- The secretary may, by rule, establish standards by which the in-person registration required in clause (8) may be waived.

[For text of subds 2 to 7, see M.S.1998]

History: 1999 c 250 art 1 s 96

325K.09 GENERAL REQUIREMENTS FOR CERTIFICATION AUTHORITIES.

[For text of subs 1 and 2, see M.S.1998]

Subd. 3. **Acceptance.** A recipient who accepts a digital signature when the certificate was issued by a licensed certification authority becomes a party to and accepts all of the terms and conditions of the licensed certification authority's certification practice statement.

History: 1999 c 250 art 1 s 97

325K.10 ISSUANCE OF CERTIFICATE.

[For text of subs 1 to 4, see M.S.1998]

Subd. 5. **Order of suspension or revocation.** The secretary may order the licensed certification authority to suspend or revoke a certificate that the certification authority issued if, after giving any required notice and opportunity for the certification authority and subscriber to be heard in accordance with the Administrative Procedure Act, chapter 14, the secretary determines that:

- (1) the certificate was issued without substantial compliance with this section; and
- (2) the noncompliance poses a significant risk to persons reasonably relying on the certificate.

Upon determining that an emergency requires an immediate remedy, and in accordance with the Administrative Procedure Act, chapter 14, the secretary may issue an order suspending a certificate for a period not to exceed 96 hours.

History: 1999 c 250 art 1 s 98

325K.14 SUSPENSION OF CERTIFICATE.

[For text of subs 1 to 8, see M.S.1998]

Subd. 9. **Administrative procedures.** For purposes of this section, the provisions of chapter 14 do not apply when the secretary acts as a licensed certification authority for governmental entities.

History: 1999 c 250 art 1 s 99

325K.15 CERTIFICATE REVOCATION.

[For text of subs 1 to 7, see M.S.1998]

Subd. 8. **Administrative procedures.** For purposes of this section, the provisions of chapter 14 do not apply when the secretary acts as a licensed certification authority for governmental entities.

History: 1999 c 250 art 1 s 100