

HOUSE BILL 523

Unofficial Copy
P1

1998 Regular Session
(8lr6195)

ENROLLED BILL

-- Economic Matters/Economic and Environmental Affairs --

Introduced by **Delegate Petzold (Maryland Digital Signature Task Force) and Delegates Rosenberg, Mandel, Heller, and ~~Barve~~ Barve, Frank, Goldwater, and Walkup**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this ____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Digital Signature Pilot Program**

3 FOR the purpose of establishing a digital signature pilot program in State
4 government; providing for agency participation in the program; authorizing
5 certain agencies to establish procedures to allow for the use of digital signatures
6 under certain circumstances; providing for the use of digital signatures under
7 certain circumstances; requiring the Secretary of State to adopt certain
8 regulations; requiring ~~a certain report~~ certain reports; defining certain terms;
9 providing for the effective date of this Act; and generally relating to the creation
10 of a digital signature pilot program.

11 BY adding to
12 Article - State Government
13 Section 8-504
14 Annotated Code of Maryland

1 (1995 Replacement Volume and 1997 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - State Government**

5 8-504.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) "AGENCY" MEANS ANY DEPARTMENT, ~~AGENCY~~, OFFICE, OR OTHER
9 ~~UNIT OF STATE GOVERNMENT~~ OF GOVERNMENT THAT IS ESTABLISHED BY STATE
10 LAW.

11 (3) "DIGITAL SIGNATURE" MEANS AN ELECTRONIC IDENTIFIER,
12 CREATED BY A COMPUTER, THAT:

13 (I) IS INTENDED BY THE PARTY USING IT AUTHORIZED SIGNER TO
14 HAVE THE SAME FORCE AND EFFECT AS THE USE OF A MANUAL SIGNATURE;

15 (II) IS UNIQUE TO THE AUTHORIZED SIGNER;

16 (III) IS CAPABLE OF VERIFICATION;

17 (IV) IS UNDER THE SOLE CONTROL OF THE AUTHORIZED SIGNER;

18 (V) IS LINKED TO DATA IN SUCH A MANNER THAT IF THE DATA ARE
19 CHANGED, THE SIGNATURE IS INVALIDATED; AND

20 (VI) CONFORMS TO REGULATIONS ADOPTED BY THE SECRETARY OF
21 STATE.

22 (4) "GOVERNMENTAL ENTITY" MEANS ANY DEPARTMENT, AGENCY, OR
23 UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT, INCLUDING THE DISTRICT OF
24 COLUMBIA.

25 ~~(4)~~ (5) "PILOT" MEANS THE DIGITAL SIGNATURE PILOT PROGRAM.

26 (B) (1) THERE IS A DIGITAL SIGNATURE PILOT PROGRAM IN STATE
27 GOVERNMENT.

28 (2) THE FOLLOWING AGENCIES MAY PARTICIPATE IN THE PILOT:

29 (I) THE SECRETARY OF STATE;

30 (II) THE STATE ARCHIVES;

31 (III) THE DEPARTMENT OF GENERAL SERVICES;

1 (IV) THE DEPARTMENT OF BUDGET AND MANAGEMENT; AND

2 (V) ANY OTHER AGENCY AUTHORIZED BY THE GOVERNOR.

3 (C) (1) ~~THE PROVISIONS OF THIS SECTION ONLY APPLY TO~~
 4 ~~COMMUNICATIONS WITHIN OR BETWEEN STATE AGENCIES~~ THIS SECTION APPLIES
 5 ONLY TO COMMUNICATIONS:

6 (I) WITHIN OR BETWEEN AGENCIES; OR

7 (II) BETWEEN AGENCIES AND GOVERNMENTAL ENTITIES.

8 (2) SUBJECT TO THE PROVISIONS OF THIS SECTION, ANY AGENCY
 9 PARTICIPATING IN THE PILOT MAY ESTABLISH METHODS AND PROCEDURES TO
 10 ALLOW FOR THE USE OF A DIGITAL SIGNATURE IN ANY COMMUNICATION IN WHICH
 11 A SIGNATURE IS REQUIRED OR USED WITHIN THE AGENCY OR BETWEEN THE
 12 AGENCY AND ANOTHER AGENCY OR GOVERNMENTAL ENTITY.

13 (3) THE USE OF A DIGITAL SIGNATURE UNDER THIS SECTION SHALL
 14 HAVE THE SAME FORCE AND EFFECT AS THE USE OF A MANUAL SIGNATURE ~~IF AND~~
 15 ~~ONLY IF IT EMBODIES ALL OF THE FOLLOWING ATTRIBUTES:~~

16 (I) ~~IT IS UNIQUE TO THE SIGNER USING IT;~~

17 (II) ~~IT IS CAPABLE OF VERIFICATION;~~

18 (III) ~~IT IS UNDER THE SOLE CONTROL OF THE SIGNER USING IT;~~

19 (IV) ~~IT IS LINKED TO DATA IN SUCH A MANNER THAT IF THE DATA~~
 20 ~~ARE CHANGED, THE DIGITAL SIGNATURE IS INVALIDATED; AND~~

21 (V) ~~IT CONFORMS TO REGULATIONS ADOPTED BY THE SECRETARY~~
 22 ~~OF STATE.~~

23 (4) NOTHING IN THIS SECTION SHALL REQUIRE AN AGENCY OR
 24 GOVERNMENTAL ENTITY TO USE OR ~~PERMIT THE USE OF~~ ACCEPT A DIGITAL
 25 SIGNATURE.

26 (D) (1) THE SECRETARY OF STATE SHALL ADOPT REGULATIONS TO
 27 IMPLEMENT AND ADMINISTER A METHOD USED UNDER THE PILOT TO CONDUCT
 28 AUTHENTICATED ELECTRONIC TRANSACTIONS USING DIGITAL SIGNATURES.

29 (2) THE USE OF A DIGITAL SIGNATURE UNDER THIS SECTION SHALL
 30 CONFORM TO STATE REGULATIONS GOVERNING ELECTRONIC RECORDS ADOPTED BY
 31 THE STATE ARCHIVES.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the State agencies
 33 participating in the digital signature pilot program shall submit an interim report to
 34 the Governor and, subject to § 2-1246 of the State Government Article, to the General
 35 Assembly by ~~October 1, 1999~~ January 1, 1998, 1999 on the procedures developed for
 36 the use of digital signatures and the experience and effectiveness of the pilot program.

1 The State agencies participating in the pilot program shall submit a final report to
2 the Governor and, subject to § 2-1246 of the State Government Article, to the General
3 Assembly by October 1, 1999.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect ~~October~~ June 1, 1998.