

Pennsylvania State Design Professional Boards Adopt New Regulations and Rules for Digital Signatures & Seals

November 2, 2022

By Anthony Potter

On October 20, 2022, The Pennsylvania State Architects Board, The State Registration Board for Professional Engineers, Land Surveyors and Geologists, and The State Board of Landscape Architects adopted new rules and regulations governing signatures and seals. The final form of regulation approved by the Independent Regulatory Review Commission (IRRC) provides new guidelines and requirements applicable to licensed design professionals in Pennsylvania.

Generally, state law governs the use and application of a design professional's seal on work performed by the licensed design professional or under immediate supervision or responsible control. The changes to the regulations are to protect public health, safety, and welfare. The overall intent of the new regulation of Digital Signatures and Seals is to assure the public, including clients and authorities having jurisdiction, that work product (drawings, plans, and specifications) were prepared by or under the personal supervision of the Registered Architect, Professional Engineer, Professional Land Surveyor, or the Registered Landscape Architect.

The regulations generally require mechanisms to allow the design professional, client, or code official to detect modifications by requiring standards for electronic authentication. The desire is to decrease the incidence of forged or fraudulent sealed documents by unlicensed design professionals. Because the regulation of licensed design professionals and the use of seals on technical drawings, plans, and specifications is regulated at the State rather than federal level Architects, Engineers, Professional Land Surveyors and Landscape Architects must carefully consult each State design professional Board in order to ensure compliance with the existing licensing laws and regulations.

Impact for Architects, Engineers, Land Surveyors and Landscape Architects

The new regulations in Pennsylvania generally recognize three separate mechanisms for affixing a signature and seal to final or complete technical drawings, plans, or specifications issued to a client or to a governmental agency for final review. The three methods are as follows:

- Physical placement of a seal and handwritten signature in permanent ink;
- Digital placement of a seal and a handwritten signature in permanent ink; and
- Digital placement of a seal and a digital signature;

The second and third categories related to digital sealing with a manual signature and digital sealing with an electronic seal will now require some additional verification and authentication requirements. To this end, if the licensed design professional is affixing a digital seal or digital seal and signature, the electronic document is required to have an electronic authentication process attached to the digital document. Thus, under Pennsylvania law, if any data within the digital technical drawing, plan, or specification, which has a digital signature or seal affixed, the digital signature or seal will be invalidated and voided.

The practical implication for licensed design professionals practicing in Pennsylvania is that if an Architect, Engineer, Professional Land Surveyor, or Registered Landscape Architect is affixing a digital signature or seal, they will be required to utilize software that will void or invalidate the signature or seal if an alteration is made to a technical drawing, plan, or specification.

I have worked on the digital signature and seal regulations in connection with the various Licensure Boards since the summer of 2013. The regulations will take effect upon publication in the Pennsylvania Bulletin, which is anticipated to occur within the next month. If you have questions regarding the new Digital Signature and Seal regulations, please reach out at 717-980-3140 or apotter@offitkurman.com.