



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/04/04, by Ruth Munson, JoAnn D. Osmond

**SYNOPSIS AS INTRODUCED:**

5 ILCS 175/5-120

Amends the Electronic Commerce Security Act. Provides that government agencies are authorized but not required to accept electronic signature technology. Requires a government agency that accepts electronic signatures to take adequate precautions to protect personal information. Effective immediately.

LRB093 20877 RAS 46827 b

1 AN ACT concerning electronic signatures.

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 Section 5-120 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. A government  
11 agency is authorized, but is not required, to accept electronic  
12 signatures. In addition to complying with any security  
13 requirements of this Act, a government agency that accepts  
14 electronic signatures must take adequate precautions to  
15 protect the signer's personal information, which may include  
16 name, address, telephone number, and social security number.

17 (b) An electronic signature may be proved in any manner,  
18 including by showing that a procedure existed by which a party  
19 must of necessity have executed a symbol or security procedure  
20 for the purpose of verifying that an electronic record is that  
21 of such party in order to proceed further with a transaction.

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

23 (1) when its application would involve a construction  
24 of a rule of law that is clearly inconsistent with the  
25 manifest intent of the lawmaking body or repugnant to the  
26 context of the same rule of law, provided that the mere  
27 requirement of a "signature" or that a record be "signed"  
28 shall not by itself be sufficient to establish such intent;

29 (2) to any rule of law governing the creation or  
30 execution of a will or trust, living will, or healthcare  
31 power of attorney; and

32 (3) to any record that serves as a unique and

1 transferable instrument of rights and obligations  
2 including, without limitation, negotiable instruments and  
3 other instruments of title wherein possession of the  
4 instrument is deemed to confer title, unless an electronic  
5 version of such record is created, stored, and transferred  
6 in a manner that allows for the existence of only one  
7 unique, identifiable, and unalterable original with the  
8 functional attributes of an equivalent physical  
9 instrument, that can be possessed by only one person, and  
10 which cannot be copied except in a form that is readily  
11 identifiable as a copy.

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.