

1 H.868

2 Senator Balint moves that the Senate propose to the House to amend in the
3 bill by striking out Sec. I.1 in its entirety and inserting in lieu thereof a new I.1
4 to read:

5 Sec. I.1. 12 V.S.A. § 1913 is added to read:

6 § 1913. BLOCKCHAIN ENABLING

7 (a) As used in this section, “blockchain technology” means a
8 mathematically secured, chronological, and decentralized consensus ledger or
9 database, whether maintained via Internet interaction, peer-to-peer network, or
10 otherwise.

11 (b) Authentication, admissibility, and presumptions.

12 (1) A digital record electronically registered in a blockchain shall be
13 self-authenticating pursuant to Vermont Rule of Evidence 902, if it is
14 accompanied by a written declaration of a qualified person, made under oath,
15 stating the qualification of the person to make the certification and:

16 (A) the date and time the record entered the blockchain;

17 (B) the date and time the record was received from the blockchain;

18 (C) that the record was maintained in the blockchain as a regular
19 conducted activity; and

20 (D) that the record was made by the regularly conducted activity as a
21 regular practice.

1 (2) A digital record electronically registered in a blockchain, if
2 accompanied by a declaration that meets the requirements of subdivision (1) of
3 this subsection, shall be considered a record of regularly conducted business
4 activity pursuant to Vermont Rule of Evidence 803(6) unless the source of
5 information or the method or circumstance of preparation indicate lack of
6 trustworthiness. For purposes of this subdivision (2), a record includes
7 information or data.

8 (3) The following presumptions apply:

9 (A) A fact or record verified through a valid application of
10 blockchain technology is authentic.

11 (B) The date and time of the recordation of the fact or record
12 established through such a blockchain is the date and time that the fact or
13 record was added to the blockchain.

14 (C) The person established through such a blockchain as the person
15 who made such recordation is the person who made the recordation.

16 (D) If the parties before a court or other tribunal have agreed to a
17 particular format or means of verification of a blockchain record, a certified
18 presentation of a blockchain record consistent with this section to the court or
19 other tribunal in the particular format or means agreed to by the parties
20 demonstrates the contents of the record.

1 (4) A presumption does not extend to the truthfulness, validity, or legal
2 status of the contents of the fact or record.

3 (5) A person against whom the fact operates has the burden of
4 producing evidence sufficient to support a finding that the presumed fact,
5 record, time, or identity is not authentic as set forth on the date added to the
6 blockchain, but the presumption does not shift to a person the burden of
7 persuading the trier of fact that the underlying fact or record is itself accurate
8 in what it purports to represent.

9 (c) Without limitation, the presumption established in this section shall
10 apply to a fact or record maintained by blockchain technology to determine:

11 (1) contractual parties, provisions, execution, effective dates, and status;

12 (2) the ownership, assignment, negotiation, and transfer of money,
13 property, contracts, instruments, and other legal rights and duties;

14 (3) identity, participation, and status in the formation, management,
15 record keeping, and governance of any person;

16 (4) identity, participation, and status for interactions in private
17 transactions and with a government or governmental subdivision, agency, or
18 instrumentality;

19 (5) the authenticity or integrity of a record, whether publicly or privately
20 relevant; and

21 (6) the authenticity or integrity of records of communication.

- 1 (d) The provisions of this section shall not create or negate:
- 2 (1) an obligation or duty for any person to adopt or otherwise implement
- 3 blockchain technology for any purpose authorized in this section; or
- 4 (2) the legality or authorization for any particular underlying activity
- 5 whose practices or data are verified through the application of blockchain
- 6 technology.