

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF RULE-MAKING	:	NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE	:	FOR COMMENTS FOR THE
EXAMINING BOARD OF ARCHITECTS,	:	ECONOMIC IMPACT ANALYSIS
LANDSCAPE ARCHITECTS,	:	
PROFESSIONAL ENGINEERS,	:	
DESIGNERS AND LAND SURVEYORS	:	

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land surveyors relating to electronic signatures, including how this proposed rule may affect businesses, local government units and individuals. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Shawn Leatherwood
Division of Board Services
Department of Safety and Professional Services
PO Box 8935
Madison, WI 53708-8935
Shancethea.L Leatherwood@wisconsin.gov

The deadline for submitting economic impact comments is January 18, 2013.

PROPOSED ORDER

An order of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land surveyors to amend A-E 2.02 (7) (a), 2.02 (7) (b) and 2.02 (7) (b) 2, relating to electronic seals and signatures.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 443.17, Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), and 443.17, Stats.

Explanation of agency authority:

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors has general power, pursuant to s. 15.08 (5) (b), Stats., to promulgate rules for guidance within its profession. The Boards may also promulgate rules that interpret statutes they enforce or administer per s. 227.11 (2) (a), Stats. Section 443.17, Stats., regulates the use of seals and is administered by the Board. Therefore, the Board is authorized to promulgate rules that give guidance on the use of seals or signatures.

Related statute or rule:

Wis. Admin. Code 2.02

Plain language analysis:

Registration seals and signatures must be utilized in the production of plans, drawings, documents, specifications, and reports generated by architects, landscape architects, professional engineers, designers and land surveyors. The proposed rule would allow the afore mentioned professionals to use an electronic seal or signature on documents submitted to governmental agencies as long as the electronic seal or signature conformed to the requirements of subch. II, ch. 137, Stats. and the governmental agency accepts such documents.

Summary of, and comparison with, existing or proposed federal regulation:

There are no comparable or existing proposed federal regulations.

Comparison with rules in adjacent states:

The following comparisons are the result of various internet searches:

Illinois: Architects, Engineers and Land Surveyors must have a reproducible seal or facsimile, which may be computer generated. Ill. Admin. Code tit. 68 ss. 1150, 1380.295 and 1270.58 Illinois code expressly prohibits the use of signatures generated by computers. Illinois requires original seals only.

Iowa: Professional Engineers and Professional Land Surveyors must use a certification block on original documents. The certification block requires a seal and a signature. A legible rubber stamp or facsimile of a seal may be used 193C IAC 6.1 (3) (542B) Computer generated seals may be used on final documents. Iowa Professional Engineers and Professional Land Surveyor licensees may affix a handwritten or secure electronic signature to the certification block as long as the signature is protected by a procedure that is, “adequate to (1) verify the signature is that of a specific person and (2) detect any

changes that may be made or attempted after the signature of the specific person is affixed.” 193C IAC 6.9 (542B)

Michigan: Architects, professional engineers, and professional land surveyors may use an embossed seal or a rubber stamp and an original signature only. MICH. ADMIN. Code r.339.15301, 339.16024, 339.17301 (2012).

Minnesota: Licensed architects, professional engineers, land surveyors, professional landscape architects, professional geologist, or professional soil scientists may use a seal on all plans, specifications, plats, and reports and other documents. Minn. R. 1800.4300 (2012) Furthermore, a signature is required for all plans, specifications, plats reports or other documents. The signature may be stamped, handwritten, or electronically created as long as it creates an accurate representation of the licensee’s actual signature. Minn. Stats. Ann. § 326.12 (2012)

Summary of factual data and analytical methodologies:

Both the Engineering Section and the A-E Rules committee reviewed similar rules in other states regarding electronic signatures and seals. Discussions were held regarding how to secure electronic seals and signatures in order to avoid misuse or misrepresentation and how to bring the rules in line with subch. II of chapter 137, Stats. regarding electronic signatures. The Board ensures the accuracy, integrity, objectivity and consistency of the data used in preparing the proposed rule and related analysis.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Fiscal Estimate and Economic Impact Analysis:

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

Effect on small business:

Agency contact person:

Shawn Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.Leatherwood@wisconsin.gov.

TEXT OF RULE

SECTION 1. A-E 2.02 (7) (a) is amended to read:

A-E 2.02 (7) (a) All seals or stamps affixed to plans, drawings, documents, and specifications, and reports to be filed as public documents shall be original. No stickers or ~~electronically scanned images~~ shall be allowed. Seals or stamps may be electronic provided they meet the requirements of subch. II, of ch. 137 Stats., a security procedure is used, and the electronic signature is permitted by the governmental unit that is to receive the plans, drawings, documents, specifications, and reports.

SECTION 2. A-E 2.02 (7) (b) is amended to read:

A-E 2.02 (7) (b) All seals and stamps on plans, drawings, documents, and specifications, and reports to be filed as public documents shall be signed and dated by the registered professional in one of the following manners:

SECTION 3. A-E 2.02 (7) (b) 2. is amended to read:

A-E 2.02 (7) (b) 2. Utilizing an electronic signature, meeting the requirements of ~~s. 137.06, Stats.,~~ subch. II, ch. 137, Stats., a security procedure is used and if permitted by the governmental unit that is to receive the plans, drawings, documents, and specifications, and reports.

SECTION 4. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Examining Board of Architects, Landscape
Architects, Professional Engineers,
Designers, and Land Surveyors