
HOUSE BILL 1920

State of Washington

64th Legislature

2015 Regular Session

By Representatives S. Hunt, Appleton, Johnson, and Ormsby; by request of Office of Financial Management

Read first time 02/02/15. Referred to Committee on State Government.

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; creating a new
5 section; and repealing RCW 39.04.390, 19.34.300, 19.34.320,
6 19.34.321, 19.34.330, 19.34.350, 19.34.360, and 19.34.501.

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,
14 authorizes electronic dealings for governmental affairs and
15 establishes the implementation framework for electronic transactions.
16 In part II of this act, the legislature expands uniformity for
17 transactions, including governmental transactions, by applying
18 provisions of ESIGN to any state law aspects of interstate or foreign
19 transactions and to intrastate transactions. Part III of this act is
20 intended to promote electronic transactions and remove barriers that
21 prevent electronic transactions with governmental entities.

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2 **PART I**

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

11 (2) In a manner consistent with section 7004 of ESIGN, each state
12 agency may determine whether, and to what extent, the agency will
13 send and accept electronic records and electronic signatures to and
14 from other persons and otherwise create, generate, communicate,
15 store, process, use, and rely upon electronic records and electronic
16 signatures. Nothing in this act requires a state agency to send or
17 accept electronic records or electronic signatures for an agency
18 transaction.

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

26 (4)(a) The chief information officer, in coordination with state
27 agencies, must establish standards, guidelines, or policies for the
28 electronic submittal and receipt of electronic records and electronic
29 signatures.

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

34 NEW SECTION. **Sec. 3.** (1) Unless specifically provided otherwise
35 by law or rule or the context clearly indicates otherwise, whenever
36 the term "signature" is used in this code, the term includes
37 electronic signature as defined in subsection (2) of this section.

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

5 NEW SECTION. **Sec. 4.** (1) Unless specifically provided otherwise
6 by law or rule or the context clearly indicates otherwise, whenever
7 the term "writing" is used in this code, the term means information
8 that is inscribed on a tangible medium or that is stored in an
9 electronic or other medium and is retrievable in perceivable form.

10 NEW SECTION. **Sec. 5.** (1) Unless specifically provided otherwise
11 by law or rule or the context clearly indicates otherwise, whenever
12 the term "mail" is used in this code for transactions with state
13 agencies, the term includes the use of mail delivered through an
14 electronic system such as email or secure mail transfer if authorized
15 by the state agency in rule.

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

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PART II

21 NEW SECTION. **Sec. 6.** (1) The following provisions of ESIGN,
22 sections 7001, general rule of validity; 7003, specific exceptions;
23 and 7021, transferable records; or as provided by rule consistent
24 with the purposes and provisions of this act, apply to transactions
25 in Washington, including with respect to intrastate transactions and
26 with respect to state law aspects of interstate transactions.

27 (2) The specific exceptions in section 7003 of ESIGN are
28 unaffected by this act which neither precludes nor authorizes the use
29 of electronic records or signatures for the excepted items.

30 NEW SECTION. **Sec. 7.** The definitions in this section apply
31 throughout this chapter unless the context clearly requires
32 otherwise.

33 (1) "Consumer" means an individual who obtains, through a
34 transaction, products or services which are used primarily for

1 personal, family, or household purposes, and includes the legal
2 representative of such an individual.

3 (2) "Electronic" means relating to technology having electrical,
4 digital, magnetic, wireless, optical, electromagnetic, or similar
5 capabilities.

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

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

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

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

18 (7) "Person" means an individual, corporation, business trust,
19 estate, trust, partnership, limited liability company, association,
20 joint venture, governmental agency, public corporation, or any other
21 legal or commercial entity.

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

27 (9) "Requirement" includes a prohibition.

28 (10) "Transaction" means an action or set of actions relating to
29 the conduct of business, governmental, consumer, or commercial
30 affairs between two or more persons, including any of the following
31 types of conduct:

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

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

38 NEW SECTION. **Sec. 8.** Nothing in this act is intended to be
39 inconsistent with the federal electronic signatures in global and

1 national commerce act and compliance with the federal act satisfies
2 compliance with this act.

3 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act may be
4 known and cited as the Washington electronic commerce and
5 governmental affairs act.

6 NEW SECTION. **Sec. 10.** Sections 1 through 8 of this act
7 constitute a new chapter in Title 19 RCW.

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PART III

10 **Sec. 11.** RCW 18.25.020 and 1996 c 191 s 8 are each amended to
11 read as follows:

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

1 (2) Applicants shall follow administrative procedures and
2 administrative requirements and pay fees as provided in RCW 43.70.250
3 and 43.70.280.

4 **Sec. 12.** RCW 18.32.100 and 1994 sp.s. c 9 s 213 are each amended
5 to read as follows:

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

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

19 **Sec. 13.** RCW 19.34.231 and 2011 1st sp.s. c 43 s 809 and 2011 c
20 183 s 2 are each reenacted and amended to read as follows:

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

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

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

34 **Sec. 14.** RCW 29A.72.010 and 2003 c 111 s 1802 are each amended
35 to read as follows:

36 If any legal voter of the state, either individually or on behalf
37 of an organization, desires to petition the legislature to enact a

1 proposed measure, or submit a proposed initiative measure to the
2 people, or order that a referendum of all or part of any act, bill,
3 or law, passed by the legislature be submitted to the people, he or
4 she shall file with the secretary of state:

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

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

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

10 NEW SECTION. Sec. 15. The following acts or parts of acts are
11 each repealed:

12 (1) RCW 39.04.390 (Electronic competitive bidding) and 2014 c 151
13 s 1;

14 (2) RCW 19.34.300 (Satisfaction of signature requirements) and
15 1997 c 27 s 16 & 1996 c 250 s 401;

16 (3) RCW 19.34.320 (Digital message as written on paper—
17 Requirements—Other requirements not affected—Exception from uniform
18 commercial code) and 1997 c 27 s 19 & 1996 c 250 s 403;

19 (4) RCW 19.34.321 (Acceptance of certified court documents in
20 electronic form—Requirements—Rules of court on use in proceedings)
21 and 1997 c 27 s 20;

22 (5) RCW 19.34.330 (Digital message deemed original) and 1999 c
23 287 s 15 & 1996 c 250 s 404;

24 (6) RCW 19.34.350 (Adjudicating disputes—Presumptions) and 1997 c
25 27 s 22 & 1996 c 250 s 406;

26 (7) RCW 19.34.360 (Presumptions of validity/limitations on
27 liability—Conformance with chapter) and 1999 c 287 s 3; and

28 (8) RCW 19.34.501 (Chapter supersedes and preempts local actions)
29 and 1997 c 27 s 25.

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