

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 622

Short Title: Electronic Signatures By Public Agencies.

(Public)

Sponsors: Senator Reeves.

Referred to: Judiciary I.

April 1, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE USE OF ELECTRONIC SIGNATURES BY PUBLIC
3 AGENCIES.

4 The General Assembly of North Carolina enacts:

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

6 "§ 66-58.4. Use of electronic signatures.

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

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

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

13 "§ 66-58.5. Validity of electronic signatures.

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

18 (1) The public agency involved in the transaction requests or requires the
19 use of electronic signatures.

20 (2) The electronic signature contained in the transaction embodies all of
21 the following attributes:

22 a. It is unique to the person using it;

23 b. It is capable of certification;

24 c. It is under sole control of the person using it;

25 d. It is linked to data in such a manner that if the data are changed,
26 the electronic signature is invalidated; and

27 e. It conforms to rules adopted by the Secretary pursuant to this
28 Article.

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

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