



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Office of the Secretary of State

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 09-22-060; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or          | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).                                 | <input type="checkbox"/> Continuance of WSR _____         |

Title of rule and other identifying information: (Describe Subject)  
Electronic Authentication Act RCW 19.34

**Hearing location(s):**

801 Capitol Way S  
Olympia, WA 98504

Date: January 28, 2010 Time: 10:00 am

**Submit written comments to:**

Name: Pamela Floyd  
Address: PO Box 40234  
Olympia, WA 98504-0234

e-mail [Pam.Floyd@sos.wa.gov](mailto:Pam.Floyd@sos.wa.gov)  
fax (360)586-4989 by (date) January 27, 2010

**Assistance for persons with disabilities:** Contact

Sharon Baker by January 27, 2010

(360) 725-0312

**Date of intended adoption:** January 29, 2010

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of this change is to reduce the fiscal impact on certification authorities registering in Washington State in an attempt to attract.

**Reasons supporting proposal:**

At this time, the state has only two certification authorities licensed to offer digital signature technology. The requirement that they register each year is expensive and time consuming. The law allows for a biennial registration and this change implements the biennial renewal process.

**Statutory authority for adoption:** RCW 19.34.101, 19.34.500

**Statute being implemented:** RCW 19.34.100

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If yes, CITATION:       | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: **December 10, 2009**  
TIME: **10:11 AM**

**WSR 10-01-061**

**DATE**  
December 10, 2009

**NAME** (type or print)  
Steve Excell

**SIGNATURE**

**TITLE**  
Assistant Secretary of State

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)  
Division of Corporations, Office of the Secretary of State

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Pamela Floyd	801 Capitol Way S, Olympia, WA 98504	(360) 725-0310
Implementation.... Pamela Floyd	801 Capitol Way S, Olympia, WA 98504	(360) 725-0310
Enforcement.....		( )

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

No additional costs are imposed on businesses, rather a savings for the businesses that are licensed under this chapter. Lengthening the renewal period will have the effect of lowering costs.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: These rules are adopting by reference without material change, Washington state statutes and are not required to do a cost-benefit analysis per RCW 34.05.328 (5)(iii). The effect of this change is to implement RCW 19.34.101.

AMENDATORY SECTION (Amending WSR 98-16-031, filed 7/29/98, effective 8/29/98)

**WAC 434-180-130 Fees.** Fees for services performed by the secretary of state are established in the following amounts:

(1) For application for a license as a certification authority:

(a) For the applicant's first year doing business as a licensed certification authority in this state: One thousand four hundred dollars;

(b) For the applicant's second year doing business as a licensed certification authority in this state: One thousand eight hundred dollars; and

(c) For the applicant's third (~~(or subsequent)~~) year and for each subsequent biennial renewal doing business as a licensed certification authority in this state: Two thousand eight hundred dollars.

(2) For recognition as a repository, in addition to the license issuance or renewal fee paid pursuant to this section:

(a) For the applicant's first year doing business as a recognized repository in this state: One thousand four hundred dollars;

(b) For the applicant's second year doing business as a recognized repository in this state: One thousand eight hundred dollars; and

(c) For the applicant's third (~~(or subsequent)~~) year and for each subsequent biennial renewal doing business as a recognized repository in this state: Two thousand eight hundred dollars.

(3) For recognition of a foreign license: One-half of the otherwise applicable fee as set forth under subsection (1) or (2) of this section.

(4) For qualification of operative personnel:

(a) For administering and scoring the examination required by WAC 434-180-215(3), fifty dollars per individual; and

(b) For qualifying operative personnel pursuant to WAC 434-180-215 and 434-180-220, other than (or in addition to) administering and scoring the examination, twenty-five dollars per individual.

AMENDATORY SECTION (Amending WSR 97-24-053, filed 11/26/97, effective 12/27/97)

**WAC 434-180-205 Issuance of license or renewal.** The secretary shall, within a reasonable time, issue or renew a license as a certification authority if the applicant has:

(1) Submitted all documentation required by WAC 434-180-200 and 434-180-210; and

(2) The secretary has determined that the applicant meets all requirements for licensure.

(3) Issuance or renewal of a license shall be valid for a period of (~~one~~) two years. Failure to receive a notice of the need to renew a license is an insufficient reason for failing to file the required application for renewal.