

201 KAR 18:104. Seals and signatures.

RELATES TO: KRS 322.290(13), 322.340

STATUTORY AUTHORITY: KRS 322.290(4), (13), 322.340

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.340 and 322.290(13) require the board to promulgate administrative regulations regulating the design of seals and the use of seals and signatures in electronic transactions. This administrative regulation establishes the requirements for the use of seals and signatures in electronic transactions.

Section 1. Definitions. (1) "Digital signature" means a signature generated electronically:

(a) With an authentication process attached to or logically associated with an electronic document; and

(b) That carries the same weight, authority, and effect as an original signature.

(2) "Document" means a report, specification, drawing, plan, or plat in physical form pertaining to engineering or land surveying that requires certification by application of a seal or stamp, a signature, and a date.

(3) "Electronic document" means an electronic data file capable of being viewed by use of a computer and video monitor or converted into a document by use of a computer and printer or plotter.

(4) "Electronic transmission" means the transmission of electronic data files from one (1) computer to another, and includes the manual delivery of electronic data storage media from one (1) person or entity to another.

(5) "Licensee" means a person licensed as a professional engineer or professional land surveyor pursuant to KRS Chapter 322.

(6) "Original seal or stamp" means a rubber stamp or embossing seal meeting the design requirements established in Section 5 of this administrative regulation.

(7) "Original signature" means the handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the documents.

(8) "Signature" means either original signature or digital signature.

Section 2. (1) If a document will be presented to a client or to a public or governmental entity, at least one (1) copy shall bear the licensee's original seal or stamp, original signature, and date.

(2) Any other copy of the document may contain a facsimile of the licensee's stamp, signature, and date applied manually by the use of stamps or by the use of a computer and printer or plotter.

Section 3. A digital signature shall be permitted in place of an original seal, signature, and date if:

(1) The digital signature is a unique identification of the licensee;

(2) The digital signature is verifiable;

(3) The digital signature is under the licensee's direct and exclusive control;

(4) The digital signature is linked to the electronic document in a manner that causes changes to be easily determined and visually displayed if any data in the electronic document file is changed subsequent to the digital signature having been affixed to the electronic document;

(5) An attempt to change the electronic document after the digital signature is affixed shall

cause the digital signature to be removed or altered significantly enough to invalidate the digital signature; and

(6) In the case of an electronic document to be electronically transmitted, the electronic document is converted to a read-only format.

Section 4. (1) A licensee may electronically transmit an electronic document without affixing a digital signature if there is inserted the following language in lieu of an image of a seal or stamp, signature, and date: "This shall not be considered a certified document."

(2) This language shall not be required for a document electronically transmitted to a commercial printer or blueprint service for the purpose of reproducing documents or to the licensee's employer or employees.

Section 5. Approved Stamps and Seals. The stamps and seals used by a licensee shall be similar in design and conform to the size restrictions established in Approved Stamps and Seals, 1999.

Section 6. Incorporation by Reference. (1) "Approved Stamps and Seals", 1999, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (29 Ky.R. 2999; Am. 30 Ky.R. 277; eff. 8-13-2003; 42 Ky.R. 831; 1478; eff. 12-4-2015.)