

**ASSEMBLY BILL**

**No. 700**

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**Introduced by Assembly Member Simitian**

February 22, 2001

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An act to amend Section 1633.11 of the Civil Code, relating to electronic signatures.

LEGISLATIVE COUNSEL'S DIGEST

AB 700, as introduced, Simitian. Electronic signatures: notarization.

Existing law provides that if a law requires that a signature be notarized, the requirement is satisfied with respect to an electronic signature if an electronic record includes, in addition to the electronic signature to be notarized, the electronic signature of a notary public together with all other information required to be included in a notarization by other applicable law.

Existing law also provides that in any written communication with a public entity in which a signature is required, any party to the communication may affix a digital signature if it meets certain requirements, including conformity to regulations adopted by the Secretary of State pursuant to that provision.

This bill would provide that an electronic signature conforming to the regulations adopted by the Secretary of State shall be deemed to comply with the requirements of the provision governing notarized electronic signatures, under specified conditions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1633.11 of the Civil Code is amended  
2 to read:

3 1633.11. (a) If a law requires that a signature be notarized,  
4 the requirement is satisfied with respect to an electronic signature  
5 if an electronic record includes, in addition to the electronic  
6 signature to be notarized, the electronic signature of a notary  
7 public together with all other information required to be included  
8 in a notarization by other applicable law.

9 (b) In a transaction, if a law requires that a statement be signed  
10 under penalty of perjury, the requirement is satisfied with respect  
11 to an electronic signature, if an electronic record includes, in  
12 addition to the electronic signature, all of the information as to  
13 which the declaration pertains together with a declaration under  
14 penalty of perjury by the person who submits the electronic  
15 signature that the information is true and correct.

16 (c) *An electronic signature that conforms to regulations*  
17 *adopted pursuant to Section 16.5 of the Government Code shall be*  
18 *deemed to comply with subdivision (a) if the person authorized to*  
19 *determine whether the signature conforms to those regulations has*  
20 *examined the information described in subdivision (a) or complied*  
21 *with alternative procedures adopted by the Secretary of State to*  
22 *provide a comparable level of protection to the public.*

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