325K.24 PRESUMPTIONS IN ADJUDICATING DISPUTES; LIABILITY ALLOCATION.

Subdivision 1. **Presumptions.** In adjudicating a dispute involving a digital signature, a court of this state presumes that:

(a) A certificate digitally signed by a licensed certification authority and either published in a recognized repository, or made available by the issuing certification authority or by the subscriber listed in the certificate is issued by the certification authority that digitally signed it and is accepted by the subscriber listed in it.

(b) The information listed in a valid certificate and confirmed by a licensed certification authority issuing the certificate is accurate.

(c) If a digital signature is verified by the public key listed in a valid certificate issued by a licensed certification authority:

(1) that digital signature is the digital signature of the subscriber listed in that certificate;

(2) that digital signature was affixed by that subscriber with the intention of signing the message; and

(3) the recipient of that digital signature has no knowledge or notice that the signer:

(i) breached a duty as a subscriber; or

(ii) does not rightfully hold the private key used to affix the digital signature.

(d) A digital signature was created before it was time stamped by a disinterested person utilizing a trustworthy system.

Subd. 2. **Liability allocation.** A court of this state shall give effect to liability allocations between the parties provided by contract to the extent not inconsistent with the requirements of this chapter.

History: *1997 c 178 s 25*