

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Labor, Licensing, and Regulation
(DLS Control No. 14-101)**

Overview and Legal and Fiscal Impact

This regulation specifies that a licensed engineer may sign and seal documents that the licensee has prepared or approved with an “original signature” that is either digital and meets specified requirements, or is handwritten.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Labor, Licensing, and Regulation:

Board of Professional Engineers: Code of Ethics: COMAR 09.23.03.09

Legal Analysis

Background

Before a professional engineer issues to a client or submits to a public authority any plan, specification, or report, the professional engineer who prepared or approved the document must provide (1) an original signature and date of signature and (2) a seal or a facsimile of the seal. A public authority is prohibited from accepting any engineering plan, specification, or report, unless the document is properly endorsed by the professional engineer.

Neither statute nor regulation specifies the required form for an “original signature.”

Summary of Regulation

The regulation specifies that an “original signature” may include a handwritten signature in permanent ink or a digital signature that (1) contains unique identifying information about the licensee; (2) is under the exclusive control of the licensee; (3) cannot be repudiated and is independently verifiable; and (4) is linked to the document so that the signature is invalidated if any data in the document is modified.

The regulation contains an additional construction clause that clarifies that the regulation is not intended to modify separate requirements for two other types of documents.

Legal Issue

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The Department of Labor, Licensing, and Regulation cites §§ 14–205, 14–208, and 14-4A-02 of the Business Occupations and Professions Article as authority for the regulation. Specifically, § 14–205(a) requires the State Board of Professional Engineers to adopt a code of ethics by regulation and in consultation with established engineering societies. Section 14–208(a) requires the board to adopt any regulation to carry out Title 14 that does not restrict or otherwise affect competitive bidding for engineering services. Section 14-4A-02 specifies the statutory “original signature” requirement.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has minimal or no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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