

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Digital identity.

Sponsored by: Select Committee on Blockchain, Financial  
Technology and Digital Innovation Technology

A BILL

for

1 AN ACT relating to trade and commerce; defining personal  
2 and organizational digital identity; establishing  
3 requirements for the attribution of acts taken through a  
4 digital identity; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 40-30-101 and 40-30-102 are created

9 to read:

10

11

CHAPTER 30 - DIGITAL IDENTITY ACT

12

1           **40-30-101. Definitions.**

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3           (a) As used in this act:

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5                   (i) "Personal digital identity" means the self-  
6 sovereign intangible digital representation of, by and for  
7 a natural person and through which he intentionally  
8 communicates or acts;

9

10                   (ii) "Organizational digital identity" means the  
11 self-sovereign intangible digital representation of, by and  
12 for a corporation, business trust, estate, trust,  
13 partnership, limited liability company, association, joint  
14 venture, governmental agency, public corporation or any  
15 other legal or commercial entity that is not a natural  
16 person and through which it intentionally communicates or  
17 acts.

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19           **40-30-102. Acts through digital identity.**

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21           (a) Consistent with the provisions of W.S. 40-21-109:

22

1           (i)       Acts taken through a personal digital  
2 identity are attributable to a natural person if they were  
3 the act of the natural person. The act of the natural  
4 person may be established in any manner, including a  
5 showing of the efficacy of any security procedure applied  
6 to determine the natural person to which an electronic  
7 record or electronic signature or other act was  
8 attributable;

9

10           (ii)       Acts taken through an organizational  
11 digital identity are attributable to the organization if  
12 they were the act of the organization. The act of the  
13 organization may be established in any manner, including a  
14 showing of the efficacy of any security procedure applied  
15 to determine the organization to which an electronic record  
16 or electronic signature or other acts were attributable;

17

18           (iii)       The effect of an electronic record or  
19 electronic signature or other act attributed to a natural  
20 person or organization under paragraphs (i) and (ii) of  
21 this subsection shall be determined from the context and  
22 surrounding circumstances at the time of its creation,

1 execution or adoption, including the parties' agreement, if  
2 any, and as otherwise provided by law.

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6 STAFF COMMENT

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8 The term "self-sovereign" does not appear anywhere else in  
9 statute nor in case law. The Committee may wish to  
10 consider including a definition of the term. In particular  
11 the Committee may wish to consider:

12

- 13 • The purposes of including self-sovereign, including  
14 whether the intent is to establish a requirement of  
15 control and the extent to which that control would be  
16 required;
- 17 • Clarifying whether exclusive control of the personal  
18 digital identity is a defining element of personal  
19 digital identity;
- 20 • Whether the term self-sovereign places digital  
21 identity beyond the reach of another sovereign (ie  
22 state and federal law) or otherwise implicates the  
23 Supremacy Clause. This issue might arise if the word  
24 "sovereign" is given one of its common meanings  
25 implying supreme and exclusive power.

26

27 The Committee may wish to consider how including  
28 governmental agencies in the definition of organizational  
29 digital identity could impact liability issues, the  
30 Governmental Claims Act, public records and other statutes  
31 specific to the government.

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35 Section 2. This act is effective July 1, 2021.

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(END)