



# USA Legality Guide

## Are eSignatures legal in the US?

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What we provide?

ESIGN & UETA

By Region:

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What we do

Yes, they are! There are two laws involved in regulating electronic signatures in the United States, the ESIGN Act & the UETA ACT. We comply with both of them to make sure you're documents are legal. Here are some ways we have your back, legally.

Here's how we make every signature legally binding, securely encrypted and recorded.

- Complete records for each signing party
- Dates, IP addresses, and unique fingerprints for each document
- A full, detailed audit log for
- Full ESIGN and UETA Act compliance
- Identification of users verified before allowed to send documents
- Document integrity checked, always
- Secure storage of documents and data
- Signatory identity verified via email address, timestamps and geo-tracking
- SSL 256-bit AES/RSA encryption
- Only you and people you've authorised can access documents

# Let's talk about electronic signature law.

In the United States, there are two laws involved in regulating electronic signatures in the United States.

The first is a federal law, **the Electronic Signatures in Global and National Commerce Act (ESIGN)**, which applies to every state so that businesses in the US can use e-signatures when trading across states.

The second is **the Uniform Electronic Transactions Act (UETA)**. This law aims to regulate the retention of 'paper' records and to check the validity of the electronic signature.

Both laws were officially passed in 2000, and were drafted and adopted in 1999. Showing that electronic documents and signatures can't be rejected simply for being electronic.

Electronic signatures are legally binding and are intergral to interstate and global commerce.

The benefits are many, so it's important to understand what the law says. and the requirements that your electronic signature software need to follow.



# The West

The UETA & eSign requirements for states in the West are:

## 1) Intent to Sign

No different than a wet signature, e-signatures are only considered valid if a user demonstrates a clear intent to sign, which Signable provides.

## 2) Consent to do business electronically

There must be expressed or implied consent from the signing parties to do business electronically. Signers also have the option to opt-out.

## 3) Clear signature association

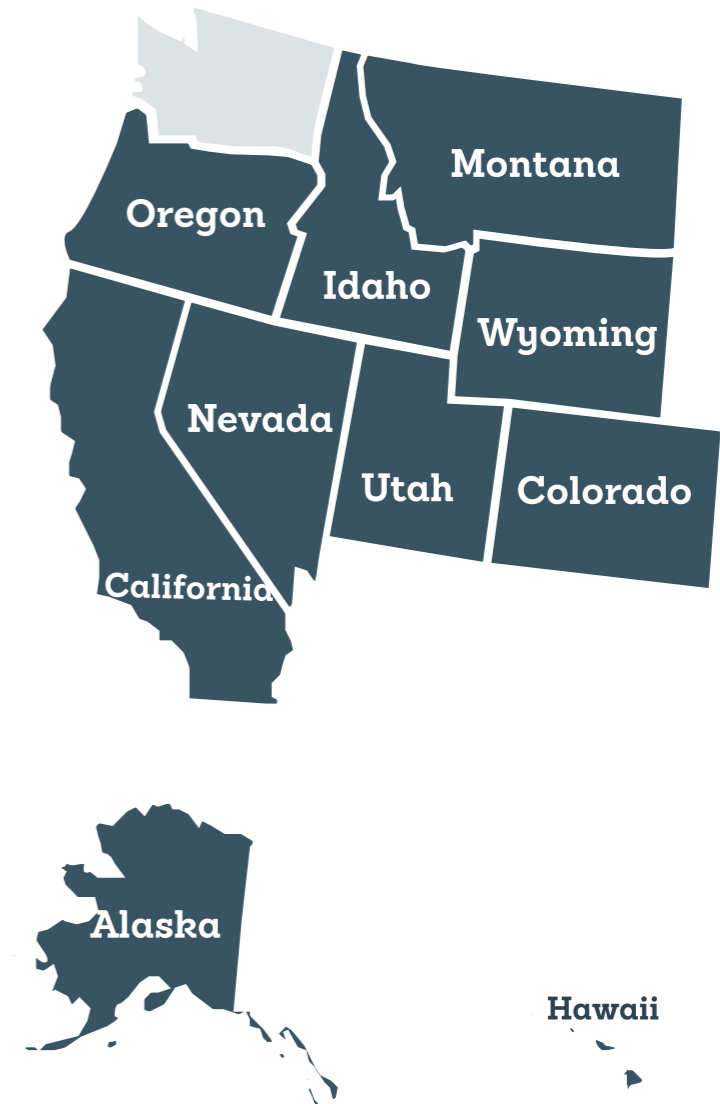
Signable provides a clear and detailed audit trail that provides clear signature association once everyone has signed a document. Everyone involved receives an email that includes the completed electronic document attached as a PDF and a certificate of signature. The certificate of signature is an important document that includes important information including:

- Who each signing party is
- Dates, time stamps, IP addresses and fingerprints
- A full audit log or audit trail

## 4) Record retention

E-signature records are only valid as long as they can be reproduced if required. Signable provides a signed copy via PDF and allows parties to download the document when required. Signable provides all of the above, meaning that you can trust your documents will be legally binding in the US.

It's worth noting that in the US electronic signatures and digital signatures are both popular and we provide e-signature services. You can find out more about the difference between an electronic signature and a digital signature [here](#).



# A Short history: Washington

## Are electronic signatures legally binding in Washington state?

Simply, yes.

Washington joined the majority of the US in passing the UETA act for the regulation of electronic signing and electronic transactions in 2020.

Before the E-SIGN and UETA acts in 2000, Washington was one of the first states to implement their own electronic signature legislation. In 1997, the Washington Electronic Authentication Act or WEAA was made, albeit with a much narrower focus than the E-SIGN act. The WEAA only recognised 'digital signatures', which require digital certificates to prove signers' identities. But, from July 2019, this state law, the WEAA, was repealed completely from being defunct, as e-signatures are used across the US without needing specific state-regulated digital certificates for signer identities.

The E-SIGN act is a federal law to use for interstate and foreign commerce. So, it applies to the whole of the United States, overriding state and local laws. The E-SIGN act is what now applies to Washington state. As of 11th June 2020, the UETA act has been adopted by Washington State Legislature too.



# The Mid West

The UETA & eSign requirements for states in the Mid west are:

## 1) Intent to Sign

No different than a wet signature, e-signatures are only considered valid if a user demonstrates a clear intent to sign, which Signable provides.

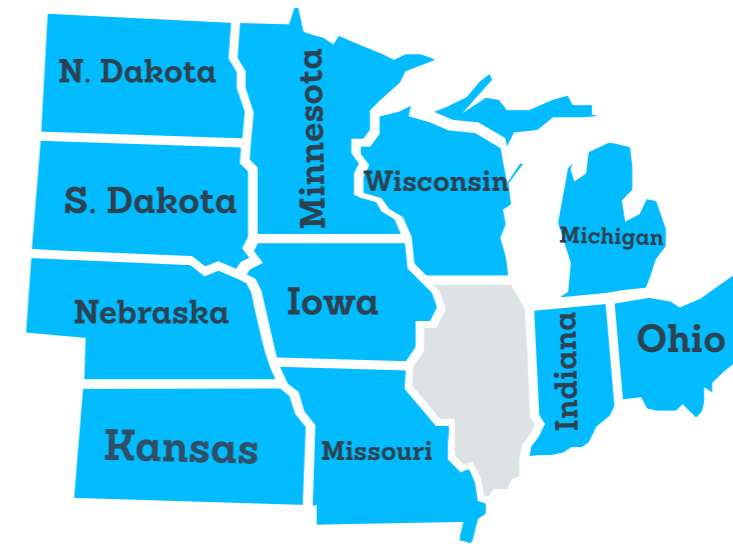
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## 4) Record retention

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# What's legal in Illinois?



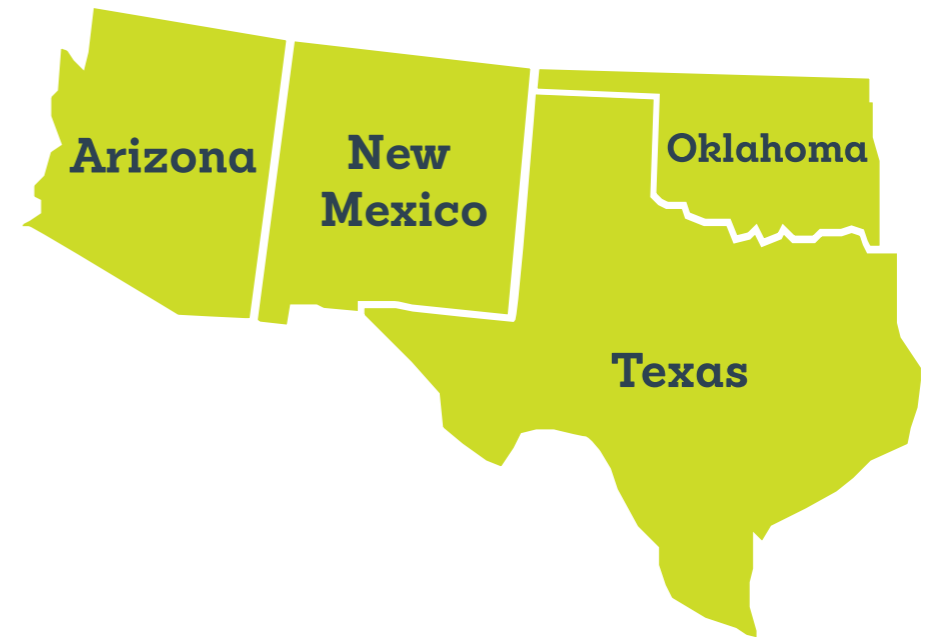
## Are electronic signatures legally binding in Illinois?

Illinois has a slightly different history with electronic signature law. But, simply, they are still legal!

Illinois falls under the ESIGN act, as it is federal law. But, they have not adopted the UETA act. In fact, Illinois has their own Electronic Commerce Security Act, the ECSA. This takes care of electronic signature regulations. It is modeled on the ESIGN act.

It specifies that information, records, and signatures are not to be denied legal effect, validity, or enforceability only because it is in an electronic form. Similarly ESIGN, the ECSA doesn't *require* businesses and individuals to use electronic signatures, but governing bodies are usually required. Also, much like the UETA act, electronic signatures cannot be denied admissibility into evidentiary legal proceedings in Illinois simply because the signatures are electronic or because the signatures are not "original". Overall, the ECSA mirrors most, if not all, of the demands of the ESIGN and UETA acts.

# The South West



The UETA & eSign requirements for states in the South west are:

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No different than a wet signature, e-signatures are only considered valid if a user demonstrates a clear intent to sign, which Signable provides.

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## 3) Clear signature association

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# The South East



The UETA & eSign requirements for states in the South East are:

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You can find out more about the difference between an electronic signature and a digital signature [here](#).



# The North East

The UETA & eSign requirements for states in the North East, excluding New York, are:

## 1) Intent to Sign

No different than a wet signature, e-signatures are only considered valid if a user demonstrates a clear intent to sign, which Signable provides.

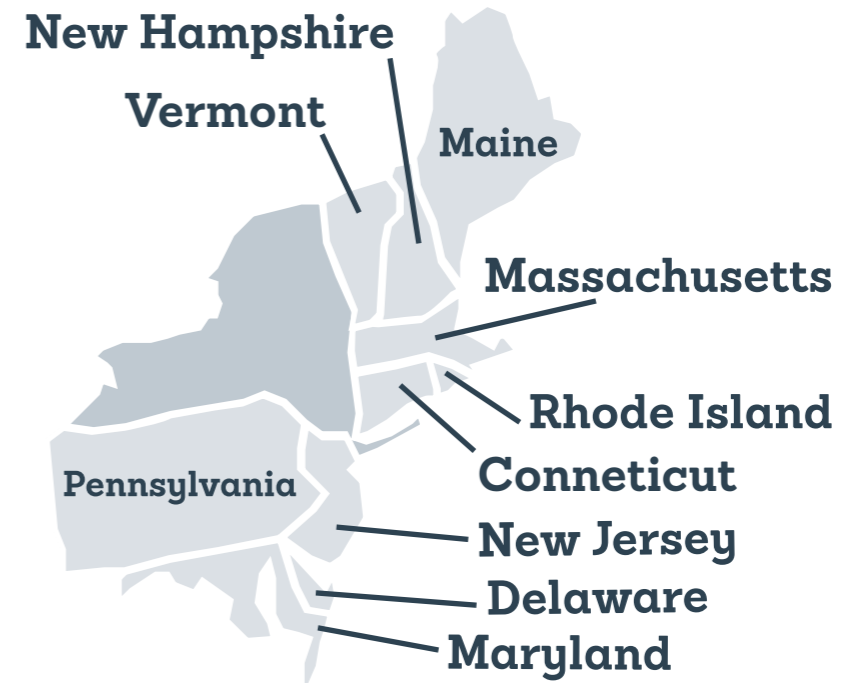
## 2) Consent to do business electronically

There must be expressed or implied consent from the signing parties to do business electronically. Signers also have the option to opt-out.

## 3) Clear signature association

Signable provides a clear and detailed audit trail that provides clear signature association once everyone has signed a document. Everyone involved receives an email that includes the completed electronic document attached as a PDF and a certificate of signature. The certificate of signature is an important document that includes important information including:

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## 4) Record retention

E-signature records are only valid as long as they can be reproduced if required. Signable provides a signed copy via PDF and allows parties to download the document when required.

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# So, are they legal in New York?

New York is one of two states not to pass the UETA act. Instead, the state government passed the Esign & Electronic Signatures and Records Act (ESRA).

The ESRA notes that “signatures” made via electronic means will be just as legally binding as hand-written signatures are. The law also enhances and clarifies the authority of government to create and retain records in computer-produced electronic form.

The legislation designates the state Office of Information Technology Services as the Electronic Facilitator responsible for promoting and enforcing ESRA regulations.

As the Electronic Facilitator, ITS assists private and public sector parties in understanding and using the Electronic Signatures and Records Act (ESRA) to support and encourage electronic commerce and electronic government in New York State.

The eSign act is known as federal law, meaning New York must abide by the requirements for electronic signatures.



## **Does the ESIGN Act apply to New York?**

The eSign Act was passed by the senate in 2000 to help regulate the use of electronic signature and electronic documents.

There are four major requirements for an electronic signature to be recognized as legal under U.S. law.

Some notable changes are due to be passed by the senate, stay up to date with what's happened so far below:

[The Senate's Key Changes to the eSign Act.](#)

# Which documents can't I sign with an electronic signature?



Ask us anything by tweeting or messaging us on Facebook @signablehq for questions to our expert team!

There's not a entire list of documents that are currently not available for electronic signing in the US, due to the open nature of the federal law.

But, to name some of the most important ones, this includes:

- Documents relating to adoption, divorce and other family law matters
- Some types of real estate transfer documents and other real estate agreements
- Court orders, notices, and other court documents like pleadings and motions
- Some types of powers of attorney
- It's also worth noting that last year the Uniform Law Commission declared eSignatures legal for wills BUT only in some states, so follow the link included below to see if will eSignatures are legal your state.

\* A note on wills, codicils, and testamentary trusts. These are becoming legally binding to sign electronically in particular states. [Read our blog](#) or follow us for updates on which states allow eSignatures for wills etc. under the [Electronic Wills Act \(E-Wills Act\)](#).

# Still wondering?

## How can electronic signatures benefit me?

- Send and sign anywhere, on any device
- Save serious money and time
- Control and track your documents with in-depth audits we provide
- Be global, online means almost instantaneous
- Integrate all your documents with Dropbox+
- Go carbon-free, and help save the planet

Read more about how you can make your business better with eSignatures [here](#).



# Who are we?

## Meet Signable!

Signable's signature software means that it takes seconds to send documents straight to a clients' inbox and get an electronic signature in response. We are known for our award-winning customer service team and our super simple, easy-to-use software.

Increase your sign-rate, get that eSignature and watch the money roll in with our budget-friendly pricing and the contracts you would never have won before.

## Why not give our 14-day free trial a go?

[Sign up now!](#)