

5308

Sponsor(s): Senators Horn, Finkbeiner, Franklin, Fraser and Winsley; by request of Secretary of State

Brief Title: Regulating electronic signatures.

**SB 5308 - DIGEST**

(SUBSTITUTED FOR - SEE 1ST SUB)

Declares that the secretary of state is a certification authority.

Declares that a certificate issued by the secretary has the same effect as a certificate issued by a licensed certification authority.

Provides that the secretary shall only issue certificates in which the subscriber is: (1) The secretary or an authorized agent or employee of the secretary for purposes of official business; or (2) an applicant for a license as a certification authority, for the purpose of compliance with RCW 19.34.100(1) (a).

Provides that the secretary may order the summary suspension of a license pending proceedings for revocation or other action, which must be promptly instituted and determined, if the secretary includes within a written order a finding that the certification authority has either: (1) Utilized its license in the commission of a violation of a state or federal criminal statute or of chapter 19.86 RCW; or

(2) engaged in conduct giving rise to a serious risk of loss to public or private parties if the license is not immediately suspended.

Establishes provisions for auditing and revoking a licensed certification authority.

Declares that a person may not refuse to honor, accept, or act upon a court order, writ, or warrant upon the basis that it is electronic in form and signed with a digital signature, if the digital signature was certified by a licensed certification authority or otherwise issued under court rule.

Authorizes the department of information services to become a licensed certification authority, under chapter 19.34 RCW, for the purpose of providing services to state and local government.

Declares that the department shall only issue certificates, as defined in RCW 19.34.020, in which the subscriber is: (1) The state of Washington or a department, office, or agency of the state;

(2) a city, county, district, or other municipal corporation, or a department, office, or agency of the city, county, district, or municipal corporation; or

(3) an agent or employee of an entity described by (1) or (2) of this section, for purposes of official public business.