

VOLUME 47, ISSUE 22
ISSUE DATE: **NOVEMBER 16, 2015**
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Adopted Amendments: N.J.A.C. 13:40-1.3, 8.1, and 8.3

Adopted New Rule: N.J.A.C. 13:40-8.1A

Definitions; Release of Project Records; Sealing Documents; Digital Signatures and Seals; Title Block Requirements

Proposed: June 15, 2015, at 47 N.J.R. 1289(a) (see also 47 N.J.R. 2244(a)).

Adopted: September 17, 2015, by the New Jersey State Board of Professional Engineers and Land Surveyors, Barry Jones, P.L.S., President.

Filed: October 20, 2015, as R.2015 d.171, **without change**.

Authority: N.J.S.A. 45:8-36.

Effective Date: November 16, 2015.

Expiration Date: July 12, 2018.

Summary of Public Comment and Agency Response:

The official comment period ended August 14, 2015. In order to ensure compliance with P.L. 2013, c. 259, the comment period was extended through September 8, 2015. **The Board received no comments.**

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments and new rule are subject to State statutory requirements and are not subject to any Federal requirements or standards.

Full text of the adoption follows:

SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS

13:40-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

"Electronic transmission" means the transmission of electronic data files from one electronic device to another. The term includes manual delivery of electronic data storage media from one person or entity to another.

...

"Seal" means a digital or impression type seal meeting the requirements of N.J.A.C. 13:40-8.1A and affixed to a document by a licensee.

"Signature" means a digital or handwritten signature of a licensee affixed to a document in accordance with N.J.A.C. 13:40-8.1A.

...

SUBCHAPTER 8. SEALING AND TITLE BLOCK REQUIREMENTS FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

13:40-8.1 Signing and sealing of documents

(a) All sealing of documents shall be done with a digital or an impression-type seal, the design of which shall be authorized by the Board and shall contain the name and license number of the professional engineer or professional land surveyor and the legend "Licensed Professional Engineer," "Licensed Land Surveyor" or "Licensed Professional Engineer and Land Surveyor," as the case may be. Alternatives, such as rubber stamp facsimiles of the seal shall not be permitted. Digital seals may be used, so long as they are in compliance with N.J.A.C. 13:40-8.1A.

(b)-(e) (No change.)

(f) Incomplete and/or draft plans, documents, and sketches, whether advanced or preliminary copies, shall be conspicuously identified and may be signed but shall not be sealed, provided the licensee inserts the language that "This is not a sealed document" in place of the seal in the title block.

13:40-8.1A Digital signatures and seals

(a) A digital signature and seal shall carry the same weight, authority, and effect as a handwritten signature and impression-type seal when the following criteria are met:

1. The digital signing and sealing process satisfies the requirements of the Digital Signature Standard (DSS) established by the National Institute of Standards and Technology, FIPS PUB 186-4, Digital Signature Algorithm Validation System, (2014), which is hereby incorporated by reference, as amended and supplemented. This standard may be obtained at the following website: <http://www.NIST.gov/>. The digital signature and seal must be:

i. Unique to the licensee;

ii. Verifiable by a trusted third party or some other approved process as belonging to the licensee;

iii. Under the licensee's direct and exclusive control; and

iv. Linked to a document in such a manner that the digital signature and seal is invalidated if any data in the document is changed. Once the digital signature and seal are applied to the document, the document shall be available in read-only format if the document is to be digitally transmitted.

(b) A licensee who digitally signs and seals a document shall maintain a digital copy of the electronically transmitted document that has also been digitally signed and sealed for future verification purposes in accordance with N.J.A.C. 13:40-3.4(b).

(c) The pictorial representation of the digital signature and seal shall be readily available to the Board upon Board request and shall be produced in a manner acceptable to the Board. It shall contain the same words and shall have substantially the same graphic appearance and size as when the image of the digitally transmitted document is viewed at the same size as the document in its original form.

[page=2875] (d) Licensees are responsible for the use of their private digital keys. A 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 (a) above. A licensee shall take all reasonable steps to ensure that a compromised key is invalidated, and shall inform all affected clients that the digital key has been compromised.

13:40-8.3 Title block contents

(a) The title block shall contain:

1.-4. (No change.)

5. The signature of the person(s) in responsible charge and the date when signed; and

6. (No change.)

(b)-(c) (No change.)