



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1826

Introduced 2/15/2013, by Sen. Emil Jones, III

SYNOPSIS AS INTRODUCED:

5 ILCS 175/5-120	
225 ILCS 305/14	from Ch. 111, par. 1314
225 ILCS 325/14	from Ch. 111, par. 5214
225 ILCS 330/15	from Ch. 111, par. 3265
225 ILCS 340/12	from Ch. 111, par. 6612

Amends the Electronic Commerce Security Act. Provides that a municipality may, in the course of exercising any permitting, licensing, or other regulatory function, accept documents with an electronic signature. Makes changes concerning the seal, date, and signature on technical submissions in the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Illinois Professional Land Surveyor Act of 1989, and the Structural Engineering Practice Act of 1989. Provides that when specified professionals have technical submissions that are prepared utilizing a computer or other electronic means, the seal, signature, current date, and date of license expiration may be generated by the computer. Effective immediately.

LRB098 07550 MGM 37621 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Electronic Commerce Security Act is amended
5 by changing Section 5-120 as follows:

6 (5 ILCS 175/5-120)

7 Sec. 5-120. Electronic signatures.

8 (a) Where a rule of law requires a signature, or provides
9 for certain consequences if a document is not signed, an
10 electronic signature satisfies that rule of law.

11 (a-5) A municipality may, in the course of exercising any
12 permitting, licensing, or other regulatory function, accept
13 documents with an electronic signature, including, but not
14 limited to, the technical submissions of a design professional
15 with an electronic signature.

16 (b) An electronic signature may be proved in any manner,
17 including by showing that a procedure existed by which a party
18 must of necessity have executed a symbol or security procedure
19 for the purpose of verifying that an electronic record is that
20 of such party in order to proceed further with a transaction.

21 (c) The provisions of this Section shall not apply:

22 (1) when its application would involve a construction
23 of a rule of law that is clearly inconsistent with the

1 manifest intent of the lawmaking body or repugnant to the
2 context of the same rule of law, provided that the mere
3 requirement of a "signature" or that a record be "signed"
4 shall not by itself be sufficient to establish such intent;

5 (2) to any rule of law governing the creation or
6 execution of a will or trust, living will, or healthcare
7 power of attorney; and

8 (3) to any record that serves as a unique and
9 transferable instrument of rights and obligations
10 including, without limitation, negotiable instruments and
11 other instruments of title wherein possession of the
12 instrument is deemed to confer title, unless an electronic
13 version of such record is created, stored, and transferred
14 in a manner that allows for the existence of only one
15 unique, identifiable, and unalterable original with the
16 functional attributes of an equivalent physical
17 instrument, that can be possessed by only one person, and
18 which cannot be copied except in a form that is readily
19 identifiable as a copy.

20 (Source: P.A. 90-759, eff. 7-1-99.)

21 Section 10. The Illinois Architecture Practice Act of 1989
22 is amended by changing Section 14 as follows:

23 (225 ILCS 305/14) (from Ch. 111, par. 1314)

24 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 14. Display of license; Seal. Every holder of a
2 license as a licensed architect shall display it in a
3 conspicuous place in the principal office of the architect.

4 Every licensed architect shall have a reproducible seal, or
5 facsimile, the print of which shall contain the name of the
6 architect, the license number, and the words "Licensed
7 Architect, State of Illinois". The licensed architect shall
8 affix the signature, current date, date of license expiration
9 and seal to the first sheet of any bound set or loose sheets of
10 technical submissions utilized as contract documents between
11 the parties to the contract or prepared for the review and
12 approval of any governmental or public authority having
13 jurisdiction by that licensed architect or under that licensed
14 architect's responsible control. The sheet of technical
15 submissions in which the seal is affixed shall indicate those
16 documents or parts thereof for which the seal shall apply. When
17 technical submissions are prepared utilizing a computer or
18 other electronic means, the seal, signature, current date, and
19 date of license expiration may be generated by the computer.
20 ~~The seal and dates may be electronically affixed. The signature~~
21 ~~must be in the original handwriting of the licensee. Signatures~~
22 ~~generated by computer shall not be permitted.~~ All technical
23 submissions issued by any corporation, partnership,
24 professional service corporation, or professional design firm
25 as registered under this Act shall contain the corporate or
26 assumed business name and design firm registration number, in

1 addition to any other seal requirements as set forth in this
2 Section.

3 "Responsible control" means that amount of control over and
4 detailed professional knowledge of the content of technical
5 submissions during their preparation as is ordinarily
6 exercised by architects applying the required professional
7 standard of care. Merely reviewing or reviewing and correcting
8 the technical submissions or any portion thereof prepared by
9 those not in the regular employment of the office where the
10 architect is resident without control over the content of such
11 work throughout its preparation does not constitute
12 responsible control.

13 An architect licensed under the laws of this jurisdiction
14 shall not sign and seal technical submissions that were not
15 prepared by or under the responsible control of the architect
16 except that:

17 (1) the architect may sign and seal those portions of
18 the technical submissions that were prepared by or under
19 the responsible control of persons who hold a license under
20 this Act, and who shall have signed and sealed the
21 documents, if the architect has reviewed in whole or in
22 part such portions and has either coordinated their
23 preparation or integrated them into his or her work;

24 (2) the architect may sign and seal portions of the
25 professional work that are not required by this Act to be
26 prepared by or under the responsible control of an

1 architect if the architect has reviewed and adopted in
2 whole or in part such portions and has integrated them into
3 his or her work; and

4 (3) a partner or corporate officer of a professional
5 design firm registered in Illinois who is licensed under
6 the architecture licensing laws of this State, and who has
7 professional knowledge of the content of the technical
8 submissions and intends to be responsible for the adequacy
9 of the technical submissions, may sign and seal technical
10 submissions that are prepared by or under the responsible
11 control of architects who are licensed in this State and
12 who are in the regular employment of the professional
13 design firm.

14 The architect exercising responsible control under which
15 the documents or portions of the documents were prepared shall
16 be identified on the documents or portions of the documents by
17 name and Illinois license number.

18 Any licensed architect who signs and seals technical
19 submissions not prepared by that architect but prepared under
20 the architect's responsible control by persons not regularly
21 employed in the office where the architect is resident shall
22 maintain and make available to the board upon request for at
23 least 5 years following such signing and sealing, adequate and
24 complete records demonstrating the nature and extent of the
25 architect's control over and detailed professional knowledge
26 of such technical submissions throughout their preparation.

1 (Source: P.A. 91-133, eff. 1-1-00; 92-360, eff. 1-1-02.)

2 Section 15. The Professional Engineering Practice Act of
3 1989 is amended by changing Section 14 as follows:

4 (225 ILCS 325/14) (from Ch. 111, par. 5214)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 14. Seal. Every professional engineer shall have a
7 seal or stamp, the print of which shall be reproducible and
8 contain the name of the professional engineer, the professional
9 engineer's license number, and the words "Licensed
10 Professional Engineer of Illinois". Any reproducible stamp
11 heretofore authorized under the laws of this state for use by a
12 professional engineer, including those with the words
13 "Registered Professional Engineer of Illinois", shall serve
14 the same purpose as the seal provided for by this Act. The
15 engineer shall be responsible for his seal and signature as
16 defined by rule. When technical submissions are prepared
17 utilizing a computer or other electronic means, the seal,
18 signature, current date, and date of license expiration may be
19 generated by the computer. ~~When technical submissions are~~
20 ~~prepared utilizing a computer or other electronic means, the~~
21 ~~seal may be generated by the computer. Signatures generated by~~
22 ~~computer shall not be permitted.~~

23 The use of a professional engineer's seal on technical
24 submissions constitutes a representation by the professional

1 engineer that the work has been prepared by or under the
2 personal supervision of the professional engineer or developed
3 in conjunction with the use of accepted engineering standards.
4 The use of the seal further represents that the work has been
5 prepared and administered in accordance with the standards of
6 reasonable professional skill and diligence.

7 It is unlawful to affix one's seal to technical submissions
8 if it masks the true identity of the person who actually
9 exercised direction, control and supervision of the
10 preparation of such work. A professional engineer who seals and
11 signs technical submissions is not responsible for damage
12 caused by subsequent changes to or uses of those technical
13 submissions, where the subsequent changes or uses, including
14 changes or uses made by State or local governmental agencies,
15 are not authorized or approved by the professional engineer who
16 originally sealed and signed the technical submissions.

17 (Source: P.A. 96-626, eff. 8-24-09.)

18 Section 20. The Illinois Professional Land Surveyor Act of
19 1989 is amended by changing Section 15 as follows:

20 (225 ILCS 330/15) (from Ch. 111, par. 3265)

21 (Section scheduled to be repealed on January 1, 2020)

22 Sec. 15. Seal. Every Professional Land Surveyor shall have
23 a reproducible seal or facsimile, which may be computer
24 generated, the impression of which shall contain the name of

1 the land surveyor, his or her place of business, the license
2 number, of the Professional Land Surveyor, and the words
3 "Professional Land Surveyor, State of Illinois". When
4 technical submissions are prepared utilizing a computer or
5 other electronic means, the seal, signature, current date, and
6 date of license expiration may be generated by the computer.
7 ~~Signatures generated by computer or rubber stamp shall not be~~
8 ~~permitted.~~ A Professional Land Surveyor shall seal all
9 documents prepared by or under the direct supervision and
10 control of the Professional Land Surveyor. Any seal authorized
11 or approved by the Department under the Illinois Land Surveyors
12 Act shall serve the same purpose as the seal provided for by
13 this Act. The licensee's ~~written~~ signature and date of signing
14 along with the date of license expiration shall be placed
15 adjacent to the seal.

16 (Source: P.A. 93-467, eff. 1-1-04.)

17 Section 25. The Structural Engineering Practice Act of 1989
18 is amended by changing Section 12 as follows:

19 (225 ILCS 340/12) (from Ch. 111, par. 6612)

20 (Section scheduled to be repealed on January 1, 2020)

21 Sec. 12. Every holder of a license as a structural engineer
22 shall display it in a conspicuous place in the holder's
23 principal office, place of business or employment.

24 Every licensed structural engineer shall have a

1 reproducible seal or facsimile, the print of which shall
2 contain the name and license number of the structural engineer,
3 and the words "Licensed Structural Engineer," "State of
4 Illinois." The licensed structural engineer shall seal all
5 plans, drawings, and specifications prepared by or under the
6 engineer's supervision.

7 A licensed structural engineer may seal documents not
8 produced by the licensed structural engineer when the documents
9 have either been produced by others working under the licensed
10 structural engineer's personal supervision and control or when
11 the licensed structural engineer has sufficiently reviewed the
12 documents to ensure that they have met the standards of
13 reasonable professional skill and diligence. In reviewing the
14 work of others, the licensed structural engineer shall, where
15 necessary, do calculations, redesign, or any other work
16 necessary to be done to meet such standards and should retain
17 evidence of having done such review. The documents sealed by
18 the licensed structural engineer shall be of no lesser quality
19 than if they had been produced by the licensed structural
20 engineer. The licensed structural engineer who seals the work
21 of others is obligated to provide sufficient supervision and
22 review of such work so that the public is protected.

23 The licensed structural engineer shall affix the
24 signature, current date, date of license expiration and seal to
25 the first sheet of any bound set or loose sheets prepared by
26 the licensed structural engineer or under that licensed

1 structural engineer's immediate supervision. When technical
2 submissions are prepared utilizing a computer or other
3 electronic means, the seal, signature, current date, and date
4 of license expiration may be generated by the computer.

5 (Source: P.A. 91-91, eff. 1-1-00.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.