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ENGROSSED SUBSTITUTE SENATE BILL 5810

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State of Washington

64th Legislature

2015 Regular Session

By Senate Government Operations & Security (originally sponsored by Senators Roach, Llias, and Chase; by request of Office of Financial Management)

READ FIRST TIME 02/17/15.

1 AN ACT Relating to the use, acceptance, and removal of barriers  
2 to the use and acceptance of electronic signatures; amending RCW  
3 18.25.020, 18.32.100, and 29A.72.010; reenacting and amending RCW  
4 19.34.231; adding a new chapter to Title 19 RCW; and repealing RCW  
5 39.04.390.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes that the  
8 electronic signatures in global and national commerce act, 15 U.S.C.  
9 Sec. 7001 et seq., applies to federal and state transactions,  
10 including certain governmental transactions, in or affecting  
11 interstate or foreign commerce relating to this state. In this act,  
12 the legislature, to the extent not already authorized by federal or  
13 state law, authorizes electronic dealings for governmental affairs  
14 and establishes the implementation framework for electronic  
15 governmental affairs and governmental transactions. This act is  
16 intended to promote electronic transactions and remove barriers that  
17 might prevent electronic transactions with governmental entities.

18 NEW SECTION. **Sec. 2.** (1) Unless specifically provided otherwise  
19 by law or agency rule, whenever the use of a written signature is  
20 authorized or required by this code with a state agency, an

1 electronic signature may be used with the same force and effect as  
2 the use of a signature affixed by hand, as long as the electronic  
3 signature conforms to the definition in section 3 of this act and the  
4 writing conforms to section 4 of this act.

5 (2) Except as otherwise provided by law, each state agency may  
6 determine whether, and to what extent, the agency will send and  
7 accept electronic records and electronic signatures to and from other  
8 persons and otherwise create, generate, communicate, store, process,  
9 use, and rely upon electronic records and electronic signatures.  
10 Nothing in this act requires a state agency to send or accept  
11 electronic records or electronic signatures when a writing or  
12 signature is required by statute.

13 (3) Except as otherwise provided by law, for governmental affairs  
14 and governmental transactions with state agencies, each state agency  
15 electing to send and accept shall establish the method that must be  
16 used for electronic submissions and electronic signatures. The method  
17 and process for electronic submissions and the use of electronic  
18 signatures must be established by policy or rule and be consistent  
19 with the policies, standards, or guidance established by the chief  
20 information officer required in subsection (4) of this section.

21 (4)(a) The chief information officer, in coordination with state  
22 agencies, must establish standards, guidelines, or policies for the  
23 electronic submittal and receipt of electronic records and electronic  
24 signatures for governmental affairs and governmental transactions.  
25 The standards, policies, or guidelines must take into account  
26 reasonable access by and ability of persons to participate in  
27 governmental affairs or governmental transactions and be able to rely  
28 on transactions that are conducted electronically with agencies.  
29 Through the standards, policies, or guidelines, the chief information  
30 officer should encourage and promote consistency and interoperability  
31 among state agencies.

32 (b) In order to provide a single point of access, the chief  
33 information officer must establish a web site that maintains or links  
34 to the agency rules and policies established pursuant to subsection  
35 (3) of this section.

36 NEW SECTION. **Sec. 3.** (1) Unless specifically provided otherwise  
37 by law or rule or unless the context clearly indicates otherwise,  
38 whenever the term "signature" is used in this code for governmental  
39 affairs and is authorized by agency rule or policy pursuant to

1 section 2 of this act, the term includes an electronic signature as  
2 defined in subsection (2) of this section.

3 (2) "Electronic signature" means an electronic sound, symbol, or  
4 process attached to or logically associated with a contract or other  
5 record and executed or adopted by a person with the intent to sign  
6 the record.

7 NEW SECTION. **Sec. 4.** (1) Unless specifically provided otherwise  
8 by law or rule or unless the context clearly indicates otherwise,  
9 whenever the term "writing" is used in this code for governmental  
10 affairs and is authorized by agency rule or policy pursuant to  
11 section 2 of this act, the term means a record.

12 (2) "Record," as used in subsection (1) of this section, means  
13 information that is inscribed on a tangible medium or that is stored  
14 in an electronic or other medium and is retrievable in perceivable  
15 form, except as otherwise defined for the purpose of state agency  
16 record retention, preservation, or disclosure.

17 NEW SECTION. **Sec. 5.** (1) Unless specifically provided otherwise  
18 by law or rule or unless the context clearly indicates otherwise,  
19 whenever the term "mail" is used in this code and authorized by  
20 agency rule or policy pursuant to section 2 of this act to transmit a  
21 writing with a state agency, the term includes the use of mail  
22 delivered through an electronic system such as email or secure mail  
23 transfer if authorized by the state agency in rule.

24 (2) For the purposes of this section, "electronic" means relating  
25 to technology having electrical, digital, magnetic, wireless,  
26 optical, electromagnetic, or similar capabilities.

27 NEW SECTION. **Sec. 6.** For purposes of sections 2 through 5 of  
28 this act, "state agency" means any state board, commission, bureau,  
29 committee, department, institution, division, or tribunal in the  
30 executive branch of state government, including statewide elected  
31 offices and institutions of higher education created and supported by  
32 the state government.

33 **Sec. 7.** RCW 18.25.020 and 1996 c 191 s 8 are each amended to  
34 read as follows:

35 (1) Any person not now licensed to practice chiropractic in this  
36 state and who desires to practice chiropractic in this state, before

1 it shall be lawful for him or her to do so, shall make application  
2 therefor to the secretary, upon such form and in such manner as may  
3 be adopted and directed by the secretary. Each applicant who  
4 matriculates to a chiropractic college (~~after January 1, 1975~~),  
5 shall have completed not less than one-half of the requirements for a  
6 baccalaureate degree at an accredited and approved college or  
7 university and shall be a graduate of a chiropractic school or  
8 college accredited and approved by the commission and shall show  
9 satisfactory evidence of completion by each applicant of a resident  
10 course of study of not less than four thousand classroom hours of  
11 instruction in such school or college. Applications shall be in  
12 writing and shall be signed by the applicant (~~in his or her own~~  
13 ~~handwriting and shall be sworn to before some officer authorized to~~  
14 ~~administer oaths~~), and shall recite the history of the applicant as  
15 to his or her educational advantages, his or her experience in  
16 matters pertaining to a knowledge of the care of the sick, how long  
17 he or she has studied chiropractic, under what teachers, what  
18 collateral branches, if any, he or she has studied, the length of  
19 time he or she has engaged in clinical practice; accompanying the  
20 same by reference therein, with any proof thereof in the shape of  
21 diplomas, certificates, and shall accompany said application with  
22 satisfactory evidence of good character and reputation.

23 (2) Applicants shall follow administrative procedures and  
24 administrative requirements and pay fees as provided in RCW 43.70.250  
25 and 43.70.280.

26 **Sec. 8.** RCW 18.32.100 and 1994 sp.s. c 9 s 213 are each amended  
27 to read as follows:

28 The applicant for a dentistry license shall file an application  
29 on a form furnished by the secretary, stating the applicant's name,  
30 age, place of residence, the name of the school or schools attended  
31 by the applicant, the period of such attendance, the date of the  
32 applicant's graduation, whether the applicant has ever been the  
33 subject of any disciplinary action related to the practice of  
34 dentistry, and shall include a statement of all of the applicant's  
35 dental activities. This shall include any other information deemed  
36 necessary by the commission.

37 The application shall be signed by the applicant (~~and sworn to~~  
38 ~~by the applicant before some person authorized to administer oaths,~~)

1 and shall be accompanied by proof of the applicant's school  
2 attendance and graduation.

3 **Sec. 9.** RCW 19.34.231 and 2011 1st sp.s. c 43 s 809 and 2011 c  
4 183 s 2 are each reenacted and amended to read as follows:

5 ~~((1) If a signature of a unit of state or local government,~~  
6 ~~including its appropriate officers or employees, is required by~~  
7 ~~statute, administrative rule, court rule, or requirement of the~~  
8 ~~office of financial management, that unit of state or local~~  
9 ~~government may become a subscriber to a certificate issued by a~~  
10 ~~licensed certification authority for purposes of conducting official~~  
11 ~~public business with electronic records.~~

12 ~~(2))~~ A city or county may become a licensed certification  
13 authority under RCW 19.34.100 for purposes of providing services to  
14 local government, if authorized by ordinance adopted by the city or  
15 county legislative authority.

16 ~~((3) A unit of state government, except the secretary, may not~~  
17 ~~act as a certification authority.))~~

18 **Sec. 10.** RCW 29A.72.010 and 2003 c 111 s 1802 are each amended  
19 to read as follows:

20 If any legal voter of the state, either individually or on behalf  
21 of an organization, desires to petition the legislature to enact a  
22 proposed measure, or submit a proposed initiative measure to the  
23 people, or order that a referendum of all or part of any act, bill,  
24 or law, passed by the legislature be submitted to the people, he or  
25 she shall file with the secretary of state:

26 (1) A legible copy of the measure proposed, or the act or part of  
27 such act on which a referendum is desired~~((, accompanied by an))~~;

28 (2) A signed affidavit, or electronic submission, that the  
29 sponsor is a ~~((legal))~~ registered voter; and

30 (3) A filing fee prescribed under RCW 43.07.120.

31 NEW SECTION. **Sec. 11.** RCW 39.04.390 (Electronic competitive  
32 bidding) and 2014 c 151 s 1 are each repealed.

33 NEW SECTION. **Sec. 12.** Sections 1 through 6 of this act  
34 constitute a new chapter in Title 19 RCW.

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