

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

400X0186

## SENATE BILL NO. 40

Introduced by: The Committee on Commerce and Energy at the request of the Board of  
Technical Professions

1 FOR AN ACT ENTITLED, An Act to revise signature and seal requirements for the Board of  
2 Technical Professions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-18A-44 be amended to read:

5 36-18A-44. Any licensed professional engineer, architect, land surveyor, and landscape  
6 architect shall ~~procure and~~ use an appropriate seal. The seal shall contain the following  
7 information:

8 (1) The name, South Dakota;

9 (2) Licensee's name;

10 (3) License number; and

11 (4) The appropriate title or combination of titles: Professional Engineer, Architect, Land  
12 Surveyor, Landscape Architect.

13 The seal shall be legible and shall have an outer circle with a ~~two-inch~~ diameter measuring  
14 at least one inch and no greater than two inches and an inner circle with a ~~one and one-fourth~~  
15 ~~inch~~ diameter measuring five-eighths of the diameter of the outer circle. Titles may be prefixed



1 with the words, Licensed or Registered. The seal may be an embossed seal, a rubber stamp, a  
2 computer-generated seal, or other facsimile found acceptable to the board. The licensee's  
3 ~~original written~~ signature and the date shall be adjacent to or across the seal. Petroleum release  
4 assessors and remediators, or interns, may not ~~obtain or use any~~ a seal.

5 Section 2. That § 36-18A-45 be amended to read:

6 36-18A-45. The application of the licensee's seal and signature and the date constitutes  
7 certification that the work on which it was applied was done by the licensee or under the  
8 licensee's responsible charge. The seal, signature, and date shall be placed in such a manner that  
9 can be legibly reproduced on the following:

10 (1) All originals, copies, tracings, electronic submittals, or other ~~reproducible~~  
11 reproductions of all final drawings, specifications, reports, plats, plans, land surveys,  
12 design information, and calculations prepared by the licensee or under the licensee's  
13 responsible charge when presented to a client or any public or governmental agency.

14 A licensee may not review or check technical submissions of another licensed  
15 professional or unlicensed person and seal the documents as the licensee's own work;

16 (2) Preliminary work shall contain a note that the submittal is Not for Construction,  
17 Preliminary, or other such explanation that it is not final; and

18 (3) In the case of ~~multiple seals~~ documents for projects which involve multiple licensees  
19 of more than one technical profession, the title or index sheet ~~may~~ shall be sealed,  
20 signed, and dated by ~~all involved~~ the prime professional in responsible charge of  
21 coordinating the various technical professions involved in the project. In addition,  
22 each sheet shall be sealed, signed, and dated by the licensee or licensees who  
23 prepared or who are in responsible for charge of that sheet;

24 ~~—(4)— Drawings that are transmitted electronically to a client or governmental agency shall~~

1 ~~have the computer-generated seal removed from the original file. The electronic~~  
2 ~~media shall have the following inserted in lieu of the seal, signature, and date: This~~  
3 ~~document originally issued and sealed by (name of licensee/sealer), (title), (license~~  
4 ~~number), on (date of sealing). This media should not be considered a certified~~  
5 ~~document;~~

6 ~~(5) Drawings, reports, or documents that are signed and sealed using a digital method~~  
7 ~~shall have an electronic authentication process attached to or logically associated~~  
8 ~~with the electronic documents. The digital signature shall be:~~

9 ~~\_\_\_\_\_ (a) Unique to the person using it;~~

10 ~~\_\_\_\_\_ (b) Capable of verification;~~

11 ~~\_\_\_\_\_ (c) Under the sole control of the person using it; and~~

12 ~~\_\_\_\_\_ (d) Linked to a document in such a manner that the digital signature is invalidated~~  
13 ~~if any data in the document is changed.~~

14 Section 3. That § 36-18A-45.1 be amended to read:

15 36-18A-45.1. Each drawing, report, or document that is signed and sealed using a digital  
16 signature shall have an electronic authentication process attached to or logically associated with  
17 the electronic document. The licensee's use of a digital signature is optional and, if used, shall  
18 be:

19 (1) Unique to the licensee;

20 (2) Capable of verification;

21 (3) Under the sole control of the licensee using it; and

22 (4) Linked to a document in such a manner that the digital signature is invalidated if any  
23 data in the document is changed.

24 A digital signature that uses a process approved by the board is presumed to meet the criteria

- 1 ~~set forth in subdivision 36-18A-45(5)~~ provided in this section. Any hard copy printed from the
- 2 transmitted electronic file shall bear the facsimile of the signature and seal and shall be a
- 3 confirmation that the electronic file was not altered after the initial digital signing of the file.
- 4 Any alterations to the file shall cause the facsimile of the signature to be voided.