

SIGNING REMOTELY

Many licensees have questions about signing and sealing documents while working remotely. It was considered whether a temporary solution might be required to get through the current crisis. No changes are anticipated. The Board has been monitoring the signing and sealing Board Rules with its Electronic Signature Task Force over the last several years, with no determination that any revisions were needed to the rules. While the declared emergency is causing an additional focus on the requirements by licensees who have not investigated or implemented digital signatures, it is not viewed as an emergency that the rules prevent the continuation of the business of issuing engineering and surveying documents. There are two options for signing: a hand signature on the original or reproducible document [[21-56.1103\(a\) & \(b\)](#)] from which copies or scans can be made; or a digital signature, provided that the software meets the requirements of [21-56.1103\(e\)](#).

The Board cannot waive the requirements without revising the rules. The Board has discussed it and does not plan to do emergency rule-making and a temporary rule. So, the existing rules must be followed and a scan and other forms of “electronic” signatures are not acceptable. Either a hand signature on the original or reproducible under 21-56.110(3) & (b) or a digital signature under 21-56.1103(e) must be done.

To answer specific questions that may provide some options for certifying documents:

1. Digitized signatures placed on a document, from a scan or otherwise, are “facsimile” signatures, in violation of 21-56.1103(a) & (b), in that it was not signed by the licensee on the original or reproducible.
2. The provision in .1103(d) allows for scans of properly (hand-signed) documents. CAD files, which have no seal (and obviously no signature) and have the added statement that it is not a certified document, can be sent electronically.
3. Per Board Rules only the final issuance of a document requires a signature and seal. If the document is for preliminary or review purposes (clearly marked) and not the final work product (such as issued for construction or a final report) the signature and seal becomes optional as provided in .1103(c). If the owner, client or regulatory agency requires a signature, it is their decision whether to waive their requirement.
4. It may be that not all licensees in a firm require a digital signature, if there is another licensee in the firm who meets the Board Rules in [.0701\(c\)\(3\)](#) for responsible charge by being competent in the area of practice and being in direct supervisory control of the employee performing the work. In that event, either can sign. An example is where the department head has enough involvement in the project.
5. Use of a digital signature that is verified by a certificate authority [.1103(e)] equates to the signature required in .1103(a) and (b). You may submit a sample digitally-signed document to dstuttle@ncbels.org for review in meeting the requirements of .1103(e).

Additional information can be found on under Policies & Guidelines for the Signing and Sealing Guidelines and under Newsletters & Articles for the Spring 2011 article “To Sign, Or Not...”