

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Electronic Commerce Security Act is amended  
5 by changing Section 25-101 and by adding Section 25-120 as  
6 follows:

7 (5 ILCS 175/25-101)

8 Sec. 25-101. State agency use of electronic records.

9 (a) Each State agency shall determine if, and the extent  
10 to which, it will send and receive electronic records and  
11 electronic signatures to and from other persons and otherwise  
12 create, use, store, and rely upon electronic records and  
13 electronic signatures.

14 (b) In any case where a State agency decides to send or  
15 receive electronic records, or to accept document filings by  
16 electronic records, the State agency may, by appropriate  
17 agency rule (or court rule where appropriate), giving due  
18 consideration to security, specify:

19 (1) the manner and format in which such electronic  
20 records must be created, sent, received, and stored;

21 (2) if such electronic records must be signed, the  
22 type of electronic signature required, the manner and  
23 format in which such signature must be affixed to the

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

4 (3) control processes and procedures as appropriate to  
5 ensure adequate integrity, security, confidentiality, and  
6 auditability of such electronic records; and

7 (4) any other required attributes for such electronic  
8 records that are currently specified for corresponding  
9 paper documents, or reasonably necessary under the  
10 circumstances.

11 (c) All rules adopted by a State agency shall include the  
12 relevant minimum security requirements established by the  
13 Department of Central Management Services, if any.

14 (d) Whenever any rule of law requires or authorizes the  
15 filing of any information, notice, lien, or other document or  
16 record with any State agency, a filing made by an electronic  
17 record shall have the same force and effect as a filing made on  
18 paper in all cases where the State agency has authorized or  
19 agreed to such electronic filing and the filing is made in  
20 accordance with applicable rules or agreement.

21 (e) Except as otherwise provided under Section 25-120,  
22 nothing ~~Nothing~~ in this Act shall be construed to require any  
23 State agency to use or to permit the use of electronic records  
24 or electronic signatures.

25 (Source: P.A. 90-759, eff. 7-1-99.)

1 (5 ILCS 175/25-120 new)

2 Sec. 25-120. State agency electronic signature waiver.

3 (a) Notwithstanding any provision of this Act to the  
4 contrary, the Department of Transportation, the Illinois State  
5 Toll Highway Authority, and the Capital Development Board  
6 shall each accept the use of electronic signatures in  
7 transactions between those State agencies and other persons or  
8 entities, unless all parties to the transaction waive the  
9 right to use electronic signatures.

10 (b) The requirements of subsection (a) shall not apply to  
11 transactions of technical submissions, which shall be  
12 submitted in accordance with the following Acts: (i) the  
13 Illinois Architecture Practice Act of 1989; (ii) the  
14 Professional Engineering Practice Act of 1989; (iii) the  
15 Illinois Structural Engineering Practice Act of 1989; and (iv)  
16 the Illinois Professional Land Surveyor Act of 1989.

17 (c) For purposes of this Section, "technical submissions"  
18 has the same meanings as used under the Illinois Architecture  
19 Practice Act of 1989, the Professional Engineering Practice  
20 Act of 1989, and the Illinois Structural Engineering Practice  
21 Act of 1989, and includes any similar documents that may be  
22 submitted in performing requirements under the Illinois  
23 Professional Land Surveyor Act of 1989.