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**SENATE BILL 6028**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Pedersen, Padden, Dhingra, Holy, Kuderer, and Wilson, C.;  
by request of Uniform Law Commission

Prefiled 12/02/19. Read first time 01/13/20. Referred to Committee  
on Law & Justice.

1 AN ACT Relating to adoption of the uniform electronic  
2 transactions act and aligning statutory provisions relating to  
3 signatures, declarations, and documents; amending RCW 4.92.100,  
4 5.50.010, 5.50.030, 9.38.060, 9A.72.085, 10.79.080, 18.27.114,  
5 18.64.550, 23.95.105, 23.95.200, 23.95.265, 23.95.420, 23.95.450,  
6 23B.01.400, 23B.09.040, 23B.09.060, 23B.15.090, 23B.16.010,  
7 23B.16.200, 25.10.011, 25.15.006, 26.52.030, 41.05.014, 58.09.050,  
8 58.09.110, 69.41.041, 69.41.055, and 74.08.055; reenacting and  
9 amending RCW 19.09.020, 23B.16.030, and 24.03.005; adding a new  
10 chapter to Title 1 RCW; repealing RCW 19.360.010, 19.360.020,  
11 19.360.030, 19.360.040, 19.360.050, 19.360.060, 19.400.010,  
12 19.400.020, and 19.400.030; and providing an expiration date.

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

14 NEW SECTION. **Sec. 1.** SHORT TITLE. This chapter may be known and  
15 cited as the uniform electronic transactions act.

16 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
17 section apply throughout this chapter unless the context clearly  
18 requires otherwise.

19 (1) "Agreement" means the bargain of the parties in fact, as  
20 found in their language or inferred from other circumstances and from

1 rules, regulations, and procedures given the effect of agreements  
2 under laws otherwise applicable to a particular transaction.

3 (2) "Automated transaction" means a transaction conducted or  
4 performed, in whole or in part, by electronic means or electronic  
5 records, in which the acts or records of one or both parties are not  
6 reviewed by an individual in the ordinary course in forming a  
7 contract, performing under an existing contract, or fulfilling an  
8 obligation required by the transaction.

9 (3) "Computer program" means a set of statements or instructions  
10 to be used directly or indirectly in an information processing system  
11 in order to bring about a certain result.

12 (4) "Contract" means the total legal obligation resulting from  
13 the parties' agreement as affected by this chapter and other  
14 applicable law.

15 (5) "Electronic" means relating to technology having electrical,  
16 digital, magnetic, wireless, optical, electromagnetic, or similar  
17 capabilities.

18 (6) "Electronic agent" means a computer program or an electronic  
19 or other automated means used independently to initiate an action or  
20 respond to electronic records or performances in whole or in part,  
21 without review or action by an individual.

22 (7) "Electronic record" means a record created, generated, sent,  
23 communicated, received, or stored by electronic means.

24 (8) "Electronic signature" means an electronic sound, symbol, or  
25 process attached to or logically associated with a record and  
26 executed or adopted by a person with the intent to sign the record.

27 (9) "Governmental agency" means an executive, legislative, or  
28 judicial agency, department, board, commission, authority,  
29 institution, or instrumentality of the federal government or of a  
30 state or of a county, municipality, or other political subdivision of  
31 a state.

32 (10) "Information" means data, text, images, sounds, codes,  
33 computer programs, software, databases, or the like.

34 (11) "Information processing system" means an electronic system  
35 for creating, generating, sending, receiving, storing, displaying, or  
36 processing information.

37 (12) "Person" means an individual, corporation, business trust,  
38 estate, trust, partnership, limited liability company, association,  
39 joint venture, governmental agency, public corporation, or any other  
40 legal or commercial entity.

1 (13) "Record" means information that is inscribed on a tangible  
2 medium or that is stored in an electronic or other medium and is  
3 retrievable in perceivable form.

4 (14) "Security procedure" means a procedure employed for the  
5 purpose of verifying that an electronic signature, record, or  
6 performance is that of a specific person or for detecting changes or  
7 errors in the information in an electronic record. The term includes  
8 a procedure that requires the use of algorithms or other codes,  
9 identifying words or numbers, encryption, or callback or other  
10 acknowledgment procedures.

11 (15) "State" means a state of the United States, the District of  
12 Columbia, Puerto Rico, the United States Virgin Islands, or any  
13 territory or insular possession subject to the jurisdiction of the  
14 United States. The term includes an Indian tribe or band, or Alaskan  
15 native village, which is recognized by federal law or formally  
16 acknowledged by a state.

17 (16) "Transaction" means an action or set of actions occurring  
18 between two or more persons relating to the conduct of business,  
19 commercial, or governmental affairs.

20 NEW SECTION. **Sec. 3.** SCOPE. (1) Except as otherwise provided in  
21 subsection (2) of this section, this chapter applies to electronic  
22 records and electronic signatures relating to a transaction.

23 (2) This chapter does not apply to a transaction to the extent it  
24 is governed by:

25 (a) A law governing the creation and execution of wills,  
26 codicils, or testamentary trusts;

27 (b) Title 62A RCW other than RCW 62A.1-107 and 62A.1-206 and  
28 chapters 62A.2 and 62A.2A RCW; and

29 (c) The uniform computer information transactions act.

30 (3) This chapter applies to an electronic record or electronic  
31 signature otherwise excluded from the application of this chapter  
32 under subsection (2) of this section to the extent it is governed by  
33 a law other than those specified in subsection (2) of this section.

34 (4) A transaction subject to this chapter is also subject to  
35 other applicable substantive law.

36 NEW SECTION. **Sec. 4.** PROSPECTIVE APPLICATION. This chapter  
37 applies to any electronic record or electronic signature created,

1 generated, sent, communicated, received, or stored on or after the  
2 effective date of this section.

3 NEW SECTION. **Sec. 5.** USE OF ELECTRONIC RECORDS AND ELECTRONIC  
4 SIGNATURES—VARIATION BY AGREEMENT. (1) This chapter does not require  
5 a record or signature to be created, generated, sent, communicated,  
6 received, stored, or otherwise processed or used by electronic means  
7 or in electronic form.

8 (2) This chapter applies only to transactions between parties  
9 each of which has agreed to conduct transactions by electronic means.  
10 Whether the parties agree to conduct a transaction by electronic  
11 means is determined from the context and surrounding circumstances,  
12 including the parties' conduct.

13 (3) A party that agrees to conduct a transaction by electronic  
14 means may refuse to conduct other transactions by electronic means.  
15 The right granted by this subsection may not be waived by agreement.

16 (4) Except as otherwise provided in this chapter, the effect of  
17 any of its provisions may be varied by agreement. The presence in  
18 certain provisions of this chapter of the words "unless otherwise  
19 agreed," or words of similar import, does not imply that the effect  
20 of other provisions may not be varied by agreement.

21 (5) Whether an electronic record or electronic signature has  
22 legal consequences is determined by this chapter and other applicable  
23 law.

24 NEW SECTION. **Sec. 6.** CONSTRUCTION AND APPLICATION. This chapter  
25 must be construed and applied:

26 (1) To facilitate electronic transactions consistent with other  
27 applicable law;

28 (2) To be consistent with reasonable practices concerning  
29 electronic transactions and with the continued expansion of those  
30 practices; and

31 (3) To effectuate its general purpose to make uniform the law  
32 with respect to the subject of this chapter among states enacting it.

33 NEW SECTION. **Sec. 7.** LEGAL RECOGNITION OF ELECTRONIC RECORDS,  
34 ELECTRONIC SIGNATURES, AND ELECTRONIC CONTRACTS. (1) A record or  
35 signature may not be denied legal effect or enforceability solely  
36 because it is in electronic form.

1 (2) A contract may not be denied legal effect or enforceability  
2 solely because an electronic record was used in its formation.

3 (3) If a law requires a record to be in writing, an electronic  
4 record satisfies the law.

5 (4) If a law requires a signature, an electronic signature  
6 satisfies the law.

7 NEW SECTION. **Sec. 8.** PROVISION OF INFORMATION IN WRITING—  
8 PRESENTATION OF RECORDS. (1) If parties have agreed to conduct a  
9 transaction by electronic means and a law requires a person to  
10 provide, send, or deliver information in writing to another person,  
11 the requirement is satisfied if the information is provided, sent, or  
12 delivered, as the case may be, in an electronic record capable of  
13 retention by the recipient at the time of receipt. An electronic  
14 record is not capable of retention by the recipient if the sender or  
15 its information processing system inhibits the ability of the  
16 recipient to print or store the electronic record.

17 (2) If a law other than this chapter requires a record (a) to be  
18 posted or displayed in a certain manner, (b) to be sent,  
19 communicated, or transmitted by a specified method, or (c) to contain  
20 information that is formatted in a certain manner, the following  
21 rules apply:

22 (i) The record must be posted or displayed in the manner  
23 specified in the other law.

24 (ii) Except as otherwise provided in subsection (4)(b) of this  
25 section, the record must be sent, communicated, or transmitted by the  
26 method specified in the other law.

27 (iii) The record must contain the information formatted in the  
28 manner specified in the other law.

29 (3) If a sender inhibits the ability of a recipient to store or  
30 print an electronic record, the electronic record is not enforceable  
31 against the recipient.

32 (4) The requirements of this section may not be varied by  
33 agreement, but:

34 (a) To the extent a law other than this chapter requires  
35 information to be provided, sent, or delivered in writing but permits  
36 that requirement to be varied by agreement, the requirement under  
37 subsection (1) of this section that the information be in the form of  
38 an electronic record capable of retention may also be varied by  
39 agreement; and

1 (b) A requirement under a law other than this chapter to send,  
2 communicate, or transmit a record by regular United States mail may  
3 be varied by agreement to the extent permitted by the other law.

4 NEW SECTION. **Sec. 9.** ATTRIBUTION AND EFFECT OF ELECTRONIC  
5 RECORD AND ELECTRONIC SIGNATURE. (1) An electronic record or  
6 electronic signature is attributable to a person if it was the act of  
7 the person. The act of the person may be shown in any manner,  
8 including a showing of the efficacy of any security procedure applied  
9 to determine the person to which the electronic record or electronic  
10 signature was attributable.

11 (2) The effect of an electronic record or electronic signature  
12 attributed to a person under subsection (1) of this section is  
13 determined from the context and surrounding circumstances at the time  
14 of its creation, execution, or adoption, including the parties'  
15 agreement, if any, and otherwise as provided by law.

16 NEW SECTION. **Sec. 10.** EFFECT OF CHANGE OR ERROR. If a change or  
17 error in an electronic record occurs in a transmission between  
18 parties to a transaction, the following rules apply:

19 (1) If the parties have agreed to use a security procedure to  
20 detect changes or errors and one party has conformed to the  
21 procedure, but the other party has not, and the nonconforming party  
22 would have detected the change or error had that party also  
23 conformed, the conforming party may avoid the effect of the changed  
24 or erroneous electronic record.

25 (2) In an automated transaction involving an individual, the  
26 individual may avoid the effect of an electronic record that resulted  
27 from an error made by the individual in dealing with the electronic  
28 agent of another person if the electronic agent did not provide an  
29 opportunity for the prevention or correction of the error and, at the  
30 time the individual learns of the error, the individual:

31 (a) Promptly notifies the other person of the error and that the  
32 individual did not intend to be bound by the electronic record  
33 received by the other person;

34 (b) Takes reasonable steps, including steps that conform to the  
35 other person's reasonable instructions, to return to the other person  
36 or, if instructed by the other person, to destroy the consideration  
37 received, if any, as a result of the erroneous electronic record; and

1 (c) Has not used or received any benefit or value from the  
2 consideration, if any, received from the other person.

3 (3) If neither subsection (1) of this section nor subsection (2)  
4 of this section applies, the change or error has the effect provided  
5 by other law, including the law of mistake, and the parties'  
6 contract, if any.

7 (4) Subsections (2) and (3) of this section may not be varied by  
8 agreement.

9 NEW SECTION. **Sec. 11.** NOTARIZATION AND ACKNOWLEDGMENT. If a law  
10 requires a signature or record to be notarized, acknowledged,  
11 verified, or made under oath, the requirement is satisfied if the  
12 electronic signature of the person authorized to perform those acts,  
13 together with all other information required to be included by other  
14 applicable law, is attached to or logically associated with the  
15 signature or record.

16 NEW SECTION. **Sec. 12.** RETENTION OF ELECTRONIC RECORDS—  
17 ORIGINALS. (1) If a law requires that a record be retained, the  
18 requirement is satisfied by retaining an electronic record of the  
19 information in the record which:

20 (a) Accurately reflects the information set forth in the record  
21 after it was first generated in its final form as an electronic  
22 record or otherwise; and

23 (b) Remains accessible for later reference.

24 (2) A requirement to retain a record in accordance with  
25 subsection (1) of this section does not apply to any information the  
26 sole purpose of which is to enable the record to be sent,  
27 communicated, or received.

28 (3) A person may satisfy subsection (1) of this section by using  
29 the services of another person if the requirements of that subsection  
30 are satisfied.

31 (4) If a law requires a record to be presented or retained in its  
32 original form, or provides consequences if the record is not  
33 presented or retained in its original form, that law is satisfied by  
34 an electronic record retained in accordance with subsection (1) of  
35 this section.

36 (5) If a law requires retention of a check, that requirement is  
37 satisfied by retention of an electronic record of the information on

1 the front and back of the check in accordance with subsection (1) of  
2 this section.

3 (6) A record retained as an electronic record in accordance with  
4 subsection (1) of this section satisfies a law requiring a person to  
5 retain a record for evidentiary, audit, or like purposes, unless a  
6 law enacted after the effective date of this section specifically  
7 prohibits the use of an electronic record for the specified purpose.

8 (7) This section does not preclude a governmental agency of this  
9 state from specifying additional requirements for the retention of a  
10 record subject to the agency's jurisdiction.

11 NEW SECTION. **Sec. 13.** ADMISSIBILITY IN EVIDENCE. In a  
12 proceeding, evidence of a record or signature may not be excluded  
13 solely because it is in electronic form.

14 NEW SECTION. **Sec. 14.** AUTOMATED TRANSACTION. In an automated  
15 transaction, the following rules apply:

16 (1) A contract may be formed by the interaction of electronic  
17 agents of the parties, even if no individual was aware of or reviewed  
18 the electronic agents' actions or the resulting terms and agreements.

19 (2) A contract may be formed by the interaction of an electronic  
20 agent and an individual, acting on the individual's own behalf or for  
21 another person, including by an interaction in which the individual  
22 performs actions that the individual is free to refuse to perform and  
23 which the individual knows or has reason to know will cause the  
24 electronic agent to complete the transaction or performance.

25 (3) The terms of the contract are determined by the substantive  
26 law applicable to it.

27 NEW SECTION. **Sec. 15.** TIME AND PLACE OF SENDING AND RECEIPT.

28 (1) Unless otherwise agreed between the sender and the recipient, an  
29 electronic record is sent when it:

30 (a) Is addressed properly or otherwise directed properly to an  
31 information processing system that the recipient has designated or  
32 uses for the purpose of receiving electronic records or information  
33 of the type sent and from which the recipient is able to retrieve the  
34 electronic record;

35 (b) Is in a form capable of being processed by that system; and

36 (c) Enters an information processing system outside the control  
37 of the sender or of a person that sent the electronic record on



1 behalf of the sender or enters a region of the information processing  
2 system designated or used by the recipient which is under the control  
3 of the recipient.

4 (2) Unless otherwise agreed between a sender and the recipient,  
5 an electronic record is received when:

6 (a) It enters an information processing system that the recipient  
7 has designated or uses for the purpose of receiving electronic  
8 records or information of the type sent and from which the recipient  
9 is able to retrieve the electronic record; and

10 (b) It is in a form capable of being processed by that system.

11 (3) Subsection (2) of this section applies even if the place the  
12 information processing system is located is different from the place  
13 the electronic record is deemed to be received under subsection (4)  
14 of this section.

15 (4) Unless otherwise expressly provided in the electronic record  
16 or agreed between the sender and the recipient, an electronic record  
17 is deemed to be sent from the sender's place of business and to be  
18 received at the recipient's place of business. For purposes of this  
19 subsection, the following rules apply:

20 (a) If the sender or recipient has more than one place of  
21 business, the place of business of that person is the place having  
22 the closest relationship to the underlying transaction.

23 (b) If the sender or the recipient does not have a place of  
24 business, the place of business is the sender's or recipient's  
25 residence, as the case may be.

26 (5) An electronic record is received under subsection (2) of this  
27 section even if no individual is aware of its receipt.

28 (6) Receipt of an electronic acknowledgment from an information  
29 processing system described in subsection (2) of this section  
30 establishes that a record was received but, by itself, does not  
31 establish that the content sent corresponds to the content received.

32 (7) If a person is aware that an electronic record purportedly  
33 sent under subsection (1) of this section, or purportedly received  
34 under subsection (2) of this section, was not actually sent or  
35 received, the legal effect of the sending or receipt is determined by  
36 other applicable law. Except to the extent permitted by the other  
37 law, the requirements of this subsection may not be varied by  
38 agreement.

1        NEW SECTION.        **Sec. 16.**        TRANSFERABLE RECORDS. (1) In this

2 section, "transferable record" means an electronic record that:

3        (a) Would be a note under chapter 62A.3 RCW or a document under  
4 chapter 62A.7 RCW if the electronic record were in writing; and

5        (b) The issuer of the electronic record expressly has agreed is a  
6 transferable record.

7        (2) A person has control of a transferable record if a system  
8 employed for evidencing the transfer of interests in the transferable  
9 record reliably establishes that person as the person to which the  
10 transferable record was issued or transferred.

11        (3) A system satisfies subsection (2) of this section, and a  
12 person is deemed to have control of a transferable record, if the  
13 transferable record is created, stored, and assigned in such a manner  
14 that:

15        (a) A single authoritative copy of the transferable record exists  
16 which is unique, identifiable, and, except as otherwise provided in  
17 (d), (e), and (f) of this subsection, unalterable;

18        (b) The authoritative copy identifies the person asserting  
19 control as:

20            (i) The person to which the transferable record was issued; or

21            (ii) If the authoritative copy indicates that the transferable  
22 record has been transferred, the person to which the transferable  
23 record was most recently transferred;

24        (c) The authoritative copy is communicated to and maintained by  
25 the person asserting control or its designated custodian;

26        (d) Copies or revisions that add or change an identified assignee  
27 of the authoritative copy can be made only with the consent of the  
28 person asserting control;

29        (e) Each copy of the authoritative copy and any copy of a copy is  
30 readily identifiable as a copy that is not the authoritative copy;  
31 and

32        (f) Any revision of the authoritative copy is readily  
33 identifiable as authorized or unauthorized.

34        (4) Except as otherwise agreed, a person having control of a  
35 transferable record is the holder, as defined in RCW  
36 62A.1-201(b)(21), of the transferable record and has the same rights  
37 and defenses as a holder of an equivalent record or writing under the  
38 uniform commercial code including, if the applicable statutory  
39 requirements under RCW 62A.3-302(a), 62A.7-501, or 62A.9A-308 are  
40 satisfied, the rights and defenses of a holder in due course, a

1 holder to which a negotiable document of title has been duly  
2 negotiated, or a purchaser, respectively. Delivery, possession, and  
3 endorsement are not required to obtain or exercise any of the rights  
4 under this subsection.

5 (5) Except as otherwise agreed, an obligor under a transferable  
6 record has the same rights and defenses as an equivalent obligor  
7 under equivalent records or writings under the uniform commercial  
8 code.

9 (6) If requested by a person against which enforcement is sought,  
10 the person seeking to enforce the transferable record shall provide  
11 reasonable proof that the person is in control of the transferable  
12 record. Proof may include access to the authoritative copy of the  
13 transferable record and related business records sufficient to review  
14 the terms of the transferable record and to establish the identity of  
15 the person having control of the transferable record.

16 NEW SECTION. **Sec. 17.** CREATION AND RETENTION OF ELECTRONIC  
17 RECORDS AND CONVERSION OF WRITTEN RECORDS BY GOVERNMENTAL AGENCIES.  
18 Each governmental agency of this state shall determine whether, and  
19 the extent to which, a governmental agency will create and retain  
20 electronic records and convert written records to electronic records.

21 NEW SECTION. **Sec. 18.** ACCEPTANCE AND DISTRIBUTION OF ELECTRONIC  
22 RECORDS BY GOVERNMENTAL AGENCIES. (1) Except as otherwise provided in  
23 section 12(6) of this act, each governmental agency of this state  
24 shall determine whether, and the extent to which, a governmental  
25 agency will send and accept electronic records and electronic  
26 signatures to and from other persons and otherwise create, generate,  
27 communicate, store, process, use, and rely upon electronic records  
28 and electronic signatures.

29 (2) To the extent that a governmental agency uses electronic  
30 records and electronic signatures under subsection (1) of this  
31 section, the governmental agency, giving due consideration to  
32 security, may specify:

33 (a) The manner and format in which the electronic records must be  
34 created, generated, sent, communicated, received, and stored and the  
35 systems established for those purposes;

36 (b) If electronic records must be signed by electronic means, the  
37 type of electronic signature required, the manner and format in which  
38 the electronic signature must be affixed to the electronic record,

1 and the identity of, or criteria that must be met by, any third party  
2 used by a person filing a document to facilitate the process;

3 (c) Control processes and procedures as appropriate to ensure  
4 adequate preservation, disposition, integrity, security,  
5 confidentiality, and auditability of electronic records; and

6 (d) Any other required attributes for electronic records which  
7 are specified for corresponding nonelectronic records or reasonably  
8 necessary under the circumstances.

9 (3) Except as otherwise provided in section 12(6) of this act,  
10 this chapter does not require a governmental agency of this state to  
11 use or permit the use of electronic records or electronic signatures.

12 NEW SECTION. **Sec. 19.** INTEROPERABILITY. The governmental agency  
13 of this state which adopts standards pursuant to section 18 of this  
14 act may encourage and promote consistency and interoperability with  
15 similar requirements adopted by other governmental agencies of this  
16 and other states and the federal government and nongovernmental  
17 persons interacting with governmental agencies of this state. If  
18 appropriate, those standards may specify differing levels of  
19 standards from which governmental agencies of this state may choose  
20 in implementing the most appropriate standard for a particular  
21 application.

22 NEW SECTION. **Sec. 20.** RELATION TO ELECTRONIC SIGNATURES IN  
23 GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and  
24 supersedes the electronic signatures in global and national commerce  
25 act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or  
26 supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or  
27 authorize electronic delivery of any of the notices described in  
28 section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

29 **Sec. 21.** RCW 4.92.100 and 2013 c 188 s 1 are each amended to  
30 read as follows:

31 (1) All claims against the state, or against the state's  
32 officers, employees, or volunteers, acting in such capacity, for  
33 damages arising out of tortious conduct, must be presented to the  
34 office of risk management. A claim is deemed presented when the claim  
35 form is delivered in person or by regular mail, registered mail, or  
36 certified mail, with return receipt requested, or as an attachment to  
37 (~~electronic mail~~) email or by fax, to the office of risk

1 management. For claims for damages presented after July 26, 2009, all  
2 claims for damages must be presented on the standard tort claim form  
3 that is maintained by the office of risk management. The standard  
4 tort claim form must be posted on the department of enterprise  
5 services' web site.

6 (a) The standard tort claim form must, at a minimum, require the  
7 following information:

8 (i) The claimant's name, date of birth, and contact information;

9 (ii) A description of the conduct and the circumstances that  
10 brought about the injury or damage;

11 (iii) A description of the injury or damage;

12 (iv) A statement of the time and place that the injury or damage  
13 occurred;

14 (v) A listing of the names of all persons involved and contact  
15 information, if known;

16 (vi) A statement of the amount of damages claimed; and

17 (vii) A statement of the actual residence of the claimant at the  
18 time of presenting the claim and at the time the claim arose.

19 (b) (i) The standard tort claim form must be signed either:

20 (A) By the claimant, verifying the claim;

21 (B) Pursuant to a written power of attorney, by the attorney-in-  
22 fact for the claimant;

23 (C) By an attorney admitted to practice in Washington state on  
24 the claimant's behalf; or

25 (D) By a court-approved guardian or guardian ad litem on behalf  
26 of the claimant.

27 (ii) For the purpose of this subsection (1)(b), when the claim  
28 form is presented electronically it must bear an electronic signature  
29 in lieu of a written original signature. (~~An electronic signature  
30 means a facsimile of an original signature that is affixed to the  
31 claim form and executed or adopted by the person with the intent to  
32 sign the document.~~)

33 (iii) When an electronic signature is used and the claim is  
34 submitted as an attachment to ~~((electronic mail))~~ email, the  
35 conveyance of that claim must include the date, time the claim was  
36 presented, and the internet provider's address from which it was  
37 sent. The attached claim form must be a format approved by the office  
38 of risk management.

39 (iv) When an electronic signature is used and the claim is  
40 submitted via a facsimile machine, the conveyance must include the

1 date, time the claim was submitted, and the fax number from which it  
2 was sent.

3 (v) In the event of a question on an electronic signature, the  
4 claimant shall have an opportunity to cure and the cured notice shall  
5 relate back to the date of the original filing.

6 (c) The amount of damages stated on the claim form is not  
7 admissible at trial.

8 (2) The state shall make available the standard tort claim form  
9 described in this section with instructions on how the form is to be  
10 presented and the name, address, and business hours of the office of  
11 risk management. The standard tort claim form must not list the  
12 claimant's social security number and must not require information  
13 not specified under this section. The claim form and the instructions  
14 for completing the claim form must provide the United States mail,  
15 physical, and electronic addresses and numbers where the claim can be  
16 presented.

17 (3) With respect to the content of claims under this section and  
18 all procedural requirements in this section, this section must be  
19 liberally construed so that substantial compliance will be deemed  
20 satisfactory.

21 **Sec. 22.** RCW 5.50.010 and 2019 c 232 s 1 are each amended to  
22 read as follows:

23 In this chapter:

24 (1) "Law" includes a statute, judicial decision or order, rule of  
25 court, executive order, and administrative rule, regulation, or  
26 order.

27 (2) "Record" means information that is inscribed on a tangible  
28 medium or that is stored in an electronic or other medium and is  
29 retrievable in perceivable form.

30 (3) "Sign" means, with present intent to authenticate or adopt a  
31 record:

32 (a) To execute or adopt a tangible symbol;

33 (b) To attach to or logically associate with the record an  
34 electronic symbol, sound, or process;

35 (c) To affix or place the declarant's signature as defined in RCW  
36 9A.04.110 on the record;

37 (d) ~~((To attach or logically associate the declarant's digital  
38 signature or electronic signature as defined in RCW 19.34.020 to the  
39 record;~~

1       ~~(e))~~) To affix or logically associate the declarant's signature  
2 in the manner described in general rule 30 to the record if he or she  
3 is a licensed attorney; or

4       ~~((f))~~) (e) To affix or logically associate the declarant's full  
5 name, department or agency, and badge or personnel number to any  
6 record that is electronically submitted to a court, a prosecutor, or  
7 a magistrate from an electronic device that is owned, issued, or  
8 maintained by a criminal justice agency if the declarant is a law  
9 enforcement officer.

10       (4) "Sworn declaration" means a declaration in a signed record  
11 given under oath. The term includes a sworn statement, verification,  
12 certificate, and affidavit.

13       (5) "Unsworn declaration" means a declaration in a signed record  
14 not given under oath but given under penalty of perjury. The term  
15 includes an unsworn statement, verification, and certificate.

16       **Sec. 23.** RCW 5.50.030 and 2011 c 22 s 4 are each amended to read  
17 as follows:

18       (1) Except as otherwise provided in subsection (2) of this  
19 section, if a law of this state requires or permits use of a sworn  
20 declaration, an unsworn declaration meeting the requirements of this  
21 chapter has the same effect as a sworn declaration.

22       (2) This chapter does not apply to:

23       (a) A deposition;

24       (b) An oath of office;

25       (c) An oath required to be given before a specified official  
26 other than a notary public; or

27       (d) A declaration to be recorded pursuant to Title 64 or 65  
28 RCW(~~;~~~~or~~

29       ~~(e) An oath required by RCW 11.20.020)).~~

30       **Sec. 24.** RCW 9.38.060 and 2019 c 132 s 1 are each amended to  
31 read as follows:

32       (1) A person shall not knowingly misrepresent the person's  
33 identity or authorization to obtain a public key certificate used to  
34 reference a private key for creating a digital signature.

35       (2) A person shall not knowingly forge ~~((a))~~ an electronic or  
36 digital signature.

37       (3) A person shall not knowingly present a public key certificate  
38 for which the person is not the owner of the corresponding private

1 key in order to obtain unauthorized access to information or engage  
2 in an unauthorized transaction.

3 (4) A person who violates this section is guilty of a class C  
4 felony punishable under chapter 9A.20 RCW.

5 (5) (a) "Digital signature" means an electronic signature that is  
6 a transformation of a message using an asymmetric cryptosystem such  
7 that a person who has the initial message and the signer's public key  
8 can accurately determine whether the:

9 ~~((a))~~ (i) Transformation was created using the private key that  
10 corresponds to the signer's public key; and

11 ~~((b))~~ (ii) Initial message has been altered since the  
12 transformation was made.

13 (b) "Electronic signature" has the meaning provided in section 2  
14 of this act.

15 **Sec. 25.** RCW 9A.72.085 and 2019 c 132 s 2 are each amended to  
16 read as follows:

17 (1) Whenever, under any law of this state or under any rule,  
18 order, or requirement made under the law of this state, any matter in  
19 an official proceeding is required or permitted to be supported,  
20 evidenced, established, or proved by a person's sworn written  
21 statement, declaration, verification, certificate, oath, or  
22 affidavit, the matter may with like force and effect be supported,  
23 evidenced, established, or proved in the official proceeding by an  
24 unsworn written statement, declaration, verification, or certificate,  
25 which:

26 (a) Recites that it is certified or declared by the person to be  
27 true under penalty of perjury;

28 (b) Is subscribed by the person;

29 (c) States the date and place of its execution; and

30 (d) States that it is so certified or declared under the laws of  
31 the state of Washington.

32 (2) The certification or declaration may be in substantially the  
33 following form:

34 "I certify (or declare) under penalty of perjury under  
35 the laws of the State of Washington that the foregoing is  
36 true and correct":

37 .....

38 (Date and Place)

(Signature)



1 (3) For purposes of this section, a person subscribes to an  
2 unsworn written statement, declaration, verification, or certificate  
3 by:

4 (a) Affixing or placing his or her signature as defined in RCW  
5 9A.04.110 on the document;

6 (b) Attaching or logically associating his or her (~~digital~~  
7 ~~signature or~~) electronic signature to the document;

8 (c) Affixing or logically associating his or her signature in the  
9 manner described in general rule 30 to the document if he or she is a  
10 licensed attorney; or

11 (d) Affixing or logically associating his or her full name,  
12 department or agency, and badge or personnel number to any document  
13 that is electronically submitted to a court, a prosecutor, or a  
14 magistrate from an electronic device that is owned, issued, or  
15 maintained by a criminal justice agency if he or she is a law  
16 enforcement officer.

17 (4) This section does not apply to writings requiring an  
18 acknowledgment, depositions, oaths of office, or oaths required to be  
19 taken before a special official other than a notary public.

20 (~~(5) "Digital signature" means an electronic signature that is a~~  
21 ~~transformation of a message using an asymmetric cryptosystem such~~  
22 ~~that a person who has the initial message and the signer's public key~~  
23 ~~can accurately determine whether the:~~

24 ~~(a) Transformation was created using the private key that~~  
25 ~~corresponds to the signer's public key; and~~

26 ~~(b) Initial message has been altered since the transformation was~~  
27 ~~made.~~

28 ~~(6) "Electronic signature" has the same meaning as in RCW~~  
29 ~~19.360.030.)~~

30 **Sec. 26.** RCW 10.79.080 and 1983 1st ex.s. c 42 s 3 are each  
31 amended to read as follows:

32 (1) No person may be subjected to a body cavity search by or at  
33 the direction of a law enforcement agency unless a search warrant is  
34 issued pursuant to superior court criminal rules.

35 (2) No law enforcement officer may seek a warrant for a body  
36 cavity search without first obtaining specific authorization for the  
37 body cavity search from the ranking shift supervisor of the law  
38 enforcement authority. Authorization for the body cavity search may

1 be obtained electronically(~~(: PROVIDED, That such electronic~~  
2 ~~authorization shall be reduced to writing by the law enforcement~~  
3 ~~officer seeking the authorization and signed by the ranking~~  
4 ~~supervisor as soon as possible thereafter)) .~~

5 (3) Before any body cavity search is authorized or conducted, a  
6 thorough pat-down search, a thorough electronic metal-detector  
7 search, and a thorough clothing search, where appropriate, must be  
8 used to search for and seize any evidence of a crime, contraband,  
9 fruits of crime, things otherwise criminally possessed, weapons, or  
10 other things by means of which a crime has been committed or  
11 reasonably appears about to be committed. No body cavity search shall  
12 be authorized or conducted unless these other methods do not satisfy  
13 the safety, security, or evidentiary concerns of the law enforcement  
14 agency.

15 (4) A law enforcement officer requesting a body cavity search  
16 shall prepare and sign a report regarding the body cavity search. The  
17 report shall include:

18 (a) A copy of the written authorization required under subsection  
19 (2) of this section;

20 (b) A copy of the warrant and any supporting documents required  
21 under subsection (1) of this section;

22 (c) The name and sex of all persons conducting or observing the  
23 search;

24 (d) The time, date, place, and description of the search; and

25 (e) A statement of the results of the search and a list of any  
26 items removed from the person as a result of the search.

27 The report shall be retained as part of the law enforcement  
28 agency's records.

29 **Sec. 27.** RCW 18.27.114 and 2007 c 436 s 8 are each amended to  
30 read as follows:

31 (1) Any contractor agreeing to perform any contracting project:

32 (a) For the repair, alteration, or construction of four or fewer  
33 residential units or accessory structures on such residential  
34 property when the bid or contract price totals one thousand dollars  
35 or more; or (b) for the repair, alteration, or construction of a  
36 commercial building when the bid or contract price totals one  
37 thousand dollars or more but less than sixty thousand dollars, must  
38 provide the customer with the following disclosure statement in  
39 substantially the following form using lower case and upper case

1 twelve-point and bold type where appropriate, prior to starting work  
2 on the project:

3 "NOTICE TO CUSTOMER

4 This contractor is registered with the state of Washington,  
5 registration no. . . ., and has posted with the state a bond  
6 or deposit of . . . . for the purpose of satisfying claims  
7 against the contractor for breach of contract including  
8 negligent or improper work in the conduct of the contractor's  
9 business. The expiration date of this contractor's  
10 registration is . . . . .

11 **THIS BOND OR DEPOSIT MIGHT NOT BE SUFFICIENT TO COVER A CLAIM**  
12 **THAT MIGHT ARISE FROM THE WORK DONE UNDER YOUR CONTRACT.**

13 This bond or deposit is not for your exclusive use because it  
14 covers all work performed by this contractor. The bond or  
15 deposit is intended to pay valid claims up to . . . . that  
16 you and other customers, suppliers, subcontractors, or taxing  
17 authorities may have.

18 **FOR GREATER PROTECTION YOU MAY WITHHOLD A PERCENTAGE OF YOUR**  
19 **CONTRACT.**

20 You may withhold a contractually defined percentage of your  
21 construction contract as retainage for a stated period of  
22 time to provide protection to you and help insure that your  
23 project will be completed as required by your contract.

24 **YOUR PROPERTY MAY BE LIENED.**

25 If a supplier of materials used in your construction project  
26 or an employee or subcontractor of your contractor or  
27 subcontractors is not paid, your property may be liened to  
28 force payment and you could pay twice for the same work.

29 **FOR ADDITIONAL PROTECTION, YOU MAY REQUEST THE CONTRACTOR TO**  
30 **PROVIDE YOU WITH ORIGINAL "LIEN RELEASE" DOCUMENTS FROM EACH**  
31 **SUPPLIER OR SUBCONTRACTOR ON YOUR PROJECT.**

32 The contractor is required to provide you with further  
33 information about lien release documents if you request it.  
34 General information is also available from the state  
35 Department of Labor and Industries.

36 I have received a copy of this disclosure statement.

1 . . . . .

2 (Signature of customer)"

3 (2) The contractor must retain a signed copy of the disclosure  
4 statement in his or her files for a minimum of three years, and  
5 produce a ((signed or electronic signature)) copy of the signed  
6 disclosure statement to the department upon request.

7 (3) A contractor subject to this section shall notify any  
8 consumer to whom notice is required under subsection (1) of this  
9 section if the contractor's registration has expired or is revoked or  
10 suspended by the department prior to completion or other termination  
11 of the contract with the consumer.

12 (4) No contractor subject to this section may bring or maintain  
13 any lien claim under chapter 60.04 RCW based on any contract to which  
14 this section applies without alleging and proving that the contractor  
15 has provided the customer with a copy of the disclosure statement as  
16 required in subsection (1) of this section.

17 (5) This section does not apply to contracts authorized under  
18 chapter 39.04 RCW or to contractors contracting with other  
19 contractors.

20 (6) Failure to comply with this section shall constitute an  
21 infraction under the provisions of this chapter.

22 (7) The department shall produce model disclosure statements, and  
23 public service announcements detailing the information needed to  
24 assist contractors and contractors' customers to comply under this  
25 section. As necessary, the department shall periodically update these  
26 education materials.

27 **Sec. 28.** RCW 18.64.550 and 2016 c 148 s 2 are each amended to  
28 read as follows:

29 (1) A chart order must be considered a prescription if it  
30 contains:

- 31 (a) The full name of the patient;
- 32 (b) The date of issuance;
- 33 (c) The name, strength, and dosage form of the drug prescribed;
- 34 (d) Directions for use; and
- 35 (e) An authorized signature((÷

36 ~~(i) For written orders,)).~~ The order must contain the prescribing  
37 practitioner's signature or the signature of the practitioner's

1 authorized agent, including the name of the prescribing  
2 practitioner(~~;~~ ~~or~~

3 ~~(ii) For electronic or digital orders, the order must contain the~~  
4 ~~prescribing practitioner's electronic or digital signature, or the~~  
5 ~~electronic or digital signature of the practitioner's authorized~~  
6 ~~agent, including the name of the prescribing practitioner)).~~

7 (2) A licensed nurse, pharmacist, or physician practicing in a  
8 long-term care facility or hospice program may act as the  
9 practitioner's agent for purposes of this chapter, without need for a  
10 written agency agreement, to document a chart order in the patient's  
11 medical record on behalf of the prescribing practitioner pending the  
12 prescribing practitioner's signature; or to communicate a  
13 prescription to a pharmacy whether telephonically, via facsimile, or  
14 electronically. The communication of a prescription to a dispenser by  
15 the prescriber's agent has the same force and effect as if  
16 communicated directly by the authorized practitioner.

17 (3) Nothing in this chapter prevents an authorized credentialed  
18 employee of a long-term care facility from transmitting a chart order  
19 pursuant to RCW 74.42.230, or transmitting a prescription on behalf  
20 of a resident to the extent otherwise authorized by law.

21 **Sec. 29.** RCW 19.09.020 and 2011 c 199 s 2 and 2011 c 60 s 9 are  
22 each reenacted and amended to read as follows:

23 When used in this chapter, unless the context otherwise requires:

24 (1) A "bona fide officer or employee" of a charitable  
25 organization is one (a) whose conduct is subject to direct control by  
26 such organization; (b) who does not act in the manner of an  
27 independent contractor in his or her relation with the organization;  
28 and (c) whose compensation is not computed on funds raised or to be  
29 raised.

30 (2) "Charitable organization" means any entity that solicits or  
31 collects contributions from the general public where the contribution  
32 is or is purported to be used to support a charitable purpose, but  
33 does not include any commercial fund-raiser, commercial fund-raising  
34 entity, commercial coventurer, or any fund-raising counsel, as  
35 defined in this section. Churches and their integrated auxiliaries,  
36 and political organizations are not charitable organizations, but all  
37 are subject to RCW 19.09.100 (15) through (18).

38 (3) "Charitable purpose" means any religious, charitable,  
39 scientific, testing for public safety, literary, or educational

1 purpose or any other purpose that is beneficial to the community,  
2 including environmental, humanitarian, patriotic, or civic purposes,  
3 the support of national or international amateur sports competition,  
4 the prevention of cruelty to children or animals, the advancement of  
5 social welfare, or the benefit of law enforcement personnel,  
6 firefighters, and other persons who protect public safety. The term  
7 "charitable" is used in its generally accepted legal sense and  
8 includes relief of the poor, the distressed, or the underprivileged;  
9 advancement of religion; advancement of education or science;  
10 erecting or maintaining public buildings, monuments, or works;  
11 lessening the burdens of government; lessening neighborhood tensions;  
12 eliminating prejudice and discrimination; defending human and civil  
13 rights secured by law; and combating community deterioration and  
14 juvenile delinquency.

15 (4) "Commercial coventurer" means any individual or corporation,  
16 partnership, sole proprietorship, limited liability company, limited  
17 partnership, limited liability partnership, or any other legal  
18 entity, that:

19 (a) Is regularly and primarily engaged in making sales of goods  
20 or services for profit directly to the general public;

21 (b) Is not otherwise regularly or primarily engaged in making  
22 solicitations in this state or otherwise raising funds in this state  
23 for one or more charitable organizations;

24 (c) Represents to prospective purchasers that, if they purchase a  
25 good or service from the commercial coventurer, a portion of the  
26 sales price or a sum of money or some other specified thing of value  
27 will be donated to a named charitable organization; and

28 (d) Does not ask purchasers to make checks or other instruments  
29 payable to a named charitable organization or any entity other than  
30 the commercial coventurer itself under its regular commercial name.

31 (5) "Commercial fund-raiser" or "commercial fund-raising entity"  
32 means any entity that for compensation or other consideration  
33 directly or indirectly solicits or receives contributions within this  
34 state for or on behalf of any charitable organization or charitable  
35 purpose, or that is engaged in the business of, or represents to  
36 persons in this state as independently engaged in the business of,  
37 soliciting or receiving contributions for such purposes. However, a  
38 commercial coventurer, fund-raising counsel, or consultant is not a  
39 commercial fund-raiser or commercial fund-raising entity.

1 (6) "Compensation" means salaries, wages, fees, commissions, or  
2 any other remuneration or valuable consideration.

3 (7) "Contribution" means the payment, donation, or promise, for  
4 consideration or otherwise, of any money or property of any kind or  
5 value which contribution is wholly or partly induced by a  
6 solicitation. Reference to dollar amounts of "contributions" or  
7 "solicitations" in this chapter means in the case of payments or  
8 promises to pay for merchandise or rights of any description, the  
9 value of the total amount paid or promised to be paid for such  
10 merchandise or rights.

11 (8) "Cost of solicitation" means and includes all direct and  
12 indirect costs, expenditures, debts, obligations, salaries, wages,  
13 commissions, fees, or other money or thing of value paid or incurred  
14 in making a solicitation.

15 (9) "Entity" means an individual, organization, group,  
16 association, partnership, corporation, agency or unit of state  
17 government, or any combination thereof.

18 (10) "Fund-raising counsel" or "consultant" means any entity or  
19 individual who is retained by a charitable organization, for a fixed  
20 fee or rate, that is not computed on a percentage of funds raised, or  
21 to be raised, under a written agreement only to plan, advise,  
22 consult, or prepare materials for a solicitation of contributions in  
23 this state, but who does not manage, conduct, or carry on a  
24 fund-raising campaign and who does not solicit contributions or  
25 employ, procure, or engage any compensated person to solicit  
26 contributions, and who does not at any time have custody or control  
27 of contributions. A volunteer, employee, or salaried officer of a  
28 charitable organization maintaining a permanent establishment or  
29 office in this state is not a fund-raising counsel. An attorney,  
30 investment counselor, or banker who advises an individual,  
31 corporation, or association to make a charitable contribution is not  
32 a fund-raising counsel as a result of the advice.

33 (11) "General public" or "public" means any individual or entity  
34 located in Washington state without a membership or other official  
35 relationship with a charitable organization before a solicitation by  
36 the charitable organization.

37 (12) "Gross revenue" or "annual gross revenue" means, for any  
38 accounting period, the total value of revenue, excluding unrealized  
39 capital gains, but including noncash contributions of tangible,  
40 personal property received by or on behalf of a charitable

1 organization from all sources, without subtracting any costs or  
2 expenses.

3 (13) "Membership" means that for the payment of fees, dues,  
4 assessments, etc., an organization provides services and confers a  
5 bona fide right, privilege, professional standing, honor, or other  
6 direct benefit, in addition to the right to vote, elect officers, or  
7 hold office. The term "membership" does not include those persons who  
8 are granted a membership upon making a contribution as the result of  
9 solicitation.

10 (14) "Other employee" of a charitable organization means any  
11 person (a) whose conduct is subject to direct control by such  
12 organization; (b) who does not act in the manner of any independent  
13 contractor in his or her relation with the organization; and (c) who  
14 is not engaged in the business of or held out to persons in this  
15 state as independently engaged in the business of soliciting  
16 contributions for charitable purposes or religious activities.

17 (15) "Political organization" means those organizations whose  
18 activities are subject to chapter 42.17A RCW or the federal elections  
19 campaign act of 1971, as amended.

20 (16) "Religious organization" means those entities that are not  
21 churches or integrated auxiliaries and includes nondenominational  
22 ministries, interdenominational and ecumenical organizations, mission  
23 organizations, speakers' organizations, faith-based social agencies,  
24 and other entities whose principal purpose is the study, practice, or  
25 advancement of religion.

26 (17) "Secretary" means the secretary of state.

27 (18) (~~("Signed" means hand-written, or, if the secretary adopts~~  
28 ~~rules facilitating electronic filing that pertain to this chapter, in~~  
29 ~~the manner prescribed by those rules.)) "Sign" means, with present  
30 intent to authenticate or adopt a record:~~

31 (a) To execute or adopt a tangible symbol; or

32 (b) To attach to or logically associate with the record an  
33 electronic symbol, sound, or process.

34 (19)(a) "Solicitation" means any oral or written request for a  
35 contribution, including the solicitor's offer or attempt to sell any  
36 property, rights, services, or other thing in connection with which:

37 (i) Any appeal is made for any charitable purpose;

38 (ii) The name of any charitable organization is used as an  
39 inducement for consummating the sale; or



1 (iii) Any statement is made that implies that the whole or any  
2 part of the proceeds from the sale will be applied toward any  
3 charitable purpose or donated to any charitable organization.

4 (b) The solicitation shall be deemed completed when made, whether  
5 or not the person making it receives any contribution or makes any  
6 sale.

7 (c) "Solicitation" does not include bingo activities, raffles,  
8 and amusement games conducted under chapter 9.46 RCW and applicable  
9 rules of the Washington state gambling commission.

10 (20) "Solicitation report" means the financial information the  
11 secretary requires pursuant to RCW 19.09.075 or 19.09.079.

12 **Sec. 30.** RCW 23.95.105 and 2019 c 37 s 1401 are each amended to  
13 read as follows:

14 The definitions in this section apply throughout this chapter  
15 unless the context clearly requires otherwise or as set forth in RCW  
16 23.95.400 or 23.95.600.

17 (1) "Annual report" means the report required by RCW 23.95.255.

18 (2) "Business corporation" means a domestic business corporation  
19 incorporated under or subject to Title 23B RCW or a foreign business  
20 corporation.

21 (3) "Commercial registered agent" means a person listed under RCW  
22 23.95.420.

23 (4) "Domestic," with respect to an entity, means governed as to  
24 its internal affairs by the law of this state.

25 (5) "Electronic transmission" means an electronic communication:

26 (a) Not directly involving the physical transfer of a record in a  
27 tangible medium; and

28 (b) That may be retained, retrieved, and reviewed by the sender  
29 and the recipient thereof, and that may be directly reproduced in a  
30 tangible medium by such a sender and recipient.

31 (6) "Entity" means:

32 (a) A business corporation;

33 (b) A nonprofit corporation;

34 (c) A limited liability partnership;

35 (d) A limited partnership;

36 (e) A limited liability company;

37 (f) A general cooperative association; or

38 (g) A limited cooperative association.

1 (7) "Entity filing" means a record delivered to the secretary of  
2 state for filing pursuant to this chapter.

3 (8) "Execute," "executes," or "executed" means with present  
4 intent to authenticate or adopt a record:

5 (a) (~~Signed with respect to a written record~~) To sign or adopt  
6 a tangible symbol;

7 (b) (~~Electronically transmitted along with sufficient~~  
8 ~~information to determine the sender's identity with respect to an~~  
9 ~~electronic transmission~~) To attach to or logically associate with  
10 the record an electronic symbol, sound, or process; or

11 (c) With respect to a record to be filed with the secretary of  
12 state, in compliance with the standards for filing with the office of  
13 the secretary of state as prescribed by the secretary of state.

14 (9) "Filed record" means a record filed by the secretary of state  
15 pursuant to this chapter.

16 (10) "Foreign," with respect to an entity, means governed as to  
17 its internal affairs by the law of a jurisdiction other than this  
18 state.

19 (11) "General cooperative association" means a domestic general  
20 cooperative association formed under or subject to chapter 23.86 RCW.

21 (12) "Governor" means:

22 (a) A director of a business corporation;

23 (b) A director of a nonprofit corporation;

24 (c) A partner of a limited liability partnership;

25 (d) A general partner of a limited partnership;

26 (e) A manager of a manager-managed limited liability company;

27 (f) A member of a member-managed limited liability company;

28 (g) A director of a general cooperative association;

29 (h) A director of a limited cooperative association; or

30 (i) Any other person under whose authority the powers of an  
31 entity are exercised and under whose direction the activities and  
32 affairs of the entity are managed pursuant to the organic law and  
33 organic rules of the entity.

34 (13) "Interest" means:

35 (a) A share in a business corporation;

36 (b) A membership in a nonprofit corporation;

37 (c) A share in a nonprofit corporation formed under chapter 24.06  
38 RCW;

39 (d) A partnership interest in a limited liability partnership;

40 (e) A partnership interest in a limited partnership;

1 (f) A limited liability company interest;  
2 (g) A share or membership in a general cooperative association;  
3 or  
4 (h) A member's interest in a limited cooperative association.  
5 (14) "Interest holder" means:  
6 (a) A shareholder of a business corporation;  
7 (b) A member of a nonprofit corporation;  
8 (c) A shareholder of a nonprofit corporation formed under chapter  
9 24.06 RCW;  
10 (d) A partner of a limited liability partnership;  
11 (e) A general partner of a limited partnership;  
12 (f) A limited partner of a limited partnership;  
13 (g) A member of a limited liability company;  
14 (h) A shareholder or member of a general cooperative association;  
15 or  
16 (i) A member of a limited cooperative association.  
17 (15) "Jurisdiction," when used to refer to a political entity,  
18 means the United States, a state, a foreign country, or a political  
19 subdivision of a foreign country.  
20 (16) "Jurisdiction of formation" means the jurisdiction whose law  
21 includes the organic law of an entity.  
22 (17) "Limited cooperative association" means a domestic limited  
23 cooperative association formed under or subject to chapter 23.100 RCW  
24 or a foreign limited cooperative association.  
25 (18) "Limited liability company" means a domestic limited  
26 liability company formed under or subject to chapter 25.15 RCW or a  
27 foreign limited liability company.  
28 (19) "Limited liability limited partnership" means a domestic  
29 limited liability limited partnership formed under or subject to  
30 chapter 25.10 RCW or a foreign limited liability limited partnership.  
31 (20) "Limited liability partnership" means a domestic limited  
32 liability partnership registered under or subject to chapter 25.05  
33 RCW or a foreign limited liability partnership.  
34 (21) "Limited partnership" means a domestic limited partnership  
35 formed under or subject to chapter 25.10 RCW or a foreign limited  
36 partnership. "Limited partnership" includes a limited liability  
37 limited partnership.  
38 (22) "Noncommercial registered agent" means a person that is not  
39 a commercial registered agent and is:

1 (a) An individual or domestic or foreign entity that serves in  
2 this state as the registered agent of an entity;

3 (b) An individual who holds the office or other position in an  
4 entity which is designated as the registered agent pursuant to RCW  
5 23.95.415(1)(b)(ii); or

6 (c) A government, governmental subdivision, agency, or  
7 instrumentality, or a separate legal entity comprised of two or more  
8 of these entities, that serves as the registered agent of an entity.

9 (23) "Nonprofit corporation" means a domestic nonprofit  
10 corporation incorporated under or subject to chapter 24.03 or 24.06  
11 RCW or a foreign nonprofit corporation.

12 (24) "Nonregistered foreign entity" means a foreign entity that  
13 is not registered to do business in this state pursuant to a  
14 statement of registration filed by the secretary of state.

15 (25) "Organic law" means the law of an entity's jurisdiction of  
16 formation governing the internal affairs of the entity.

17 (26) "Organic rules" means the public organic record and private  
18 organic rules of an entity.

19 (27) "Person" means an individual, business corporation,  
20 nonprofit corporation, partnership, limited partnership, limited  
21 liability company, general cooperative association, limited  
22 cooperative association, unincorporated nonprofit association,  
23 statutory trust, business trust, common-law business trust, estate,  
24 trust, association, joint venture, public corporation, government or  
25 governmental subdivision, agency, or instrumentality, or any other  
26 legal or commercial entity.

27 (28) "Principal office" means the principal executive office of  
28 an entity, whether or not the office is located in this state.

29 (29) "Private organic rules" means the rules, whether or not in a  
30 record, that govern the internal affairs of an entity, are binding on  
31 all its interest holders, and are not part of its public organic  
32 record, if any. "Private organic rules" includes:

33 (a) The bylaws of a business corporation and any agreement among  
34 shareholders pursuant to RCW 23B.07.320;

35 (b) The bylaws of a nonprofit corporation;

36 (c) The partnership agreement of a limited liability partnership;

37 (d) The partnership agreement of a limited partnership;

38 (e) The limited liability company agreement;

39 (f) The bylaws of a general cooperative association; and

40 (g) The bylaws of a limited cooperative association.

1 (30) "Proceeding" means civil suit and criminal, administrative,  
2 and investigatory action.

3 (31) "Property" means all property, whether real, personal, or  
4 mixed or tangible or intangible, or any right or interest therein.

5 (32) "Public organic record" means the record the filing of which  
6 by the secretary of state is required to form an entity and any  
7 amendment to or restatement of that record. The term includes:

8 (a) The articles of incorporation of a business corporation;

9 (b) The articles of incorporation of a nonprofit corporation;

10 (c) The certificate of limited partnership of a limited  
11 partnership;

12 (d) The certificate of formation of a limited liability company;

13 (e) The articles of incorporation of a general cooperative  
14 association;

15 (f) The articles of organization of a limited cooperative  
16 association; and

17 (g) The document under the laws of another jurisdiction that is  
18 equivalent to a document listed in this subsection.

19 (33) "Receipt," as used in this chapter, means actual receipt.  
20 "Receive" has a corresponding meaning.

21 (34) "Record" means information that is inscribed on a tangible  
22 medium or (~~contained in an electronic transmission~~) that is stored  
23 in an electronic or other medium and is retrievable in perceivable  
24 form.

25 (35) "Registered agent" means an agent of an entity which is  
26 authorized to receive service of any process, notice, or demand  
27 required or permitted by law to be served on the entity. The term  
28 includes a commercial registered agent and a noncommercial registered  
29 agent.

30 (36) "Registered foreign entity" means a foreign entity that is  
31 registered to do business in this state pursuant to a certificate of  
32 registration filed by the secretary of state.

33 (37) "State" means a state of the United States, the District of  
34 Columbia, Puerto Rico, the United States Virgin Islands, or any  
35 territory or insular possession subject to the jurisdiction of the  
36 United States.

37 (38) "Tangible medium" means a writing, copy of a writing,  
38 facsimile, or a physical reproduction, each on paper or on other  
39 tangible material.

40 (39) "Transfer" includes:

- 1 (a) An assignment;  
2 (b) A conveyance;  
3 (c) A sale;  
4 (d) A lease;  
5 (e) An encumbrance, including a mortgage or security interest;  
6 (f) A change of record owner of interest;  
7 (g) A gift; and  
8 (h) A transfer by operation of law.  
9 ((~~39~~)) (40) "Type of entity" means a generic form of entity:  
10 (a) Recognized at common law; or  
11 (b) Formed under an organic law, whether or not some entities  
12 formed under that law are subject to provisions of that law that  
13 create different categories of the form of entity.  
14 ((~~40~~) "Writing" does not include an electronic transmission.  
15 ~~(41) "Written" means embodied in a tangible medium.~~)

16 **Sec. 31.** RCW 23.95.200 and 2015 c 176 s 1201 are each amended to  
17 read as follows:

18 (1) To be filed by the secretary of state pursuant to this  
19 chapter, an entity filing must be received by the secretary of state,  
20 comply with this chapter, and satisfy the following:

21 (a) The entity filing must be required or permitted by Title 23,  
22 23B, 24, or 25 RCW.

23 (b) The entity filing must be delivered in ((~~written form~~)) a  
24 tangible medium unless and to the extent the secretary of state  
25 permits electronic delivery of entity filings pursuant to RCW  
26 23.95.115(2).

27 (c) The words in the entity filing must be in English, and  
28 numbers must be in Arabic or Roman numerals, but the name of the  
29 entity need not be in English if written in English letters or Arabic  
30 or Roman numerals.

31 (d) The entity filing must be executed by or on behalf of a  
32 person authorized or required under this chapter or the entity's  
33 organic law to execute the filing.

34 (e) The entity filing must state the name and capacity, if any,  
35 of each individual who executed it, on behalf of either the  
36 individual or the person authorized or required to execute the  
37 filing, but need not contain a seal, attestation, acknowledgment, or  
38 verification.

1 (2) When an entity filing is delivered to the secretary of state  
2 for filing, any fee required under this chapter and any fee,  
3 interest, or penalty required to be paid under this chapter or law  
4 other than this chapter must be paid in a manner permitted by the  
5 secretary of state or by that law.

6 (3) The secretary of state may require that an entity filing  
7 delivered in (~~written form~~) a tangible medium be accompanied by an  
8 identical or conformed copy.

9 (4) A record filed under this chapter may be executed by an  
10 individual acting in a valid representative capacity.

11 **Sec. 32.** RCW 23.95.265 and 2015 c 176 s 1214 are each amended to  
12 read as follows:

13 The secretary of state may, where exigent or mitigating  
14 circumstances are presented, waive penalty fees due from any entity  
15 previously in good standing which would otherwise be penalized or  
16 lose its active status. An entity desiring to seek relief under this  
17 section must, within fifteen days of discovery of the missed filing  
18 or lapse, notify the secretary of state (~~in writing~~) as provided in  
19 rule. The notification must include the name and mailing address of  
20 the entity, the governor or other entity official to whom  
21 correspondence should be sent, and a statement under oath by a  
22 governor or other entity official, setting forth the nature of the  
23 missed filing or lapse, the circumstances giving rise to the missed  
24 filing or lapse, and the relief sought. If the secretary of state is  
25 satisfied that sufficient exigent or mitigating circumstances exist,  
26 that the entity has demonstrated good faith and a reasonable attempt  
27 to comply with the applicable statutes of this state, the secretary  
28 of state may issue an order allowing relief from the penalty. If the  
29 secretary of state determines the request does not comply with the  
30 requirements for relief, the secretary of state shall deny the relief  
31 and state the reasons for the denial. Any denial of relief by the  
32 secretary of state is not reviewable notwithstanding the provisions  
33 of chapter 34.05 RCW.

34 **Sec. 33.** RCW 23.95.420 and 2015 c 176 s 1405 are each amended to  
35 read as follows:

36 (1) A person may become listed as a commercial registered agent  
37 by delivering to the secretary of state for filing a commercial-

1 registered-agent listing statement executed by the person which  
2 states:

3 (a) The name of the individual or the name of the entity, type of  
4 entity, and jurisdiction of formation of the entity;

5 (b) That the person is in the business of serving as a commercial  
6 registered agent in this state; and

7 (c) The address of a place of business of the person in this  
8 state to which service of process, notices, and demands being served  
9 on or sent to entities represented by the person may be delivered.

10 (2) A commercial-registered-agent listing statement may include  
11 the information regarding acceptance by the agent of service of  
12 process, notices, and demands in a form other than a (~~written~~  
13 ~~record~~) tangible medium as provided in RCW 23.95.450(5).

14 (3) If the name of a person delivering to the secretary of state  
15 for filing a commercial-registered-agent listing statement is not  
16 distinguishable on the records of the secretary of state from the  
17 name of another commercial registered agent listed under this  
18 section, the person shall adopt a fictitious name that is  
19 distinguishable and use that name in its statement and when it does  
20 business in this state as a commercial registered agent.

21 (4) The secretary of state shall note the filing of a commercial-  
22 registered-agent listing statement in the records maintained by the  
23 secretary of state for each entity represented by the agent at the  
24 time of the filing. The statement has the effect of amending the  
25 registered agent filing for each of those entities to:

26 (a) Designate the person becoming listed as a commercial  
27 registered agent as the commercial registered agent of each of those  
28 entities; and

29 (b) Delete the name and address of the former agent from the  
30 registered agent filing of each of those entities.

31 **Sec. 34.** RCW 23.95.450 and 2015 c 176 s 1411 are each amended to  
32 read as follows:

33 (1) A represented entity may be served with any process, notice,  
34 or demand required or permitted by law by serving its registered  
35 agent.

36 (2) If a represented entity ceases to have a registered agent, or  
37 if its registered agent cannot with reasonable diligence be served,  
38 the entity may be served by registered or certified mail, return  
39 receipt requested, or by similar commercial delivery service,



1 addressed to the entity at the entity's principal office. The address  
2 of the principal office must be as shown in the entity's most recent  
3 annual report filed by the secretary of state. Service is effected  
4 under this subsection on the earliest of:

5 (a) The date the entity receives the mail or delivery by the  
6 commercial delivery service;

7 (b) The date shown on the return receipt, if executed by the  
8 entity; or

9 (c) Five days after its deposit with the United States postal  
10 service or commercial delivery service, if correctly addressed and  
11 with sufficient postage or payment.

12 (3) If process, notice, or demand cannot be served on an entity  
13 pursuant to subsection (1) or (2) of this section, service may be  
14 made by handing a copy to the individual in charge of any regular  
15 place of business or activity of the entity if the individual served  
16 is not a plaintiff in the action.

17 (4) The secretary of state shall be an agent of the entity for  
18 service of process if process, notice, or demand cannot be served on  
19 an entity pursuant to subsection (1), (2), or (3) of this section.

20 (5) Service of process, notice, or demand on a registered agent  
21 must be in a (~~written record~~) tangible medium, but service may be  
22 made on a commercial registered agent in other forms, and subject to  
23 such requirements, as the agent has stated in its listing under RCW  
24 23.95.420 that it will accept.

25 (6) Service of process, notice, or demand may be made by other  
26 means under law other than this chapter.

27 **Sec. 35.** RCW 23B.01.400 and 2019 c 141 s 5 are each amended to  
28 read as follows:

29 Unless the context clearly requires otherwise, the definitions in  
30 this section apply throughout this title.

31 (1) "Articles of incorporation" include amended and restated  
32 articles of incorporation and articles of merger.

33 (2) "Authorized shares" means the shares of all classes a  
34 domestic or foreign corporation is authorized to issue.

35 (3) "Conspicuous" means so prepared that a reasonable person  
36 against whom the record is to operate should have noticed it. For  
37 example, printing in italics or boldface or contrasting color, or  
38 typing in capitals or underlined, is conspicuous.

1 (4) "Controlling interest" means ownership of an entity's  
2 outstanding shares or interests in such number as to entitle the  
3 holder at the time to elect a majority of the entity's directors or  
4 other governors without regard to voting power which may thereafter  
5 exist upon a default, failure, or other contingency.

6 (5) "Corporate action" means any resolution, act, policy,  
7 contract, transaction, plan, adoption or amendment of articles of  
8 incorporation or bylaws, or other matter approved by or submitted for  
9 approval to a corporation's incorporators, board of directors or a  
10 committee thereof, or shareholders.

11 (6) "Corporation" or "domestic corporation" means a corporation  
12 for profit, including a social purpose corporation, which is not a  
13 foreign corporation, incorporated under or subject to the provisions  
14 of this title.

15 (7) "Deliver" includes (a) mailing, (b) for purposes of  
16 delivering a demand, consent, notice, or waiver to the corporation or  
17 one of its officers, directors, or shareholders, transmission by  
18 facsimile equipment, and (c) for purposes of delivering a demand,  
19 consent, notice, or waiver to the corporation or one of its officers,  
20 directors, or shareholders under RCW 23B.01.410 or chapter 23B.07,  
21 23B.08, 23B.11, 23B.13, 23B.14, or 23B.16 RCW delivery by electronic  
22 transmission.

23 (8) "Distribution" means a direct or indirect transfer of money  
24 or other property, except its own shares, or incurrence of  
25 indebtedness by a corporation to or for the benefit of its  
26 shareholders in respect to any of its shares. A distribution may be  
27 in the form of a declaration or payment of a dividend; a distribution  
28 in partial or complete liquidation, or upon voluntary or involuntary  
29 dissolution; a purchase, redemption, or other acquisition of shares;  
30 a distribution of indebtedness; or otherwise.

31 (9) "Effective date of notice" has the meaning provided in RCW  
32 23B.01.410.

33 (10) "Electronic transmission" means an electronic communication  
34 (a) not directly involving the physical transfer of a record in a  
35 tangible medium and (b) that may be retained, retrieved, and reviewed  
36 by the sender and the recipient thereof, and that may be directly  
37 reproduced in a tangible medium by such a sender and recipient.

38 (11) "Electronically transmitted" means the initiation of an  
39 electronic transmission.

1 (12) "Employee" includes an officer but not a director. A  
2 director may accept duties that make the director also an employee.

3 (13) "Entity" includes a corporation and foreign corporation,  
4 not-for-profit corporation, business trust, estate, trust,  
5 partnership, limited liability company, association, joint venture,  
6 two or more persons having a joint or common economic interest, the  
7 state, United States, and a foreign governmental subdivision, agency,  
8 or instrumentality, or any other legal or commercial entity.

9 (14) "Execute," "executes," or "executed" means with present  
10 intent to authenticate or adopt a record:

11 (a) (~~signed with respect to a written record or~~) To sign or  
12 adopt a tangible symbol;

13 (b) (~~electronically transmitted along with sufficient~~  
14 ~~information to determine the sender's identity with respect to an~~  
15 ~~electronic transmission,~~) To attach to or logically associate with  
16 the record an electronic symbol, sound, or process; or

17 (c) With respect to a record to be filed with the secretary of  
18 state, in compliance with the standards for filing with the office of  
19 the secretary of state as prescribed by the secretary of state.

20 (15) "Foreign corporation" means a corporation for profit  
21 incorporated under a law other than the law of this state.

22 (16) "Foreign limited partnership" means a partnership formed  
23 under laws other than of this state and having as partners one or  
24 more general partners and one or more limited partners.

25 (17) "General social purpose" means the general social purpose  
26 for which a social purpose corporation is organized as set forth in  
27 the articles of incorporation of the corporation in accordance with  
28 RCW 23B.25.040(1)(c).

29 (18) "Governmental subdivision" includes authority, county,  
30 district, and municipality.

31 (19) "Governor" has the meaning given that term in RCW 23.95.105.

32 (20) "Includes" denotes a partial definition.

33 (21) "Individual" includes the estate of an incompetent or  
34 deceased individual.

35 (22) "Limited partnership" or "domestic limited partnership"  
36 means a partnership formed by two or more persons under the laws of  
37 this state and having one or more general partners and one or more  
38 limited partners.

39 (23) "Means" denotes an exhaustive definition.

40 (24) "Notice" has the meaning provided in RCW 23B.01.410.

1 (25) "Person" means an individual, corporation, business trust,  
2 estate, trust, partnership, limited liability company, association,  
3 joint venture, government, governmental subdivision, agency, or  
4 instrumentality, or any other legal or commercial entity.

5 (26) "Principal office" means the office, in or out of this  
6 state, so designated in the annual report where the principal  
7 executive offices of a domestic or foreign corporation are located.

8 (27) "Proceeding" includes civil suit and criminal,  
9 administrative, and investigatory action.

10 (28) "Public company" means a corporation that has a class of  
11 shares registered with the federal securities and exchange commission  
12 pursuant to section 12 or 15 of the securities exchange act of 1934,  
13 or section 8 of the investment company act of 1940, or any successor  
14 statute.

15 (29) "Qualified director" means (a) with respect to a director's  
16 conflicting interest transaction as defined in RCW 23B.08.700, any  
17 director who does not have either (i) a conflicting interest  
18 respecting the transaction, or (ii) a familial, financial,  
19 professional, or employment relationship with a second director who  
20 does have a conflicting interest respecting the transaction, which  
21 relationship would, in the circumstances, reasonably be expected to  
22 exert an influence on the first director's judgment when voting on  
23 the transaction; (b) with respect to RCW 23B.08.735, a qualified  
24 director under (a) of this subsection if the business opportunity  
25 were a director's conflicting interest transaction; and (c) with  
26 respect to RCW 23B.02.020(5)(k), a director who is not a director (i)  
27 to whom the limitation or elimination of the duty of an officer to  
28 offer potential business opportunities to the corporation would  
29 apply, or (ii) who has a familial, financial, professional, or  
30 employment relationship with another officer to whom the limitation  
31 or elimination would apply, which relationship would, in the  
32 circumstances, reasonably be expected to exert an influence on the  
33 director's judgment when voting on the limitation or elimination.

34 (30) "Record" means information that is inscribed on a tangible  
35 medium or ((contained in an electronic transmission)) that is stored  
36 in an electronic or other medium and is retrievable in perceivable  
37 form.

38 (31) "Record date" means the date established under chapter  
39 23B.07 RCW on which a corporation determines the identity of its  
40 shareholders and their shareholdings for purposes of this title. The

1 determinations shall be made as of the close of business on the  
2 record date unless another time for doing so is specified when the  
3 record date is fixed.

4 (32) "Registered office" means the address of the corporation's  
5 registered agent.

6 (33) "Secretary" means the corporate officer to whom the board of  
7 directors has delegated responsibility under RCW 23B.08.400(3) for  
8 custody of the minutes of the meetings of the board of directors and  
9 of the shareholders and for authenticating records of the  
10 corporation.

11 (34) "Shareholder" means the person in whose name shares are  
12 registered in the records of a corporation or the beneficial owner of  
13 shares to the extent of the rights granted by a nominee certificate  
14 on file with a corporation.

15 (35) "Shares" means the units into which the proprietary  
16 interests in a corporation are divided.

17 (36) "Social purpose" includes any general social purpose and any  
18 specific social purpose.

19 (37) "Social purpose corporation" means a corporation that has  
20 elected to be governed as a social purpose corporation under chapter  
21 23B.25 RCW.

22 (38) "Specific social purpose" means the specific social purpose  
23 or purposes for which a social purpose corporation is organized as  
24 set forth in the articles of incorporation of the corporation in  
25 accordance with RCW 23B.25.040(2)(a).

26 (39) "State," when referring to a part of the United States,  
27 includes a state and commonwealth, and their agencies and  
28 governmental subdivisions, and a territory and insular possession,  
29 and their agencies and governmental subdivisions, of the United  
30 States.

31 (40) "Subscriber" means a person who subscribes for shares in a  
32 corporation, whether before or after incorporation.

33 (41) "Subsidiary" means an entity in which the corporation has,  
34 directly or indirectly, a controlling interest.

35 (42) "Tangible medium" means a writing, copy of a writing, or  
36 facsimile, or a physical reproduction, each on paper or on other  
37 tangible material.

38 (43) "United States" includes a district, authority, bureau,  
39 commission, department, and any other agency of the United States.

1 (44) "Voting group" means all shares of one or more classes or  
2 series that under the articles of incorporation or this title are  
3 entitled to vote and be counted together collectively on a matter at  
4 a meeting of shareholders. All shares entitled by the articles of  
5 incorporation or this title to vote generally on the matter are for  
6 that purpose a single voting group.

7 ~~((45) "Writing" does not include an electronic transmission.~~  
8 ~~(46) "Written" means embodied in a tangible medium.))~~

9 **Sec. 36.** RCW 23B.09.040 and 2015 c 176 s 2121 are each amended  
10 to read as follows:

11 (1) After a plan of entity conversion by a domestic corporation  
12 converting into an other entity has been adopted and approved as  
13 required by this chapter, articles of entity conversion must be  
14 ~~((signed))~~ executed on behalf of the domestic corporation by any  
15 officer or other duly authorized representative and must be delivered  
16 to the secretary of state for filing.

17 (2) After the conversion of an other entity into a domestic  
18 corporation has been adopted and approved as required by the organic  
19 law of the converting entity, articles of entity conversion must be  
20 ~~((signed))~~ executed on behalf of the converting entity by any officer  
21 or other duly authorized representative and must be delivered to the  
22 secretary of state for filing.

23 (3) The articles of entity conversion must set forth:

24 (a) A statement that the converting entity has been converted  
25 into the surviving entity;

26 (b) The name and form of the converting entity before conversion;

27 (c) The name and form of the surviving entity after conversion,  
28 which must be a name that satisfies the requirements of Article 3 of  
29 chapter 23.95 RCW if the surviving entity after conversion is a  
30 domestic corporation;

31 (d) Articles of incorporation that comply with RCW 23B.02.020 if  
32 the surviving entity after conversion is a domestic corporation;

33 (e) The date the conversion is effective under the organic law of  
34 the surviving entity;

35 (f) If the converting entity is a domestic corporation, a  
36 statement that the conversion was duly approved by the shareholders  
37 of the domestic corporation pursuant to RCW 23B.09.030;

1 (g) If the converting entity is an other entity, a statement that  
2 the conversion was duly approved as required by the organic law of  
3 the converting entity; and

4 (h) If the surviving entity is a foreign other entity not  
5 authorized to transact business in this state: (i) A statement that  
6 the surviving entity consents to service of process pursuant to RCW  
7 23.95.450 in a proceeding to enforce any obligation or the rights of  
8 dissenting shareholders of the domestic corporation; and (ii) the  
9 street and mailing address of the entity's principal office that may  
10 be used for service of process under RCW 23.95.450.

11 (4) The articles of entity conversion take effect at the  
12 effective time provided in RCW 23.95.210. Articles of entity  
13 conversion under subsection (1) or (2) of this section may be  
14 combined with any required conversion filing under the organic law of  
15 the other entity if the combined filing satisfies the requirements of  
16 both this section and the organic law of the other entity.

17 **Sec. 37.** RCW 23B.09.060 and 2015 c 176 s 2123 are each amended  
18 to read as follows:

19 (1) Unless otherwise provided in a plan of entity conversion of a  
20 domestic corporation, after the plan of entity conversion has been  
21 adopted and approved as required by this chapter, and at any time  
22 before the articles of entity conversion have become effective, the  
23 planned conversion may be abandoned by the board of directors without  
24 action by the shareholders.

25 (2) If any entity conversion is abandoned after articles of  
26 entity conversion have been filed with the secretary of state but  
27 before the entity conversion has become effective, a statement that  
28 the entity conversion has been abandoned in accordance with this  
29 section, (~~signed~~) executed by an officer or other duly authorized  
30 representative, must be delivered to the secretary of state for  
31 filing prior to the effective date of the entity conversion and in  
32 accordance with RCW 23.95.215. Upon filing, the statement takes  
33 effect and the entity conversion is deemed abandoned and may not  
34 become effective.

35 **Sec. 38.** RCW 23B.15.090 and 2015 c 176 s 2138 are each amended  
36 to read as follows:

1 The registered agent of a foreign corporation may resign as agent  
2 by ~~((signing))~~ executing and delivering to the secretary of state for  
3 filing a statement of resignation in accordance with RCW 23.95.445.

4 **Sec. 39.** RCW 23B.16.010 and 2015 c 176 s 2142 are each amended  
5 to read as follows:

6 (1) A corporation shall keep as permanent records minutes of all  
7 meetings of its shareholders and board of directors, a record of all  
8 corporate actions approved by the shareholders or board of directors  
9 by executed consent without a meeting, and a record of all corporate  
10 actions approved by a committee of the board of directors exercising  
11 the authority of the board of directors on behalf of the corporation.

12 (2) A corporation shall maintain appropriate accounting records.

13 (3) A corporation or its agent shall maintain a record of its  
14 shareholders, in a form that permits preparation of a list of the  
15 names and addresses of all shareholders, in alphabetical order by  
16 class of shares showing the number and class of shares held by each.

17 ~~((A corporation shall maintain its records in written form or  
18 in another form capable of conversion into written form within a  
19 reasonable time.~~

20 ~~(5))~~) A corporation shall keep a copy of the following records at  
21 its principal office:

22 (a) Its articles or restated articles of incorporation and all  
23 amendments to them currently in effect;

24 (b) Its bylaws or restated bylaws and all amendments to them  
25 currently in effect;

26 (c) The minutes of all shareholders' meetings, and records of all  
27 corporate actions approved by shareholders without a meeting, for the  
28 past three years;

29 (d) The financial statements described in RCW 23B.16.200(1), for  
30 the past three years;

31 (e) All communications in the form of a record to shareholders  
32 generally within the past three years;

33 (f) A list of the names and business addresses of its current  
34 directors and officers; and

35 (g) Its initial report or most recent annual report delivered to  
36 the secretary of state under RCW 23.95.255.

37 **Sec. 40.** RCW 23B.16.030 and 1989 c 165 s 184 are each reenacted  
38 and amended to read as follows:



1 (1) A shareholder's agent or attorney has the same inspection and  
2 copying rights as the shareholder.

3 (2) The right to copy records under RCW 23B.16.020 includes, if  
4 reasonable, the right to receive copies made by photographic,  
5 xerographic, or other means, including copies in electronic (~~or~~  
6 ~~other nonwritten~~) form if the shareholder so requests.

7 (3) The corporation may impose a reasonable charge, covering the  
8 costs of labor and material, for copies of any records provided to  
9 the shareholder. The charge may not exceed the estimated cost of  
10 production or reproduction of the records.

11 (4) The corporation may comply with a shareholder's demand to  
12 inspect the record of shareholders under RCW 23B.16.020(2)(c) by  
13 providing the shareholder with a list of its shareholders that was  
14 compiled no earlier than the date of the shareholder's demand.

15 **Sec. 41.** RCW 23B.16.200 and 2002 c 297 s 47 are each amended to  
16 read as follows:

17 (1) Not later than four months after the close of each fiscal  
18 year, and in any event prior to the annual meeting of shareholders,  
19 each corporation shall prepare (a) a balance sheet showing in  
20 reasonable detail the financial condition of the corporation as of  
21 the close of its fiscal year, and (b) an income statement showing the  
22 results of its operation during its fiscal year. Such statements may  
23 be consolidated or combined statements of the corporation and one or  
24 more of its subsidiaries, as appropriate. If financial statements are  
25 prepared by the corporation for any purpose on the basis of generally  
26 accepted accounting principles, the annual statements must also be  
27 prepared, and disclose that they are prepared, on that basis. If  
28 financial statements are prepared only on a basis other than  
29 generally accepted accounting principles, they must be prepared, and  
30 disclose that they are prepared, on the same basis as other reports  
31 and statements prepared by the corporation for the use of others.

32 (2) Upon request, the corporation shall promptly deliver to any  
33 shareholder a copy of the most recent balance sheet and income  
34 statement, which request shall be set forth either (a) in a (~~written~~  
35 ~~record~~) tangible medium or (b) if the corporation has designated an  
36 address, location, or system to which the request may be  
37 electronically transmitted and the request is electronically  
38 transmitted to the corporation at the designated address, location,  
39 or system, in an electronically transmitted record. If prepared for

1 other purposes, the corporation shall also furnish upon the request a  
2 statement of sources and applications of funds, and a statement of  
3 changes in shareholders' equity, for the most recent fiscal year.

4 (3) If the annual financial statements are reported upon by a  
5 public accountant, the accountant's report must accompany them. If  
6 not, the statements must be accompanied by a statement of the  
7 president or the person responsible for the corporation's accounting  
8 records:

9 (a) Stating the person's reasonable belief whether the statements  
10 were prepared on the basis of generally accepted accounting  
11 principles and, if not, describing the basis of preparation; and

12 (b) Describing any respects in which the statements were not  
13 prepared on a basis of accounting consistent with the basis used for  
14 statements prepared for the preceding year.

15 (4) For purposes of this section, "shareholder" includes a  
16 beneficial owner whose shares are held in a voting trust or by a  
17 nominee on the beneficial owner's behalf.

18 **Sec. 42.** RCW 24.03.005 and 2015 c 176 s 3101 are each reenacted  
19 and amended to read as follows:

20 As used in this chapter, unless the context otherwise requires,  
21 the term:

22 (1) "An officer of the corporation" means, in connection with the  
23 execution of records submitted for filing with the secretary of  
24 state, the president, a vice president, the secretary, or the  
25 treasurer of the corporation.

26 (2) "Articles of incorporation" and "articles" mean the original  
27 articles of incorporation and all amendments thereto, and includes  
28 articles of merger and restated articles.

29 (3) "Board of directors" means the group of persons vested with  
30 the management of the affairs of the corporation irrespective of the  
31 name by which such group is designated in the articles or bylaws.

32 (4) "Bylaws" means the code or codes of rules adopted for the  
33 regulation or management of the affairs of the corporation  
34 irrespective of the name or names by which such rules are designated.

35 (5) "Conforms to (~~law~~, ~~+~~) law," as used in connection with  
36 duties of the secretary of state in reviewing records for filing  
37 under this chapter, means the secretary of state has determined that  
38 the record complies as to form with the applicable requirements of  
39 this chapter and Article 2 of chapter 23.95 RCW.

1 (6) "Corporation" or "domestic corporation" means a corporation  
2 not for profit subject to the provisions of this chapter, except a  
3 foreign corporation.

4 (7) "Deliver" means: (a) Mailing; (b) transmission by facsimile  
5 equipment, for purposes of delivering a demand, consent, notice, or  
6 waiver to the corporation or one of its officers, directors, or  
7 members; (c) electronic transmission, in accordance with the  
8 officer's, director's, or member's consent, for purposes of  
9 delivering a demand, consent, notice, or waiver to the corporation or  
10 one of its officers, directors, or members under RCW 24.03.009; and  
11 (d) as prescribed by the secretary of state for purposes of  
12 submitting a record for filing with the secretary of state.

13 (8) "Effective date" means, in connection with a record filing  
14 made by the secretary of state, the date on which the filing becomes  
15 effective under RCW 23.95.210.

16 (9) "Electronic transmission" means an electronic communication  
17 (a) not directly involving the physical transfer of a record in a  
18 tangible medium and (b) that may be retained, retrieved, and reviewed  
19 by the sender and the recipient thereof, and that may be directly  
20 reproduced in a tangible medium by a sender and recipient.

21 (10) "Electronically transmitted" means the initiation of an  
22 electronic transmission.

23 (11) "Execute," "executes," or "executed" means with present  
24 intent to authenticate or adopt a record:

25 (a) (~~signed, with respect to a written record or~~) To sign or  
26 adopt a tangible symbol;

27 (b) (~~electronically transmitted along with sufficient~~  
28 ~~information to determine the sender's identity, with respect to an~~  
29 ~~electronic transmission,~~) To attach to or logically associate with  
30 the record an electronic symbol, sound, or process; or

31 (c) Filed in compliance with the standards for filing with the  
32 office of the secretary of state as prescribed by the secretary of  
33 state, with respect to a record to be filed with the secretary of  
34 state.

35 (12) "Executed by an officer of the corporation," or words of  
36 similar import, means that any record executed by such person shall  
37 be and is executed by that person under penalties of perjury and in  
38 an official and authorized capacity on behalf of the corporation or  
39 person making the record submission with the secretary of state and,  
40 for the purpose of records filed electronically with the secretary of

1 state, in compliance with the rules adopted by the secretary of state  
2 for electronic filing.

3 (13) "Foreign corporation" means a corporation not for profit  
4 organized under laws other than the laws of this state.

5 (14) "Insolvent" means inability of a corporation to pay debts as  
6 they become due in the usual course of its affairs.

7 (15) "Member" means an individual or entity having membership  
8 rights in a corporation in accordance with the provisions of its  
9 articles of incorporation or bylaws.

10 (16) "Not for profit corporation" or "nonprofit corporation"  
11 means a corporation no part of the income of which is distributable  
12 to its members, directors or officers.

13 (17) "Public benefit not for profit corporation" or "public  
14 benefit nonprofit corporation" means a corporation no part of the  
15 income of which is distributable to its members, directors, or  
16 officers and that holds a current tax exempt status as provided under  
17 26 U.S.C. Sec. 501(c)(3) or is specifically exempted from the  
18 requirement to apply for its tax exempt status under 26 U.S.C. Sec.  
19 501(c)(3).

20 (18) "Record" means information that is inscribed on a tangible  
21 medium or ~~((contained in an electronic transmission))~~ that is stored  
22 in an electronic or other medium and is retrievable in perceivable  
23 form.

24 (19) "Registered office" means the address of the corporation's  
25 registered agent.

26 (20) "Tangible medium" means a writing, copy of a writing,  
27 facsimile, or a physical reproduction, each on paper or on other  
28 tangible material.

29 ~~((21) "Writing" does not include an electronic transmission.~~

30 ~~(22) "Written" means embodied in a tangible medium.))~~

31 **Sec. 43.** RCW 25.10.011 and 2015 c 176 s 6101 are each amended to  
32 read as follows:

33 The definitions in this section apply throughout this chapter  
34 unless the context clearly requires otherwise.

35 (1) "Certificate of limited partnership" means the certificate  
36 required by RCW 25.10.201, including the certificate as amended or  
37 restated.

1 (2) "Contribution," except in the term "right of contribution,"  
2 means any benefit provided by a person to a limited partnership in  
3 order to become a partner or in the person's capacity as a partner.

4 (3) "Debtor in bankruptcy" means a person that is the subject of:

5 (a) An order for relief under Title 11 of the United States Code  
6 or a comparable order under a successor statute of general  
7 application; or

8 (b) A comparable order under federal, state, or foreign law  
9 governing insolvency.

10 (4) "Designated office" means the principal office indicated in  
11 the limited partnership's most recent annual report, or, if the  
12 principal office is not located within this state, the office of the  
13 limited partnership's registered agent.

14 (5) "Distribution" means a transfer of money or other property  
15 from a limited partnership to a partner in the partner's capacity as  
16 a partner or to a transferee on account of a transferable interest  
17 owned by the transferee.

18 (6) "Foreign limited liability limited partnership" means a  
19 foreign limited partnership whose general partners have limited  
20 liability for the obligations of the foreign limited partnership  
21 under a provision similar to RCW 25.10.401(3).

22 (7) "Foreign limited partnership" means a partnership formed  
23 under the laws of a jurisdiction other than this state and required  
24 by those laws to have one or more general partners and one or more  
25 limited partners. "Foreign limited partnership" includes a foreign  
26 limited liability limited partnership.

27 (8) "General partner" means:

28 (a) With respect to a limited partnership, a person that:

29 (i) Becomes a general partner under RCW 25.10.371; or

30 (ii) Was a general partner in a limited partnership when the  
31 limited partnership became subject to this chapter under RCW  
32 25.10.911 (1) or (2); and

33 (b) With respect to a foreign limited partnership, a person that  
34 has rights, powers, and obligations similar to those of a general  
35 partner in a limited partnership.

36 (9) "Limited liability limited partnership," except in the term  
37 "foreign limited liability limited partnership," means a limited  
38 partnership whose certificate of limited partnership states that the  
39 limited partnership is a limited liability limited partnership.

40 (10) "Limited partner" means:

1 (a) With respect to a limited partnership, a person that:  
2 (i) Becomes a limited partner under RCW 25.10.301; or  
3 (ii) Was a limited partner in a limited partnership when the  
4 limited partnership became subject to this chapter under RCW  
5 25.10.911 (1) or (2); and  
6 (b) With respect to a foreign limited partnership, a person that  
7 has rights, powers, and obligations similar to those of a limited  
8 partner in a limited partnership.  
9 (11) "Limited partnership," except in the terms "foreign limited  
10 partnership" and "foreign limited liability limited partnership,"  
11 means an entity, having one or more general partners and one or more  
12 limited partners, that is formed under this chapter by two or more  
13 persons or becomes subject to this chapter under article 11 of this  
14 chapter or RCW 25.10.911 (1) or (2). "Limited partnership" includes a  
15 limited liability limited partnership.  
16 (12) "Partner" means a limited partner or general partner.  
17 (13) "Partnership agreement" means the partners' agreement,  
18 whether oral, implied, in a record, or in any combination, concerning  
19 the limited partnership. "Partnership agreement" includes the  
20 agreement as amended.  
21 (14) "Person" means an individual, corporation, business trust,  
22 estate, trust, partnership, limited liability company, association,  
23 joint venture, government; governmental subdivision, agency, or  
24 instrumentality; public corporation, or any other legal or commercial  
25 entity.  
26 (15) "Person dissociated as a general partner" means a person  
27 dissociated as a general partner of a limited partnership.  
28 (16) "Principal office" means the office where the principal  
29 executive office of a limited partnership or foreign limited  
30 partnership is located, whether or not the office is located in this  
31 state.  
32 (17) "Record" means information that is inscribed on a tangible  
33 medium or that is stored in an electronic or other medium and is  
34 retrievable in perceivable form.  
35 (18) "Required information" means the information that a limited  
36 partnership is required to maintain under RCW 25.10.091.  
37 (19) "Sign" means, with present intent to authenticate or adopt a  
38 record:  
39 (a) To (~~sign with respect to a written record~~) execute or adopt  
40 a tangible symbol;

1 (b) To ~~((electronically transmit along with sufficient~~  
2 ~~information to determine the sender's identity with respect to an~~  
3 ~~electronic transmission)) attach to or logically associate with the  
4 record an electronic symbol, sound, or process; or~~

5 (c) With respect to a record to be filed with the secretary of  
6 state, to comply with the standard for filing with the office of the  
7 secretary of state as prescribed by the secretary of state.

8 (20) "State" means a state of the United States, the District of  
9 Columbia, Puerto Rico, the United States Virgin Islands, or any  
10 territory or insular possession subject to the jurisdiction of the  
11 United States.

12 (21) "Tangible medium" means a writing, copy of a writing,  
13 facsimile, or a physical reproduction, each on paper or on other  
14 tangible material.

15 (22) "Transfer" includes an assignment, conveyance, deed, bill of  
16 sale, lease, mortgage, security interest, encumbrance, gift, and  
17 transfer by operation of law.

18 ~~((22))~~ (23) "Transferable interest" means a partner's right to  
19 receive distributions.

20 ~~((23))~~ (24) "Transferee" means a person to which all or part of  
21 a transferable interest has been transferred, whether or not the  
22 transferor is a partner.

23 **Sec. 44.** RCW 25.15.006 and 2015 c 188 s 1 are each amended to  
24 read as follows:

25 The definitions in this section apply throughout this chapter  
26 unless the context clearly requires otherwise.

27 (1) "Agreed value" means the value of the contributions made by a  
28 member to the limited liability company. Such value shall equal the  
29 amount agreed upon in a limited liability company agreement or, if no  
30 value is agreed upon, the value shall be determined based on the  
31 records of the limited liability company.

32 (2) "Certificate of formation" means the certificate of formation  
33 required by RCW 25.15.071 and such certificate as amended or  
34 restated.

35 (3) "Distribution" means a transfer of money or other property  
36 from a limited liability company to a member in the member's capacity  
37 as a member or to a transferee on account of a transferable interest  
38 owned by the transferee.

1 (4) "Execute," "executes," or "executed" means (~~(, with respect to~~  
2 ~~a record, either (a) signed with respect to a written record or (b)~~  
3 ~~electronically transmitted along with sufficient information to~~  
4 ~~determine the sender's identity with respect to an electronic~~  
5 ~~transmission)) with present intent to authenticate or adopt a record:~~

6 (a) To sign or adopt a tangible symbol; or

7 (b) To attach to or logically associate with the record an  
8 electronic symbol, sound, or process.

9 (5) "Foreign limited liability company" means an unincorporated  
10 entity formed under the law of a jurisdiction other than this state  
11 and denominated by that law as a limited liability company.

12 (6) "Limited liability company" or "domestic limited liability  
13 company" means a limited liability company having one or more members  
14 or transferees that is formed under this chapter.

15 (7) "Limited liability company agreement" means the agreement,  
16 including the agreement as amended or restated, whether oral,  
17 implied, in a record, or in any combination, of the member or members  
18 of a limited liability company concerning the affairs of the limited  
19 liability company and the conduct of its business.

20 (8) "Manager" means a person, or a board, committee, or other  
21 group of persons, named as a manager of a limited liability company  
22 in, or designated as a manager of a limited liability company  
23 pursuant to, a limited liability company agreement.

24 (9) "Manager-managed" means, with respect to a limited liability  
25 company, that the limited liability company agreement vests  
26 management of the limited liability company in one or more managers.

27 (10) "Member" means a person who has been admitted to a limited  
28 liability company as a member as provided in RCW 25.15.116 and who  
29 has not been dissociated from the limited liability company.

30 (11) "Member-managed" means, with respect to a limited liability  
31 company, that the limited liability company is not manager-managed.

32 (12) "Person" means an individual, corporation, business trust,  
33 estate, trust, partnership, limited partnership, limited liability  
34 company, association, joint venture, government, governmental  
35 subdivision, agency, or instrumentality or any other legal or  
36 commercial entity.

37 (13) "Principal office" means the office, in or out of this  
38 state, so designated in the annual report, where the principal  
39 executive offices of a domestic or foreign limited liability company  
40 are located.



1 (14) "Professional limited liability company" means a limited  
2 liability company that is formed in accordance with RCW 25.15.046 for  
3 the purpose of rendering professional service.

4 (15) "Professional service" means the same as defined under RCW  
5 18.100.030.

6 (16) "Record" means information that is inscribed on a tangible  
7 medium or that is stored in an electronic or other medium and is  
8 retrievable in perceivable form.

9 (17) "State" means a state of the United States, the District of  
10 Columbia, Puerto Rico, the United States Virgin Islands, or any  
11 territory or insular possession subject to the jurisdiction of the  
12 United States.

13 (18) "Tangible medium" means a writing, copy of a writing,  
14 facsimile, or a physical reproduction, each on paper or on other  
15 tangible material.

16 (19) "Transfer" includes an assignment, conveyance, deed, bill of  
17 sale, lease, gift, and transfer by operation of law, except as  
18 otherwise provided in RCW 25.15.251(6).

19 ((+19)) (20) "Transferable interest" means a member's or  
20 transferee's right to receive distributions of the limited liability  
21 company's assets.

22 ((+20)) (21) "Transferee" means a person to which all or part of  
23 a transferable interest has been transferred, whether or not the  
24 transferor is a member.

25 **Sec. 45.** RCW 26.52.030 and 1999 c 184 s 5 are each amended to  
26 read as follows:

27 (1) A person entitled to protection who has a valid foreign  
28 protection order may file that order by presenting a certified,  
29 authenticated, or exemplified copy of the foreign protection order to  
30 a clerk of the court of a Washington court in which the person  
31 entitled to protection resides or to a clerk of the court of a  
32 Washington court where the person entitled to protection believes  
33 enforcement may be necessary. Any out-of-state department, agency, or  
34 court responsible for maintaining protection order records, may by  
35 facsimile or electronic transmission send a reproduction of the  
36 foreign protection order to the clerk of the court of Washington as  
37 long as it contains a facsimile or ((digital)) electronic signature  
38 by any person authorized to make such transmission.

1 (2) Filing of a foreign protection order with a court and entry  
2 of the foreign protection order into any computer-based criminal  
3 intelligence information system available in this state used by law  
4 enforcement agencies to list outstanding warrants are not  
5 prerequisites for enforcement of the foreign protection order.

6 (3) The court shall accept the filing of a foreign protection  
7 order without a fee or cost.

8 (4) The clerk of the court shall provide information to a person  
9 entitled to protection of the availability of domestic violence,  
10 sexual abuse, and other services to victims in the community where  
11 the court is located and in the state.

12 (5) The clerk of the court shall assist the person entitled to  
13 protection in completing an information form that must include, but  
14 need not be limited to, the following:

15 (a) The name of the person entitled to protection and any other  
16 protected parties;

17 (b) The name and address of the person who is subject to the  
18 restraint provisions of the foreign protection order;

19 (c) The date the foreign protection order was entered;

20 (d) The date the foreign protection order expires;

21 (e) The relief granted under . . . . . (specify the  
22 relief awarded and citations thereto, and designate which of the  
23 violations are arrestable offenses);

24 (f) The judicial district and contact information for court  
25 administration for the court in which the foreign protection order  
26 was entered;

27 (g) The social security number, date of birth, and description of  
28 the person subject to the restraint provisions of the foreign  
29 protection order;

30 (h) Whether the person who is subject to the restraint provisions  
31 of the foreign protection order is believed to be armed and  
32 dangerous;

33 (i) Whether the person who is subject to the restraint provisions  
34 of the foreign protection order was served with the order, and if so,  
35 the method used to serve the order;

36 (j) The type and location of any other legal proceedings between  
37 the person who is subject to the restraint provisions and the person  
38 entitled to protection.

39 An inability to answer any of the above questions does not  
40 preclude the filing or enforcement of a foreign protection order.

1 (6) The clerk of the court shall provide the person entitled to  
2 protection with a copy bearing proof of filing with the court.

3 (7) Any assistance provided by the clerk under this section does  
4 not constitute the practice of law. The clerk is not liable for any  
5 incomplete or incorrect information that he or she is provided.

6 **Sec. 46.** RCW 41.05.014 and 2009 c 201 s 2 are each amended to  
7 read as follows:

8 (1) The (~~administrator~~) director may require applications,  
9 enrollment forms, and eligibility certification documents for  
10 benefits that are administered by the authority under this chapter  
11 and (~~chapters~~) chapter 70.47 (~~and 70.47A~~) RCW to be signed by the  
12 person submitting them. The (~~administrator~~) director may accept  
13 electronic signatures.

14 (2) For the purpose of this section, "electronic signature" means  
15 (~~a signature in electronic form attached to or logically associated~~  
16 ~~with an electronic record including, but not limited to, a digital~~  
17 ~~signature~~) an electronic sound, symbol, or process attached to or  
18 logically associated with a record and executed or adopted by a  
19 person with the intent to sign the record.

20 **Sec. 47.** RCW 58.09.050 and 2019 c 132 s 6 are each amended to  
21 read as follows:

22 The records of survey to be filed under authority of this chapter  
23 shall be processed as follows:

24 (1)(a) The record of survey filed under RCW 58.09.040(1) shall be  
25 an original map, eighteen by twenty-four inches, that is legibly  
26 drawn in black ink on mylar and is suitable for producing legible  
27 prints through scanning, microfilming, or other standard copying  
28 procedures.

29 (b) The following are allowable formats for the original that may  
30 be used in lieu of the format set forth under (a) of this subsection:

31 (i) Photo mylar with original signatures;

32 (ii) Any standard material as long as the format is compatible  
33 with the auditor's recording process and records storage system. This  
34 format is only allowed in those counties that are excepted from  
35 permanently storing the original document as required in RCW  
36 58.09.110(5);

37 (iii) An electronic version of the original if the county has the  
38 capability to accept (~~a digital signature issued by a certification~~

1 ~~authority under))~~ electronic signatures which meet the standards  
2 provided by the rules adopted by the Washington state board of  
3 registration for professional engineers and land surveyors, and can  
4 import electronic files into an imaging system. The electronic  
5 version shall be a standard raster file format acceptable to the  
6 county.

7 A two inch margin on the left edge and a one-half inch margin on  
8 other edges of the map shall be provided. The auditor shall reject  
9 for recording any maps not suitable for producing legible prints  
10 through scanning, microfilming, or other standard copying procedures.

11 (2) Information required by RCW 58.09.040(2) shall be filed on a  
12 standard form eight and one-half inches by fourteen inches as  
13 designed and prescribed by the department of natural resources. The  
14 auditor shall reject for recording any records of corner information  
15 not suitable for producing legible prints through scanning,  
16 microfilming, or other standard copying procedures. An electronic  
17 version of the standard form may be filed if the county has the  
18 capability to accept (~~a digital signature issued by a certification~~  
19 ~~authority under))~~ electronic signatures which meet the standards  
20 provided by the rules adopted by the Washington state board of  
21 registration for professional engineers and land surveyors, and can  
22 import electronic files into an imaging system. The electronic  
23 version shall be a standard raster file format acceptable to the  
24 county.

25 (3) Two legible prints of each record of survey as required under  
26 the provisions of this chapter shall be furnished to the county  
27 auditor in the county in which the survey is to be recorded. The  
28 auditor, in those counties using imaging systems, may require only  
29 the original, and fewer prints, as needed, to meet the requirements  
30 of their duties. If any of the prints submitted are not suitable for  
31 scanning or microfilming the auditor shall not record the original.

32 (4) Legibility requirements are set forth in the recorder's  
33 checklist under RCW 58.09.110.

34 **Sec. 48.** RCW 58.09.110 and 2019 c 132 s 7 are each amended to  
35 read as follows:

36 The auditor shall accept for recording those records of survey  
37 and records of corner information that are in compliance with the  
38 recorder's checklist as jointly developed by a committee consisting  
39 of the survey advisory board and two representatives from the

1 Washington state association of county auditors. This checklist shall  
2 be adopted in rules by the department of natural resources.

3 (1) The auditor shall keep proper indexes of such record of  
4 survey by the name of owner and by quarter-quarter section, township,  
5 and range, with reference to other legal subdivisions.

6 (2) The auditor shall keep proper indexes of the record of corner  
7 information by section, township, and range.

8 (3) After entering the recording data on the record of survey and  
9 all prints received from the surveyor, the auditor shall send one of  
10 the surveyor's prints to the department of natural resources in  
11 Olympia, Washington, for incorporation into the statewide survey  
12 records repository. However, the county and the department of natural  
13 resources may mutually agree to process the original or an electronic  
14 version of the original in lieu of the surveyor's print.

15 (4) After entering the recording data on the record of corner  
16 information the auditor shall send a legible copy, suitable for  
17 scanning, to the department of natural resources in Olympia,  
18 Washington. However, the county and the department of natural  
19 resources may mutually agree to process the original or an electronic  
20 version of the original in lieu of the copy.

21 (5) The auditor shall permanently keep the original document  
22 filed using storage and handling processes that do not cause  
23 excessive deterioration of the document. A county may be excepted  
24 from the requirement to permanently store the original document if it  
25 has a document scanning, filming, or other process that creates a  
26 permanent, archival record that meets or surpasses the standards as  
27 adopted in rule by the division of archives and records management in  
28 chapter 434-663 or 434-677 WAC. The auditor must be able to provide  
29 full-size copies upon request. The auditor shall maintain a copy or  
30 image of the original for public reference.

31 (6) If the county has the capability to accept (~~(a digital~~  
32 ~~signature issued by a certification authority under)) electronic~~

33 signatures which meet the standards provided by the rules adopted by  
34 the Washington state board of registration for professional engineers  
35 and land surveyors, and can import electronic files into an imaging  
36 system, the auditor may accept for recording electronic versions of  
37 the documents required by this chapter. The electronic version shall  
38 be a standard raster file format acceptable to the county.

39 (7) This section does not supersede other existing recording  
40 statutes.

1       **Sec. 49.** RCW 69.41.041 and 2016 c 148 s 7 are each amended to  
2 read as follows:

3       (1) A pharmacy may dispense legend drugs to the resident of a  
4 long-term care facility or hospice program on the basis of a written  
5 or (~~digitally~~) electronically signed prescription or chart order  
6 sent via facsimile copy by the prescriber to the long-term care  
7 facility or hospice program, and communicated or transmitted to the  
8 pharmacy pursuant to RCW 18.64.550.

9       (2) For the purpose of this section, the terms "long-term care  
10 facility," "hospice program," and "chart order" have the meanings  
11 provided in RCW 18.64.011.

12       **Sec. 50.** RCW 69.41.055 and 2019 c 314 s 13 are each amended to  
13 read as follows:

14       (1) Information concerning an original prescription or  
15 information concerning a prescription refill for a legend drug may be  
16 electronically communicated between an authorized practitioner and a  
17 pharmacy of the patient's choice with no intervening person having  
18 access to the prescription drug order pursuant to the provisions of  
19 this chapter if the electronically communicated prescription  
20 information complies with the following:

21       (a) Electronically communicated prescription information must  
22 comply with all applicable statutes and rules regarding the form,  
23 content, recordkeeping, and processing of a prescription or order for  
24 a legend drug;

25       (b) An explicit opportunity for practitioners must be made to  
26 indicate their preference on whether or not a therapeutically  
27 equivalent generic drug or interchangeable biological product may be  
28 substituted. This section does not limit the ability of practitioners  
29 and pharmacists to permit substitution by default under a prior-  
30 consent authorization;

31       (c) Prescription drug orders are confidential health information,  
32 and may be released only to the patient or the patient's authorized  
33 representative, the prescriber or other authorized practitioner then  
34 caring for the patient, or other persons specifically authorized by  
35 law to receive such information;

36       (d) To maintain confidentiality of prescription records, the  
37 electronic system shall have adequate security and systems safeguards  
38 designed to prevent and detect unauthorized access, modification, or  
39 manipulation of these records; and

1 (e) The pharmacist shall exercise professional judgment regarding  
2 the accuracy, validity, and authenticity of the prescription drug  
3 order received by way of electronic transmission, consistent with  
4 federal and state laws and rules and guidelines of the commission.

5 (2) The electronic (~~or digital~~) signature of the prescribing  
6 practitioner's agent on behalf of the prescribing practitioner for a  
7 resident in a long-term care facility or hospice program, pursuant to  
8 a valid order and authorization under RCW 18.64.550, constitutes a  
9 valid electronic communication of prescription information. Such an  
10 authorized signature and transmission by an agent in a long-term care  
11 facility or hospice program does not constitute an intervening person  
12 having access to the prescription drug order.

13 (3) The commission may adopt rules implementing this section.

14 **Sec. 51.** RCW 74.08.055 and 2009 c 201 s 1 are each amended to  
15 read as follows:

16 (1) Each applicant for or recipient of public assistance shall  
17 complete and sign a physical application or, if available, electronic  
18 application for assistance which shall contain or be verified by a  
19 written declaration that it is signed under the penalties of perjury.  
20 The department may make electronic applications available. The  
21 secretary, by rule and regulation, may require that any other forms  
22 filled out by applicants or recipients of public assistance shall  
23 contain or be verified by a written declaration that it is made under  
24 the penalties of perjury and such declaration shall be in lieu of any  
25 oath otherwise required, and each applicant shall be so informed at  
26 the time of the signing. The application and signature verification  
27 shall be in accordance with federal requirements for that program.

28 (2) Any applicant for or recipient of public assistance who  
29 willfully makes and signs any application, statement, other paper, or  
30 electronic record which contains or is verified by a written  
31 declaration that it is made under the penalties of perjury and which  
32 he or she does not believe to be true and correct as to every  
33 material matter is guilty of a class B felony punishable according to  
34 chapter 9A.20 RCW.

35 (3) As used in this section:

36 (a) "Electronic record" means a record created, generated, sent,  
37 communicated, received, or stored by electronic means (~~for use in an~~  
38 ~~information system or for transmission from one information system to~~  
39 ~~another~~).

1           (b) (~~"Electronic signature" means a signature in electronic form~~  
2 ~~attached to or logically associated with an electronic record~~  
3 ~~including, but not limited to, a digital signature. An electronic~~  
4 ~~signature is a paperless way to sign a document using an electronic~~  
5 ~~sound, symbol, or process, attached to or logically associated with a~~  
6 ~~record and executed or adopted by a person with the intent to sign~~  
7 ~~the record.~~

8           ~~(e))~~ "Sign" includes signing by physical signature, if  
9 available, or electronic signature. An application must contain a  
10 signature in either physical or, if available, electronic form.

11           NEW SECTION.   **Sec. 52.**   The following acts or parts of acts are  
12 each repealed:

13           (1) RCW 19.360.010 (Intent) and 2015 c 72 s 1;

14           (2) RCW 19.360.020 (State and local agencies—Electronic  
15 signatures and records—Use and acceptance) and 2016 c 95 s 2 & 2015 c  
16 72 s 2;

17           (3) RCW 19.360.030 (Definition—"Electronic signature"—Use of  
18 term) and 2016 c 95 s 3 & 2015 c 72 s 3;

19           (4) RCW 19.360.040 (Definition—"Record"—Use of term) and 2016 c  
20 95 s 4 & 2015 c 72 s 4;

21           (5) RCW 19.360.050 (Definition—"Electronic"—Use of term) and  
22 2016 c 95 s 5 & 2015 c 72 s 5;

23           (6) RCW 19.360.060 (Definitions—"State agency" and "local  
24 agency") and 2016 c 95 s 6 & 2015 c 72 s 6;

25           (7) RCW 19.400.010 (Intent) and 2019 c 153 s 1;

26           (8) RCW 19.400.020 (Definitions) and 2019 c 153 s 2; and

27           (9) RCW 19.400.030 (Electronic records—Legal status) and 2019 c  
28 153 s 3.

29           NEW SECTION.   **Sec. 53.**   Sections 1 through 20 of this act  
30 constitute a new chapter in Title 1 RCW.

31           NEW SECTION.   **Sec. 54.**   Section 25 of this act expires July 1,  
32 2021.

33           NEW SECTION.   **Sec. 55.**   SEVERABILITY. If any provision of this  
34 act or its application to any person or circumstance is held invalid,



1 the remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

--- **END** ---