
HOUSE BILL 2564

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Robinson, Manweller, S. Hunt, Stanford, Bergquist, Pollet, and Freeman

Read first time 01/21/14. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to electronic signatures; adding a new section to
2 chapter 1.12 RCW; adding a new section to chapter 43.41A RCW; adding a
3 new chapter to Title 1 RCW; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 1.12 RCW
6 to read as follows:

7 Unless specifically provided otherwise by law, whenever the use of
8 a signature is authorized or required by this code in any written
9 communication with a state agency, an electronic signature may be used
10 with the same force and effect as the use of a signature affixed by
11 hand, as long as the electronic signature conforms to all of the
12 provisions of section 2 of this act.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter and sections 1 and 4 of this act unless the
15 context clearly requires otherwise.

16 (1) "Electronic signature" means an electronic sound, symbol, or
17 process, attached to, or logically associated with, a contract or other

1 record and executed or adopted by a person with the intent to sign the
2 record.

3 (2) "Secure electronic signature" means an electronic signature
4 that:

5 (a) Is unique to the person making the signature;

6 (b) Uses a technology or process to make the signature that is
7 under the sole control of the person making the signature;

8 (c) Uses a technology or process that can identify the person using
9 the technology or process; and

10 (d) Can be linked with an electronic record in such a way that it
11 can be used to determine whether the electronic record has been changed
12 since the electronic signature was incorporated in, attached to, or
13 associated with the electronic record.

14 (3) "State agency" means any state office or activity of the
15 executive and judicial branches of state government, including state
16 departments, offices, divisions, boards, commissions, institutions of
17 higher education as defined in RCW 28B.10.016, and correctional and
18 other types of institutions.

19 NEW SECTION. **Sec. 3.** (1) Unless specifically provided otherwise
20 by law, state agencies may use or accept secure electronic signatures
21 for any written communications that require a signature. Such
22 signatures are valid and enforceable.

23 (2) The use or acceptance of an electronic signature shall be at
24 the option of the state agency. This section shall not be construed to
25 require a state agency to use or to authorize the use of an electronic
26 signature, nor may it be construed to prevent a unit of state
27 government from electing to follow the procedures for digital signature
28 certification established under the Washington electronic
29 authentication act, chapter 19.34 RCW.

30 (3) Agency use or acceptance of electronic signatures must comply
31 with any rules, policies, or technical standards established by the
32 office of the chief information officer.

33 (4) A state agency seeking to authorize, under the authority of
34 this chapter, the use or acceptance of an electronic signature shall
35 file an official notice in the Washington State Register.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.41A RCW
2 to read as follows:

3 (1) The chief information officer shall adopt rules and establish
4 standards and policies as necessary to facilitate the use,
5 authentication, and acceptance of electronic signatures, as defined in
6 section 2 of this act, by government agencies. However, the chief
7 information officer shall not adopt rules or establish standards or
8 policies that seek to apportion fault or impose or limit liability
9 relating to the use of electronic signatures.

10 (2) In developing rules, standards, and policies for electronic
11 signatures, the chief information officer shall seek the advice of the
12 attorney general, the secretary of state, and any other government or
13 private entities that the chief information officer deems appropriate.

14 NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act constitute a
15 new chapter in Title 1 RCW.

16 NEW SECTION. **Sec. 6.** Sections 1 and 3 of this act take effect
17 January 1, 2015.

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