

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE DRS55120-LR-14 (2/3)

Short Title: Electronic Signatures By Public Agencies. (Public)

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Sponsors: Senator Reeves.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE USE OF ELECTRONIC SIGNATURES BY PUBLIC AGENCIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 66-58.4 reads as rewritten:

"§ 66-58.4. **Use of electronic signatures.**

(a) ~~All public~~ Public agencies may accept electronic ~~signatures~~ signatures as provided in this Article or as provided in Article 40 of Chapter 66 of the General Statutes.

(b) ~~Signatures that require attestation by a notary public may not be in the form of an electronic signature."~~

**SECTION 2.** G.S. 66-58.5 reads as rewritten:

"§ 66-58.5. **Validity of electronic signatures.**

(a) An electronic signature contained in a transaction undertaken pursuant to this Article between a person and a public agency, or between public agencies, shall have the same force and effect as a manual signature provided all of the following requirements are met:

- (1) The public agency involved in the transaction requests or requires the use of electronic signatures.
- (2) The electronic signature contained in the transaction embodies all of the following attributes:
  - a. It is unique to the person using it;
  - b. It is capable of certification;
  - c. It is under sole control of the person using it;
  - d. It is linked to data in such a manner that if the data are changed, the electronic signature is invalidated; and

1                   e.     It conforms to rules adopted by the Secretary pursuant to this  
2                   Article.

3       (b)     A transaction undertaken pursuant to this Article between a person and a  
4 public agency, or between public agencies, is not unenforceable, nor is it inadmissible  
5 into evidence, on the sole ground that the transaction is evidenced by an electronic  
6 record or that it has been signed with an electronic signature."

7                   **SECTION 3.** This act is effective when it becomes law.