

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	04/29/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 6/13/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

09 23 03 09

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

4. Name of Regulations Coordinator Telephone Number
Donnice M Turner 410-230-6008

Mailing Address

500 N. Calvert Street, 4th Floor

City State Zip Code
Baltimore MD 21202

Email
donna.turner@dllr.state.md.us

5. Name of Person to Call About this Document Telephone No.
Pamela J. Edwards 410-230-6262

Email Address
pam.edwards@maryland.gov

6. Check applicable items:
 New Regulations

X- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: April 24, 2014.

- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes **X-** No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

X- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

X- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Milena Y. Trust, Assistant Attorney General, (telephone #410-230-6139) on April 24, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Pamela J. Edwards

Title

Executive Director

Telephone No.

410-230-6262

Date

April 24, 2014

DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

09.23.03 Code of Ethics

Authority: Business Occupations and Professions Article, §§14-205 and 14-208,
Annotated Code of Maryland

Notice of Proposed Action

□

The Board for Professional Engineers proposes to amend Regulation .09 under COMAR 09.23.03 Code of Ethics.

This action was considered by the Board at a public meeting held on January 9, 2014, notice of which was given by publication in the Daily Record on December 30, 2013, pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to clarify the definition of "original signature" to include both handwritten and digital signatures. Licensees place signatures on engineering documents that are submitted to clients and public authorities for permit purposes.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Pamela J. Edwards, Executive Director, Board for Professional Engineers, 500 N. Calvert Street, Room 308, Baltimore, MD 21202, or call 410-230-6262, or email to pam.edwards@maryland.gov, or fax to 410-333-0021. Comments will be accepted through July 30, 2014. A public hearing will be held, July 10, 2014, 11 am, at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

Open Meeting

Final action on the proposal will be considered by the Board for Professional Engineers during a public meeting to be held on August 7, 2014, at 500 N. Calvert Street, Third Floor Conference Room, Baltimore, MD 21202.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

State Occupational and Professional Licensing Boards' Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The regulations will have no discernible economic impact. Licensees are not required to purchase digital signature software packages. In addition, funds expended to purchase digital signature software would be offset by savings from reduced paper costs and travel time.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Small engineering firms will experience minimal economic impact as noted in E. above.

G. Small Business Worksheet:

The primary beneficiaries of this action are the licensees because this action enables them to electronically file engineering plans with local permit offices, resulting in more time-efficient documents submission, as well as savings from reduced paper costs and travel time.

Attached Document:

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 23 BOARD FOR PROFESSIONAL ENGINEERS

Chapter 03 Code of Ethics

Authority: Business Occupations and Professions Article, §§14-205 and 14-208, Annotated Code of Maryland

.09 Signing and Sealing Requirements.

A. A licensee may sign and seal plans, specifications, drawings, reports, or other documents that are required to be signed and sealed pursuant to the Business Occupations and Professions Article, §14-403, Annotated Code of Maryland, only if the following requirements are met:

(1) - (2) (text unchanged)

[B. Definition.] (3) (text unchanged)

[(1)] (a) (text unchanged)

[(2)] (b) (text unchanged)

[C.] (4) (text unchanged)

[(1)] (a) (text unchanged)

[(2)] (b) (text unchanged)

[(3)] (c) (text unchanged)

[D.] (d) Nothing in [§C of this regulation] *this section* is intended to relieve the first licensee from any liability that the first licensee is deemed to assume for work performed by the first licensee pursuant to the requirements set forth in this regulation.

B. (1) *A licensee who prepared or approved documents in accordance with the criteria set forth in this regulation, shall place on the documents required to be signed and sealed pursuant to Business Occupations and Professions Article, §14-403, Annotated Code of Maryland, the licensee's original signature and date of the signature.*

(2) *For the purposes of this regulation, the term "original signature" means:*

(a) *A handwritten signature in permanent ink; or*

(b) *A digital signature, which satisfies the following requirements:*

(i) *It contains identification unique to a licensee using it, such as the licensee's name and license number;*

(ii) *It is under the exclusive control of the licensee using it;*

(iii) *It cannot be repudiated and is independently verifiable; and*

(iv) *It is linked to the document in such a manner that the digital signature is invalidated if any data in the document is modified.*

C. *Nothing in this regulation is intended to modify any of the requirements applicable to professional certifications or titleblocks more specifically set forth in Regulation 09.23.03.10.*

HOWARD C. HARCLERODE III

Chairman

STATE BOARD FOR PROFESSIONAL ENGINEERS