



Sen. Emil Jones, III

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1 AMENDMENT TO SENATE BILL 1826

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1826 by replacing  
3 everything after the enacting clause with the following:

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) In the course of exercising any permitting,  
12 licensing, or other regulatory function, a municipality may  
13 accept, but shall not require, documents with an electronic  
14 signature, including, but not limited to, the technical  
15 submissions of a design professional with an electronic  
16 signature.

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

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

7           (1) when its application would involve a construction  
8 of a rule of law that is clearly inconsistent with the  
9 manifest intent of the lawmaking body or repugnant to the  
10 context of the same rule of law, provided that the mere  
11 requirement of a "signature" or that a record be "signed"  
12 shall not by itself be sufficient to establish such intent;

13           (2) to any rule of law governing the creation or  
14 execution of a will or trust, living will, or healthcare  
15 power of attorney; and

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

1           identifiable as a copy.  
2           (Source: P.A. 90-759, eff. 7-1-99.)

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

5           (225 ILCS 305/14) (from Ch. 111, par. 1314)  
6           (Section scheduled to be repealed on January 1, 2020)

7           Sec. 14. Display of license; Seal. Every holder of a  
8           license as a licensed architect shall display it in a  
9           conspicuous place in the principal office of the architect.

10          Every licensed architect shall have a reproducible seal, or  
11          facsimile, the print of which shall contain the name of the  
12          architect, the license number, and the words "Licensed  
13          Architect, State of Illinois". The licensed architect shall  
14          affix the signature, current date, date of license expiration  
15          and seal to the first sheet of any bound set or loose sheets of  
16          technical submissions utilized as contract documents between  
17          the parties to the contract or prepared for the review and  
18          approval of any governmental or public authority having  
19          jurisdiction by that licensed architect or under that licensed  
20          architect's responsible control. The sheet of technical  
21          submissions in which the seal is affixed shall indicate those  
22          documents or parts thereof for which the seal shall apply. The  
23          seal and dates may be electronically affixed. The licensee may  
24          provide, at his or her sole discretion, an original signature

1 in the licensee's handwriting, a scanned copy of the document  
2 bearing an original signature, or a signature generated by a  
3 computer. ~~The signature must be in the original handwriting of~~  
4 ~~the licensee. Signatures generated by computer shall not be~~  
5 ~~permitted.~~ All technical submissions issued by any  
6 corporation, partnership, professional service corporation, or  
7 professional design firm as registered under this Act shall  
8 contain the corporate or assumed business name and design firm  
9 registration number, in addition to any other seal requirements  
10 as set forth in this Section.

11 "Responsible control" means that amount of control over and  
12 detailed professional knowledge of the content of technical  
13 submissions during their preparation as is ordinarily  
14 exercised by architects applying the required professional  
15 standard of care. Merely reviewing or reviewing and correcting  
16 the technical submissions or any portion thereof prepared by  
17 those not in the regular employment of the office where the  
18 architect is resident without control over the content of such  
19 work throughout its preparation does not constitute  
20 responsible control.

21 An architect licensed under the laws of this jurisdiction  
22 shall not sign and seal technical submissions that were not  
23 prepared by or under the responsible control of the architect  
24 except that:

- 25 (1) the architect may sign and seal those portions of  
26 the technical submissions that were prepared by or under

1 the responsible control of persons who hold a license under  
2 this Act, and who shall have signed and sealed the  
3 documents, if the architect has reviewed in whole or in  
4 part such portions and has either coordinated their  
5 preparation or integrated them into his or her work;

6 (2) the architect may sign and seal portions of the  
7 professional work that are not required by this Act to be  
8 prepared by or under the responsible control of an  
9 architect if the architect has reviewed and adopted in  
10 whole or in part such portions and has integrated them into  
11 his or her work; and

12 (3) a partner or corporate officer of a professional  
13 design firm registered in Illinois who is licensed under  
14 the architecture licensing laws of this State, and who has  
15 professional knowledge of the content of the technical  
16 submissions and intends to be responsible for the adequacy  
17 of the technical submissions, may sign and seal technical  
18 submissions that are prepared by or under the responsible  
19 control of architects who are licensed in this State and  
20 who are in the regular employment of the professional  
21 design firm.

22 The architect exercising responsible control under which  
23 the documents or portions of the documents were prepared shall  
24 be identified on the documents or portions of the documents by  
25 name and Illinois license number.

26 Any licensed architect who signs and seals technical

1 submissions not prepared by that architect but prepared under  
2 the architect's responsible control by persons not regularly  
3 employed in the office where the architect is resident shall  
4 maintain and make available to the board upon request for at  
5 least 5 years following such signing and sealing, adequate and  
6 complete records demonstrating the nature and extent of the  
7 architect's control over and detailed professional knowledge  
8 of such technical submissions throughout their preparation.

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

10 Section 15. The Professional Engineering Practice Act of  
11 1989 is amended by changing Section 14 as follows:

12 (225 ILCS 325/14) (from Ch. 111, par. 5214)

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

14 Sec. 14. Seal. Every professional engineer shall have a  
15 seal or stamp, the print of which shall be reproducible and  
16 contain the name of the professional engineer, the professional  
17 engineer's license number, and the words "Licensed  
18 Professional Engineer of Illinois". Any reproducible stamp  
19 heretofore authorized under the laws of this state for use by a  
20 professional engineer, including those with the words  
21 "Registered Professional Engineer of Illinois", shall serve  
22 the same purpose as the seal provided for by this Act. The  
23 engineer shall be responsible for his seal and signature as  
24 defined by rule. When technical submissions are prepared

1 utilizing a computer or other electronic means, the seal may be  
2 generated by the computer. The licensee may provide, at his or  
3 her sole discretion, an original signature in the licensee's  
4 handwriting, a scanned copy of the technical submission bearing  
5 an original signature, or a signature generated by a computer.  
6 ~~Signatures generated by computer shall not be permitted.~~

7 The use of a professional engineer's seal on technical  
8 submissions constitutes a representation by the professional  
9 engineer that the work has been prepared by or under the  
10 personal supervision of the professional engineer or developed  
11 in conjunction with the use of accepted engineering standards.  
12 The use of the seal further represents that the work has been  
13 prepared and administered in accordance with the standards of  
14 reasonable professional skill and diligence.

15 It is unlawful to affix one's seal to technical submissions  
16 if it masks the true identity of the person who actually  
17 exercised direction, control and supervision of the  
18 preparation of such work. A professional engineer who seals and  
19 signs technical submissions is not responsible for damage  
20 caused by subsequent changes to or uses of those technical  
21 submissions, where the subsequent changes or uses, including  
22 changes or uses made by State or local governmental agencies,  
23 are not authorized or approved by the professional engineer who  
24 originally sealed and signed the technical submissions.

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

1 Section 20. The Illinois Professional Land Surveyor Act of  
2 1989 is amended by changing Section 15 as follows:

3 (225 ILCS 330/15) (from Ch. 111, par. 3265)

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

5 Sec. 15. Seal. Every Professional Land Surveyor shall have  
6 a reproducible seal or facsimile, which may be computer  
7 generated, the impression of which shall contain the name of  
8 the land surveyor, his or her place of business, the license  
9 number, of the Professional Land Surveyor, and the words  
10 "Professional Land Surveyor, State of Illinois". ~~Signatures~~  
11 ~~generated by computer or rubber stamp shall not be permitted.~~ A  
12 Professional Land Surveyor shall seal all documents prepared by  
13 or under the direct supervision and control of the Professional  
14 Land Surveyor. Any seal authorized or approved by the  
15 Department under the Illinois Land Surveyors Act shall serve  
16 the same purpose as the seal provided for by this Act. The  
17 licensee's written signature and date of signing along with the  
18 date of license expiration shall be placed adjacent to the  
19 seal. The licensee may provide, at his or her sole discretion,  
20 an original signature in the licensee's handwriting, a scanned  
21 copy of the document bearing an original signature, or a  
22 signature generated by a computer.

23 It is unlawful to affix one's seal to documents if it masks  
24 the true identity of the person who actually exercised  
25 direction, control, and supervision of the preparation of that



1 work. A Professional Land Surveyor who seals and signs  
2 documents is not responsible for damage caused by subsequent  
3 changes to or uses of those documents where the subsequent  
4 changes or uses, including changes or uses made by State or  
5 local governmental agencies, are not authorized or approved by  
6 the Professional Land Surveyor who originally sealed and signed  
7 the documents.

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