



Sen. Ram Villivalam

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10200SB2459sam001

LRB102 12819 RJF 24920 a

1 AMENDMENT TO SENATE BILL 2459

2 AMENDMENT NO. _____. Amend Senate Bill 2459 by replacing
3 everything after the enacting clause with the following:

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

1 agency rule (or court rule where appropriate), giving due
2 consideration to security, specify:

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

5 (2) if such electronic records must be signed, the
6 type of electronic signature required, the manner and
7 format in which such signature must be affixed to the
8 electronic record, and the identity of, or criteria that
9 must be met by, any third party used by the person filing
10 the document to facilitate the process;

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

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

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

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

1 accordance with applicable rules or agreement.

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

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

7 (5 ILCS 175/25-120 new)

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

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

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

23 (c) For purposes of this Section, "technical submissions"
24 has the same meanings as used under the Illinois Architecture
25 Practice Act of 1989, the Professional Engineering Practice

1 Act of 1989, and the Illinois Structural Engineering Practice
2 Act of 1989, and includes any similar documents that may be
3 submitted in performing requirements under the Illinois
4 Professional Land Surveyor Act of 1989."