

Legality of Electronic Signatures: 101

United States legislation states that documents signed utilizing electronic signature capture software are contractually-binding and legally acceptable.

Electronic signature capture software not only captures and applies digital signatures to any document, but it also provides a comprehensive audit trail that tracks all document activity and ensures that signed documents are not overwritten or altered.



Electronic Signature Law in the United States

With the adoption of the Uniform Electronic Transactions Act (UETA) and the passing of the Electronic Signatures in Global and National Commerce Act (ESIGN) at the federal level in 2000, documents including but not limited to records, contracts and transaction receipts can now legally use electronic signatures in commerce.

UETA and ESIGN establish that digital signatures carry the same legal effect as traditional handwritten signatures.

Specifically, *“a document or signature cannot be denied legal effect or enforceability solely because it is in electronic form.”*

Important Notes on Electronic Signature Law

- **Intent to Sign:** like with any hand-written signature, electronic signature laws state that a signature is only valid if the signer has intent to sign.
- **Signature Associated with the Record:** In order to qualify as an electronic signature under UETA and ESIGN, the signature capture software must either:
 - keep a corresponding record reflecting the process by which the signature was captured, or
 - create a textual or graphic statement that is added to the signed record, reflecting the fact it was executed with an electronic signature.
- **Consumer Protection:** Consumers receive special protection under UETA and ESIGN laws. Electronic records may be used by consumers only if he or she:
 - receives certain disclosures (UETA Consumer Consent Disclosures);
 - has affirmatively consented to use electronic records for the transaction; and
 - has not withdrawn such consent.
- **Record Retention:** UETA asserts that electronic signature records must be:
 - capable of being retained; and
 - capable of being accurately reproduced for later reference by all parties or persons who are entitled to retain the contract or other record.



Where information meets **innovation.**
visit www.rjssoftware.com or call 1-888-RJS-SOFT