



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2001

Introduced 2/26/2021, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

5 ILCS 175/5-120

5 ILCS 175/5-145

Amends the Electronic Commerce Security Act. Provides that every State agency shall accept electronic signatures where a rule of law requires a signature, except when all parties waive the right to use electronic signatures. Provides that if any other statute or rule requires approval by a State agency prior to the use or retention of electronic records or the use of electronic signatures, the provisions of this Act shall control.

LRB102 04074 RJF 14090 b

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 Sections 5-120 and 5-145 as follows:

6 (5 ILCS 175/5-120)

7 Sec. 5-120. Electronic signatures.

8 (a) Where a rule of law requires a signature, or provides  
9 for certain consequences if a document is not signed, an  
10 electronic signature satisfies that rule of law. Every State  
11 agency shall accept electronic signatures where a rule of law  
12 requires a signature, except when all parties waive the right  
13 to use electronic signatures.

14 (a-5) In the course of exercising any permitting,  
15 licensing, or other regulatory function, a municipality may  
16 accept, but shall not require, documents with an electronic  
17 signature, including, but not limited to, the technical  
18 submissions of a design professional with an electronic  
19 signature.

20 (b) An electronic signature may be proved in any manner,  
21 including by showing that a procedure existed by which a party  
22 must of necessity have executed a symbol or security procedure  
23 for the purpose of verifying that an electronic record is that

1 of such party in order to proceed further with a transaction.

2 (c) The provisions of this Section shall not apply:

3 (1) when its application would involve a construction  
4 of a rule of law that is clearly inconsistent with the  
5 manifest intent of the lawmaking body or repugnant to the  
6 context of the same rule of law, provided that the mere  
7 requirement of a "signature" or that a record be "signed"  
8 shall not by itself be sufficient to establish such  
9 intent;

10 (2) to any rule of law governing the creation or  
11 execution of a will or trust; and

12 (3) to any record that serves as a unique and  
13 transferable instrument of rights and obligations  
14 including, without limitation, negotiable instruments and  
15 other instruments of title wherein possession of the  
16 instrument is deemed to confer title, unless an electronic  
17 version of such record is created, stored, and transferred  
18 in a manner that allows for the existence of only one  
19 unique, identifiable, and unalterable original with the  
20 functional attributes of an equivalent physical  
21 instrument, that can be possessed by only one person, and  
22 which cannot be copied except in a form that is readily  
23 identifiable as a copy.

24 (Source: P.A. 101-163, eff. 1-1-20.)

25 (5 ILCS 175/5-145)

1           Sec. 5-145. Applicability of other statutes or rules. If  
2 ~~Notwithstanding any provisions of this Act, if~~ any other  
3 statute or rule requires approval by a State agency prior to  
4 the use or retention of electronic records or the use of  
5 electronic signatures, the provisions of this Act shall  
6 control ~~that other statute or rule shall also apply.~~  
7 (Source: P.A. 90-759, eff. 7-1-99.)