

AN ACT

ENTITLED, An Act to revise signature and seal requirements for the Board of Technical Professions.

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

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

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

- (1) The name, South Dakota;
- (2) Licensee's name;
- (3) License number; and
- (4) The appropriate title or combination of titles: Professional Engineer, Architect, Land Surveyor, Landscape Architect.

The seal shall be legible and shall have an outer circle with a diameter measuring at least one inch and no greater than two inches and an inner circle with a diameter measuring five-eighths of the diameter of the outer circle. Titles may be prefixed with the words, Licensed or Registered. The seal may be an embossed seal, a rubber stamp, a computer-generated seal, or other facsimile found acceptable to the board. The licensee's signature and the date shall be adjacent to or across the seal.

Petroleum release assessors and remediators, or interns, may not use a seal.

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

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

- (1) All originals, copies, tracings, electronic submittals, or other reproductions of all final

drawings, specifications, reports, plats, plans, land surveys, design information, and calculations prepared by the licensee or under the licensee's responsible charge when presented to a client or any public or governmental agency. A licensee may not review or check technical submissions of another licensed professional or unlicensed person and seal the documents as the licensee's own work;

- (2) Preliminary work shall contain a note that the submittal is Not for Construction, Preliminary, or other such explanation that it is not final; and
- (3) In the case of documents for projects which involve multiple licensees of more than one technical profession, the title or index sheet shall be sealed, signed, and dated by the prime professional in responsible charge of coordinating the various technical professions involved in the project. In addition, each sheet shall be sealed, signed, and dated by the licensee or licensees who prepared or who are in responsible charge of that sheet.

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

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

- (1) Unique to the licensee;
- (2) Capable of verification;
- (3) Under the sole control of the licensee using it; and
- (4) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

A digital signature that uses a process approved by the board is presumed to meet the criteria provided in this section. Any hard copy printed from the transmitted electronic file shall bear the facsimile of the signature and seal and shall be a confirmation that the electronic file was not altered

after the initial digital signing of the file. Any alterations to the file shall cause the facsimile of the signature to be voided.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 40

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 40

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State