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Point-of-Sale Finance Series: Getting E-SIGN and UETA Right in Electronic Contracting

SPEAKERS

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In this installment of *The Consumer Finance Podcast's* point-of-sale finance series, Chris Willis is joined by colleagues Jason Cover and Taylor Gess to break down how electronic contracting really works in modern point-of-sale credit programs. They explain the interplay between state Uniform Electronic Transactions Act (UETA) laws and the federal E-SIGN Act, including when you need formal E-SIGN consent, how E-SIGN preemption of state UETA adoptions operates, and the general rule of validity. The conversation walks through practical design issues for online and mobile flows, clear and conspicuous disclosures, and “click-to-agree” mechanics, as well as pitfalls like relying on E-SIGN where a statute still requires a specific delivery method. The episode closes with a forward-looking discussion about agentic artificial intelligence, how existing “electronic agent” concepts in UETA and E-SIGN may apply, and what point-of-sale creditors should be watching as technology and contracting practices evolve.

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