
SUBSTITUTE SENATE BILL 5810

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 section to chapter 19.34 RCW; adding a new
5 chapter to Title 19 RCW; creating a new section; and repealing RCW
6 39.04.390.

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

8 NEW SECTION. **Sec. 1.** The legislature recognizes that the
9 electronic signatures in global and national commerce act, 15 U.S.C.
10 Sec. 7001 et seq., applies to federal and state transactions,
11 including certain governmental transactions, in or affecting
12 interstate or foreign commerce relating to this state. In part I of
13 this act, the legislature, to the extent not already authorized by
14 federal or state law, authorizes electronic dealings for governmental
15 affairs and establishes the implementation framework for electronic
16 governmental affairs and governmental transactions. In part II of
17 this act, the legislature expands uniformity for all transactions,
18 including governmental, commercial, and consumer transactions, by
19 applying provisions of ESIGN to any state law aspects of interstate
20 or foreign transactions and to intrastate transactions. Part III of
21 this act is intended to promote electronic transactions and remove

1 barriers that might prevent electronic transactions with governmental
2 entities.

3 **PART I**

4 NEW SECTION. **Sec. 2.** (1) Unless specifically provided otherwise
5 by law or agency rule adopted after the effective date of this
6 section, whenever the use of a written signature is authorized or
7 required by this code with a state agency, an electronic signature
8 may be used with the same force and effect as the use of a signature
9 affixed by hand, as long as the electronic signature conforms to the
10 definition in section 3 of this act and the writing conforms to
11 section 4 of this act.

12 (2) Each state agency may determine whether, and to what extent,
13 the agency will send and accept electronic records and electronic
14 signatures to and from other persons and otherwise create, generate,
15 communicate, store, process, use, and rely upon electronic records
16 and electronic signatures. Nothing in this act requires a state
17 agency to send or accept electronic records or electronic signatures
18 when a writing or signature is required by statute.

19 (3) For governmental affairs and governmental transactions with
20 state agencies, the state agency shall establish the method that must
21 be used for electronic submissions and electronic signatures. The
22 method and process for electronic submissions and the use of
23 electronic signatures must be established by policy or rule and be
24 consistent with the policies, standards, or guidance established by
25 the chief information officer required in subsection (4) of this
26 section.

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

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

5 NEW SECTION. **Sec. 3.** (1) Unless specifically provided otherwise
6 by law or rule adopted after the effective date of this section or
7 unless the context clearly indicates otherwise, whenever the term
8 "signature" is used in this code for governmental affairs and is
9 authorized by agency rule or policy pursuant to section 2 of this
10 act, the term includes an electronic signature as defined in
11 subsection (2) of this section.

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

16 NEW SECTION. **Sec. 4.** (1) Unless specifically provided otherwise
17 by law or rule adopted after the effective date of this section or
18 unless the context clearly indicates otherwise, whenever the term
19 "writing" is used in this code for governmental affairs and is
20 authorized by agency rule or policy pursuant to section 2 of this
21 act, the term means a record.

22 (2) "Record," as used in subsection (1) of this section, has the
23 meaning set forth in section 9(8) of this act.

24 NEW SECTION. **Sec. 5.** (1) Unless specifically provided otherwise
25 by law or rule adopted after the effective date of this section or
26 unless the context clearly indicates otherwise, whenever the term
27 "mail" is used in this code and authorized by agency rule or policy
28 pursuant to section 2 of this act to transmit a writing with a state
29 agency, the term includes the use of mail delivered through an
30 electronic system such as email or secure mail transfer if authorized
31 by the state agency in rule.

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

35 NEW SECTION. **Sec. 6.** For purposes of sections 2 through 5 of
36 this act, "state agency" means any state board, commission, bureau,

1 committee, department, institution, division, or tribunal in the
2 executive branch of state government, including statewide elected
3 offices and institutions of higher education created and supported by
4 the state government.

5 **PART II**

6 NEW SECTION. **Sec. 7.** (1) To any extent ESIGN does not already
7 apply in this state and subject to ESIGN restrictions on states or
8 state regulatory agencies, the following provisions of ESIGN are
9 adopted as laws of this state, including with respect to intrastate
10 transactions and with respect to state law aspects of interstate
11 transactions: Sections 7001, general rule of validity; 7003, specific
12 exceptions; 7004, applicability to federal and state governments; and
13 7021, transferable records.

14 (2) Those contracts, records, transactions, documents, or matters
15 specifically excepted from coverage of ESIGN under section 7003 of
16 ESIGN are unaffected by and excepted from this act. This act neither
17 precludes nor authorizes the use of electronic records or signatures
18 for the excepted matters set out in section 7003 of ESIGN.

19 NEW SECTION. **Sec. 8.** Chapter 19.34 RCW addresses a particular
20 technology that is used for the creation and transmission of an
21 electronic signature, which technology is not required for the
22 implementation or application of this act. To the extent that chapter
23 19.34 RCW is in conflict with this act, this act supersedes the
24 provisions of chapter 19.34 RCW regarding the same subject matter.

25 NEW SECTION. **Sec. 9.** The definitions in this section apply
26 throughout this chapter unless the context clearly requires
27 otherwise.

28 (1) "Consumer" means an individual who obtains, through a
29 transaction, products or services which are used primarily for
30 personal, family, or household purposes, and includes the legal
31 representative of such an individual.

32 (2) "Electronic" means relating to technology having electrical,
33 digital, magnetic, wireless, optical, electromagnetic, or similar
34 capabilities.

1 (3) "Electronic record" means a contract or other record created,
2 generated, sent, communicated, received, or stored by electronic
3 means.

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

8 (5) "ESIGN" means the electronic signatures in global and
9 national commerce act, 15 U.S.C. Sec. 7001 et seq., as in effect on
10 June 13, 2002.

11 (6) "Information" means data, text, images, sounds, codes,
12 computer programs, software, databases, or the like.

13 (7) "Person" means an individual, corporation, business trust,
14 estate, trust, partnership, limited liability company, association,
15 joint venture, governmental agency, public corporation, or any other
16 legal or commercial entity.

17 (8) "Record" means information that is inscribed on a tangible
18 medium or that is stored in an electronic or other medium and is
19 retrievable in perceivable form, except as otherwise defined for the
20 purpose of state agency record retention, preservation, or
21 disclosure.

22 (9) "Requirement" includes a prohibition.

23 (10) "Transaction" means an action or set of actions relating to
24 the conduct of business, governmental, consumer, or commercial
25 affairs between two or more persons, including any of the following
26 types of conduct:

27 (a) The sale, lease, exchange, licensing, or other disposition,
28 including governmental or other procurement and aspects thereof such
29 as competitive bidding, of: (i) Personal property, including goods
30 and intangibles; (ii) services; or (iii) any combination thereof; and

31 (b) The sale, lease, exchange, or other disposition of any
32 interest in real property, or any combination thereof.

33 NEW SECTION. **Sec. 10.** Nothing in this act is intended to be
34 inconsistent with the federal electronic signatures in global and
35 national commerce act and compliance with the federal act satisfies
36 compliance with this act.

1 **Sec. 14.** RCW 18.32.100 and 1994 sp.s. c 9 s 213 are each amended
2 to read as follows:

3 The applicant for a dentistry license shall file an application
4 on a form furnished by the secretary, stating the applicant's name,
5 age, place of residence, the name of the school or schools attended
6 by the applicant, the period of such attendance, the date of the
7 applicant's graduation, whether the applicant has ever been the
8 subject of any disciplinary action related to the practice of
9 dentistry, and shall include a statement of all of the applicant's
10 dental activities. This shall include any other information deemed
11 necessary by the commission.

12 The application shall be signed by the applicant (~~and sworn to~~
13 ~~by the applicant before some person authorized to administer oaths,~~)
14 and shall be accompanied by proof of the applicant's school
15 attendance and graduation.

16 **Sec. 15.** RCW 19.34.231 and 2011 1st sp.s. c 43 s 809 and 2011 c
17 183 s 2 are each reenacted and amended to read as follows:

18 ~~((1) If a signature of a unit of state or local government,~~
19 ~~including its appropriate officers or employees, is required by~~
20 ~~statute, administrative rule, court rule, or requirement of the~~
21 ~~office of financial management, that unit of state or local~~
22 ~~government may become a subscriber to a certificate issued by a~~
23 ~~licensed certification authority for purposes of conducting official~~
24 ~~public business with electronic records.~~

25 (2)) A city or county may become a licensed certification
26 authority under RCW 19.34.100 for purposes of providing services to
27 local government, if authorized by ordinance adopted by the city or
28 county legislative authority.

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

31 **Sec. 16.** RCW 29A.72.010 and 2003 c 111 s 1802 are each amended
32 to read as follows:

33 If any legal voter of the state, either individually or on behalf
34 of an organization, desires to petition the legislature to enact a
35 proposed measure, or submit a proposed initiative measure to the
36 people, or order that a referendum of all or part of any act, bill,
37 or law, passed by the legislature be submitted to the people, he or
38 she shall file with the secretary of state:

- 1 (1) A legible copy of the measure proposed, or the act or part of
2 such act on which a referendum is desired(~~(, accompanied by an)~~);
3 (2) A signed affidavit, or electronic submission, that the
4 sponsor is a (~~legal~~) registered voter; and
5 (3) A filing fee prescribed under RCW 43.07.120.

6 NEW SECTION. Sec. 17. A new section is added to chapter 19.34
7 RCW to read as follows:

8 To the extent that this chapter is in conflict with this act,
9 this act supersedes the provisions of this chapter regarding the same
10 subject matter.

11 NEW SECTION. Sec. 18. RCW 39.04.390 (Electronic competitive
12 bidding) and 2014 c 151 s 1 are each repealed.

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