

**ASSEMBLY BILL**

**No. 2296**

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**Introduced by Assembly Member Low**

February 18, 2016

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An act relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2296, as introduced, Low. Digital signatures.

Existing law authorizes the use of a digital signature in any written communication with a public entity, and specifies that in those communications, the use of a digital signature has the same force and effect as the use of a manual signature if it complies with specified requirements.

This bill would express the intent of the Legislature to enact legislation that would clarify that a digital signature may be used to satisfy the requirements of an electronic signature under the Uniform Electronic Transactions Act.

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. (a) The Legislature hereby finds and declares
- 2 all of the following:
- 3 (1) California is a world leader in innovation and harnessing
- 4 the power of new technologies to promote efficiency, consumer
- 5 benefits, and economic growth.

1 (2) The Internet and digital technologies enable government to  
2 provide services to the public and to transact business more  
3 efficiently than with paper-based processes.

4 (3) In 1995, in order to promote e-commerce and digital  
5 transactions with public agencies, California enacted Section 16.5  
6 of the Government Code, which authorizes use of a “digital  
7 signature” in any written communication with a public agency in  
8 which a signature is required or used, consistent with regulations  
9 to be adopted by the Secretary of State.

10 (4) In 1999, California enacted the Uniform Electronic  
11 Transactions Act (Title 2.5 (commencing with Section 1633.2) of  
12 Part 2 of Division 3 of the Civil Code), which provides that an  
13 “electronic signature” is valid and enforceable under any law that  
14 requires a signature in any transaction between two or more  
15 persons, including a government agency.

16 (5) The definition of “digital signature” in Section 16.5 of the  
17 Government Code and the definition of “electronic signature” in  
18 the Uniform Electronic Transactions Act are similar, and neither  
19 statute includes any cross-reference to the other, leading to  
20 confusion in the marketplace and among public agencies as to  
21 what law governs.

22 (6) A lack of clarity in the law creates a barrier to public  
23 agencies utilizing fully digital transactions that require a signature,  
24 including contracts, permits, and forms to obtain service or  
25 participate in government programs. As a result, both government  
26 and the public may not realize the benefits of digital transactions  
27 and online services, including efficiency, cost savings,  
28 convenience, and paper reduction.

29 (b) It is the intent of the Legislature to enact legislation that  
30 would amend current law to clarify that a “digital signature”  
31 authorized by Section 16.5 of the Government Code and subject  
32 to regulations adopted by the Secretary of State is one type of  
33 “electronic signature” that a public agency may choose to adopt  
34 under the Uniform Electronic Transactions Act.