

STATE OF CONNECTICUT
REGULATION
of the
DEPARTMENT OF CONSUMER PROTECTION
(NAME OF AGENCY)
concerning
THE USE OF ELECTRONIC SIGNATURES BY
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
(SUBJECT MATTER OF REGULATION)

Section 1. Section 20-300-10 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) Each licensee, upon notification of licensure, will be authorized to obtain an official seal of a size and design prescribed by the Board. The seal shall be applied to all plans, maps, surveys, sketches, drawings, specifications, and documents pertaining to any project submitted by the licensee to his or her client. Where drawings or documents are bound together, the application of the seal on one sheet or page shall be considered sufficient, except in filing plans for building permits and appurtenant structures where each sheet shall be sealed.

(b) A rubber stamp of identical size and design to the specified seal shall suffice. Where a licensee is classified as a professional engineer and as a land surveyor, two seals are necessary. The licensee shall not affix his or her seal to any plan, map, survey, sketch, drawing, specification, or other document not prepared personally or under his or her supervisory control. A licensee may seal, or sign and seal, documents not prepared by the licensee or by an employee under the licensee's supervisory control, provided the licensee shall prepare, and retain for a period of not less than six years, a thorough written evaluation of the professional services represented by the documents, including but not limited to, drawings, specifications, reports, design calculations and references to applicable codes and standards. Such written evaluation shall clearly identify the project and the documents to which it relates, the sources of the documents and the name of the person or organization for which the written evaluation was conducted and the date of the evaluation; and the seal and signature of the licensee shall also be affixed thereto.

(c) In lieu of a handwritten signature and live seal on paper documents, a licensee shall be permitted to place a digital signature on electronic documents if the following criteria are met:

(1) The digital signing process satisfies the requirements of the Digital Signature Standard ("DSS") established by the National Institute of Standards and Technology. This standard may be obtained at the following website: <http://csrc.nist.gov/publications/>;

(2) The digital signature keys are unique to the licensee;

(3) The digital signature keys can be verified by a trusted third party or some other approved process as belonging to the licensee;

(4) The private key used for signing electronic documents is under the licensee's direct and exclusive control; and

(5) If an electronic document is altered in any way after being digitally signed, the document shall fail the verification process.

(d) A licensee may transmit an electronic document without a digital signature provided that any graphical facsimile of the licensee's handwritten signature or stamp does not appear on the document. For cases where the facsimile signature or stamp cannot be erased or removed, a note shall be placed on the document in a prominent location stating that "This shall not be considered a sealed document."

(e) An electronic document, digitally signed according to the criteria described in subsection (c) of this section, shall be considered "sealed by" or "stamped with a seal of" a licensed surveyor or a licensed professional engineer.

(f) Users of private digital keys are responsible for their use in digitally signing electronic documents. A lost or compromised private digital key shall be reported to the board and the department of consumer protection immediately but not later than fifteen (15) days after

discovery. In such cases, the lost or compromised key shall not be used and the licensee shall cause a new key pair to be generated in accordance with the criteria described in subsection (c) of this section. Failure to report such loss may subject the holder to disciplinary action by the board. Misuse of the lost or compromised key by others shall remain the responsibility of the licensee until reported.

[(c)] (g) The licensed land surveyor shall indicate on any map or survey which bears his or her seal and signature, for submittal to his or her client or town clerks as required under section 7-31 of the general statutes, that said map or survey is substantially correct to the degree of accuracy shown thereon. The accuracy shall be classified in accord with [the "code of recommended practice for accuracy of surveys and maps," a publication approved for use by the board] section 20-300b-11 of the Regulations of Connecticut State Agencies.

[(d)] (h) Holders of official seals and/or stamps are responsible for their use in sealing and/or stamping of engineering and land surveying documents. Loss of seals and/or stamps shall be reported to the board of examiners and the department of consumer protection immediately but not later than fifteen (15) days after discovery. Failure to report such loss may subject the holder to disciplinary action by the board. A petition for the issuance of a new license may be submitted concurrently with report of the loss. Misuse of the lost seal and/or stamp by others shall remain the responsibility of the licensee until such loss is reported.

Statement of Purpose:

(A) Purpose: These proposed regulations update existing requirements for seals used by professional engineers and land surveyors on engineering plans and land surveys. The changes permit the use of an electronic signature in lieu of the handwritten signature and raised seal on hardcopy plans and surveys. This is an effort to modernize the law to permit the use of digital media files.

(B) Summary: These amendments establish standards for digital signatures on electronic documents. An electronic signature is permitted if it is in compliance with the Digital Signature Standard ("DSS") established by the National Institute of Standards and Technology ("NIST"). The regulations also establish standards for the electronic transmission of plans and surveys.

(C) Legal Effects: Existing regulations establish standards for the signing and sealing of paper, Mylar or other hardcopy engineering and land surveying documents. These proposed regulations establish similar standards for electronic documents. There are no major changes to the legal effects for compliance with the regulations. Failure to comply with these new regulations may result in action against the license of the engineer or land surveyor, including revocation, suspension, probation or a letter of reprimand.

Be it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted **Amended as hereinabove stated** Repealed

By the aforesaid agency pursuant to:

Sections 4-168 and 20-300 of the General Statutes.

Section _____ of the General Statutes, as amended by Public Act No. _____ of the _____ Public Acts.

Public Act No. _____ of the _____ Public Acts.

After publication in the Connecticut Law Journal on _____, 20__ of the notice of the proposal to:

Adopt **Amend** Repeal such regulations.

(If applicable): And the holding of an advertised public hearing on the ____ day of _____ 20__.

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.
(OR)

The _____ day of _____ in the year 20__.

In Witness Whereof:	DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED COMMISSIONER
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Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED	OFFICIAL TITLE, DULY AUTHORIZED
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- Approved.
- Disapproved.
- Disapproved in part (Indicate Section Numbers disapproved only).
- Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State)	BY
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INSTRUCTIONS

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.