

AN ACT concerning government.

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

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

(5 ILCS 175/25-101)

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

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

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

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

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

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

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

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

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

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

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

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

(5 ILCS 175/25-120 new)

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

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

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

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