

[Citation] ELECTRONIC SIGNATURES.

(1) **Definitions.** For the purposes of this [Chapter, Title, Code...]:

- (a) “Electronic signature” means an electronic sound, symbol, or process, attached to or logically associated with a document, form, physical odometer document, or other record and executed or adopted by a person with the intent to sign, agree, or otherwise acknowledge the information and facts to be accurate and correct.
- (b) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (c) “Physical odometer document” means a physical document as defined in Part 580 of Title 49 United States Code of Federal Regulations containing an odometer disclosure statement printed on paper by a secure printing process or other secure process by any jurisdiction in compliance with the Part. Physical odometer documents, for the purposes of this section, are limited to certificates of title, secure powers of attorney, and reassignment documents. The term does not include any other form or document, even if the document contains a space for an odometer reading.

(2) **Acceptance of Electronic Signatures.**

- (a) The [department, division, commission, secretary,...] shall accept electronic signatures on any document, form, physical odometer document, or record necessary or required under this [Chapter, Title, Code...].
- (b) A physical odometer document that is made electronic by imaging, scanning, or similar process:
 - (i) is not an “electronic power of attorney” or “electronic title” as those terms are defined in Part 580 of Title 49 United States Code of Federal Regulations; and
 - (ii) shall be accepted if subsequently executed with an electronic signature.
- (c) The [department, division, commission, secretary,...] shall accept any document, form, physical odometer document, or record with electronic signatures by:
 - (i) electronic means if the [department, division, commission, secretary,...] has a process or system available to accept documents, forms, physical odometer documents, or records by electronic means; or
 - (ii) physical means, such that the document, form, physical odometer document, or record is printed to paper.
- (d) A physical odometer document which is made electronic by imaging, scanning or other similar process that is subsequently executed with an electronic signature that requires submission to the [department, division, commission, secretary,...] by physical means shall require the physical odometer document, in its original format, prior to its execution by electronic signature, to accompany the printed copy if the physical odometer document is a:
 - (i) certificate of title; or
 - (ii) secure power of attorney or dealer reassignment and it has physically completed data or information, such as by handwriting or printing, that preceded the execution by electronic signature.

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(3) Requirements and Limitations.

- (a) The [department, division, commission, secretary,...]:
 - (i) may require a document containing an electronic signature to include an indication that the signature is electronic;
 - (ii) shall not require an electronic signature process or an electronic signature vendor be certified by the [department, division, commission, secretary,...] before accepting a document that is executed with an electronic signature;
 - (iii) shall not require a document which has been executed with an electronic signature to be converted to physical format by printing for any purpose, except when submission by physical means is required;
 - (iv) shall not impose any additional requirement upon an electronic signature except as authorized by this section; and
 - (v) may require a certification of authenticity, audit trail, or similar statement or proof of assurance.
 - (b) The system or person granting access to the system used to capture an electronic signature must verify the identity of the user accessing the system. The system must:
 - (i) be securely maintained;
 - (ii) capture and retain the user information, including the Internet Protocol address of the signer and date and timestamp of system access or electronic signature capture; and
 - (iii) retain all information provided to the system for a period of five years, which shall be made available to the [department, division, commission, secretary,...], other regulatory agencies, or law enforcement upon request.
 - (c) This Section shall not be construed to require, limit, prohibit, or otherwise hinder the ability of the [department, division, commission, secretary,...] to provide electronic services, systems, or alternative methods to receiving and transmitting electronic data, documents, or records, including electronic signature capturing or identity verification.
 - (d) This Section shall not be construed to require, limit, prohibit, or otherwise hinder the [department, division, commission, secretary,...] to provide or issue an “electronic power of attorney” or “electronic title” as those terms as those terms are defined in Part 580 of Title 49 United States Code of Federal Regulations, or provide an electronic signature process, system, platform, or service.
- (4) Utilization.** Electronic signatures may not be used for any purpose other than the purpose indicated by the signer on the document and shall be linked to their respective electronic records to ensure that the signatures cannot be excised, copied, or otherwise transferred unless expressly authorized by the signer.
- (5) Conflict.** This section shall prevail in any conflict arising with another provision in this [Chapter, Title, Code...]. [State’s E-sign Statute] shall prevail in any conflict with this Section and shall govern any area not expressly addressed in this section.