

The federal Electronic Signatures in Global and National Commerce Act ("E-Sign"), 15 U.S.C.A. §§ 7001-7031 (West Supp. 2002), provides that electronic records may not be denied legal effect, validity or enforceability solely because they are created electronically.

The New York Electronic Signatures and Records Act ("ESRA") which is contained in the New York State Technology Law §§ 101-109 (McKinney 2003) in Section 102(3) defines "electronic signature" broadly as "an electronic sound, symbol or process, attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the record."

Section 104 authorizes the Office for Technology, the electronic facilitator to establish rules and regulations governing the use of electronic signatures. They may be found at N.Y. Comp. Codes R. & Regs. tit. 9, Part 540 (2003). ESRA is consistent with federal E-Sign and in § 105(3) provides that an electronic record has the same force and effect as non-electronic records. Neither the law, nor the Office of Technology regulations implementing the law, mandate the use of any particular electronic signature technology.

Both the federal E-Sign and ESRA authorize the use and acceptance of electronic signatures and electronic records in commercial transactions, and confirm their legal validity.