

BCG Monthly Telephone Briefing

July 2016

E-SIGN Act: Using Electronic Signatures and Documents in Banking in 2016

The Electronic Signatures in Global and National Commerce Act (E-SIGN Act) was revolutionary when adopted by Congress in 2000. E-SIGN Act established a general rule of validity for electronic documents and signatures in interstate and global commerce. Contracts, notices and “documents” of every type, if used in interstate or international commerce, could suddenly be created, executed and retained in solely electronic form and generally be treated as being as legally valid as though in writing. State laws to the contrary were largely preempted. Only consumer disclosures were treated differently. As to those, a set of E-SIGN Act “pre-disclosures” were required followed by a consumer consent in a form that “reasonably demonstrates” that the consumer can access the documents in the format indicated in the pre-disclosures.

At our July Telephone Briefing we will discuss the scope and impact of E-SIGN and the special requirements that apply when giving consumer disclosures in electronic form. In addition, we will cover the E-SIGN Act rules that specifically apply to ECOA, EFTA, TILA, TRID, consumer leasing and Truth in Savings.

We will discuss the following:

- What types of transactions does E-Sign cover?
- What is “global and national commerce”? Are my transactions covered?
- What hardware and software requirements does E-SIGN impose? (hint: none)
- Must electronic records be accessible? To whom?
- What special requirements apply to consumer disclosures given in electronic form?
- What does “reasonably demonstrate” mean as to consumer consents?
- Can we require consumers to do business with us electronically?
- TRID and E-SIGN



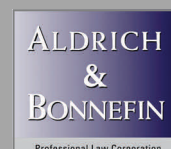
BCG Monthly Telephone Briefing

Friday, July 15, 2016

12:00 –1:30 p.m.

(with live Q&A)

Presented by
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Aldrich & Bonnefin is hosting a Monthly Telephone Briefing for Bankers' Compliance Group[®] Members on **Friday, July, 15, 2016**. This meeting will be presented live and will include a question and answer session. Members can ask questions by telephone or email. Each member that registers for the Monthly Telephone Briefing will be given a password and instructions to call in to the Briefing.

ORGANIZE YOUR PARTICIPANTS

BCG Main or Registration Contacts are encouraged to organize multiple attendees to participate at one location or several locations concurrently. In this manner, several attendees can be accommodated in one conference room with a speakerphone. All Briefing connections are included in your BCG Membership.

REGISTRATION

To register, please contact your institution's BCG Main or Registration Contact or, if authorized, log in at <http://register.bankerscompliancegroup.com/subadmin> and select "Register for Events." Registration closes at noon **one business day** prior to the Briefing date. On the day before the Briefing, registrants will receive an email with call-in instructions and single-use PIN.

CD-Rom: Members can also register to receive a CD-Rom package. This package, which includes any Handouts, is mailed to registrants approximately 2-3 weeks after the Briefing.

DOWNLOAD THE HANDOUTS

The Handouts are *generally* posted on the BCG Website by noon on the business day before the Briefing. All registrants will receive an email notification when the Handouts are posted. To download a Handout, go to www.bankerscompliancegroup.com/monthly-telephone-briefing.php and click on the "Download Handout Here" link at the end of each Briefing description.

CANCELLATION

It is not necessary for registrants to contact BCG if they cannot attend a Briefing and need to cancel their registration.

SIGN UP ANNUALLY

Make the BCG Monthly Telephone Briefing a standing event at your office by registering once for the entire year. To sign up annually, **click here** and email the completed form to info@bankerscompliancegroup.com. Or your BCG Registration Contact can sign you up in the Online Event Registration System.

MISSED THE BRIEFING?

Should you or others at your institution miss the briefing, you can tune into our streaming audio available on the BCG website one week after the Briefing, at www.bankerscompliancegroup.com/listen-while-you-work.php.