

**Bulletin No. 2016-06**

**March 8, 2016**

**RE: USE OF E-SIGNATURES ON PART C - AFFIDAVIT BY PRODUCING BROKER**

The Department of Financial Services (DFS) recently approved ELANY's request for the use of additional types of acceptable e-signatures on a Part C affidavit.

Producing brokers should exercise prudent business judgment when selecting an e-signature technology vendor in order to be assured that the electronic technology chosen will produce a legally valid electronic signature. E-signature technology vendors such as but not limited to DocuSign, RightSignature, Verisign, Silanis e-SignLive, Adobe eSign services, Signority that have established industry procedures, practices and standards to create, capture, secure and **authenticate** the validity of the e-signature may be utilized when selecting an e-signature platform solution.

Such authorized e-signatures, whether encrypted or non-encrypted, should meet all of the legal requirements of state (Electronic Signature and Records Act "ESRA") and federal (Electronic Signatures in Global and National Commerce Act "ESIGN") statutes.

The DFS has advised that the licensee or sublicensee, whose e-signature will be affixed to the Part C affidavit, must establish adequate internal controls that identify and limit the access and permission to use the electronic signature.

Licensees and sublicensees who fail to establish sufficient internal controls will not be permitted to deny validity of the responsibility for any Part C affidavits upon which their e-signature was applied based on the equitable principle of estoppel.

The use of a "rubber stamp" signature on affidavits remains impermissible, as it is not a legally-recognized form of an electronic signature.

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