

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

NAME OF AGENCY

The Department of Consumer Protection

Concerning

SUBJECT MATTER OF REGULATION

The Use of Electronic Signatures by Engineers and Land Surveyors

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

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation."

(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.

R-39 Rev. 03/2012
(Certification page—see Instructions on back)

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
- a. Connecticut General Statutes section(s) 4-168 and 20-300.
- b. Public Act Number(s) _____.
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on April 3, 2012;
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on May 8, 2012;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are **EFFECTIVE** (check one, and complete as applicable)
- When filed with the Secretary of the State
- OR on (insert date) _____

DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED Commissioner Department of Consumer Protection
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APPROVED by the **Attorney General** as to legal sufficiency in accordance with CGS Section 4-169, as amended

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

- Approved Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, 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 CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2.
 - a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
 - b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.