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**Innovation, Technology & Economic  
Development Committee**

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**HB 1908**

**Brief Description:** Repealing the electronic authentication act.

**Sponsors:** Representatives Graham, Walsh, Griffey, Irwin and Corry; by request of Secretary of State.

**Brief Summary of Bill**

- Repeals the Electronic Authentication Act.
- Defines "digital signature" and "electronic signature" in statutes that will continue to use those terms in other contexts.

**Hearing Date:** 2/12/19

**Staff:** Yelena Baker (786-7301).

**Background:**

The Washington Electronic Authentication Act (EAA) was enacted in 1998 for the purpose of facilitating commerce by means of reliable electronic messages, to ensure legal recognition of electronic signatures, and to minimize the incidence of forged digital signatures and fraud in electronic commerce.

Under the EAA, the Secretary of State has the authority to regulate:

- the licensing of certification authorities, who issue digital certificates verifying the authenticity of digital signatures;
- the qualifications of operative personnel, who act as the agents of licensed certification authorities; and
- the recognition of repositories, which are systems for storing and receiving digital certificates and other information relevant to digital certificates.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The secretary of state may investigate the activities of a licensed certification authority and order monetary penalties. In the case of a state agency authorized by law to be a licensed certification authority, the sole penalty imposed must consist of specific findings of noncompliance and an order requiring compliance.

The secretary maintains public lists of licensed certification authorities and recognized repositories. Currently, there are no licensed certification authorities or recognized repositories listed by the secretary.

"Digital signature" is defined in the EAA as an electronic signature that is a transformation of a message using an asymmetric cryptosystem such that a person having the initial message and the signer's public key can accurately determine: (1) whether the transformation was created using the private key that corresponds to the signer's public key; and (2) whether the initial message has been altered since the transformation was made.

"Electronic signature" is defined in the EAA as a signature in electronic form attached to or logically associated with an electronic record, including but not limited to a digital signature.

"Electronic signature" is also defined in state laws relating to electronic signatures and records and means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

**Summary of Bill:**

The Washington Electronic Authentication Act (EAA) is repealed.

All statutory references to the EAA, including references to the definition for "digital signature" and "electronic signature" contained in the EAA are removed from the statute.

The EAA definition of "digital signature" is added to other statutes that will continue to use the term after the repeal of the EAA.

The EAA definition of "electronic signature" used in other statutes is replaced with a reference to the definition of that term in state laws related to electronic signatures and records.

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 2019.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.