

SENATE BILL REPORT

HB 1908

As Reported by Senate Committee On:
State Government, Tribal Relations & Elections, March 29, 2019

Title: An act relating to repealing the electronic authentication act.

Brief Description: Repealing the electronic authentication act.

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

Brief History: Passed House: 3/07/19, 97-0.

Committee Activity: State Government, Tribal Relations & Elections: 3/27/19, 3/29/19 [DP].

Brief Summary of Bill

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

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Hasegawa and Takko.

Staff: Melissa Van Gorkom (786-7491)

Background: In 1998, the Washington Electronic Authentication Act (Act) was enacted for the purpose of facilitating commerce through electronic messages and to minimize incidences of forgery and fraud in electronic commerce. Under the Act, the secretary of state has 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

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 recognition of repositories, which are systems for storing and receiving digital certificates and other information relevant to digital certificates.

The secretary may investigate the activities of a licensed certification authority and order penalties, but only a finding of noncompliance and order requiring compliance must be authorized against an agency acting as a certification authority.

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.

Summary of Bill: The Act is repealed. All statutory references to the Act, including references to the definition for digital signature and electronic signature contained in the Act are removed from statute. Definitions for digital signature and electronic signature are added to other statutes that will continue to rely on those terms after the repeal of the Act.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a cleanup bill that removes confusing language that is no longer necessary for the secretary of state because the oversight has gone to private sector. There is no longer anyone certified and there has been no activity for three years. This act was once ahead of its time but is now taken care of by the private sector and is no longer needed.

Persons Testifying: PRO: Representative Jenny Graham, Prime Sponsor; Jay Jennings, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: No one.