

**NOTICE OF INTENT TO ADOPT A PROPOSED
AMENDMENT TO THE GEORGIA STATE BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS AND
LAND SURVEYORS
RULE 180-12-.02, "SEALING OF DOCUMENTS."
AND NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Registration for Professional Engineers and Land Surveyors (hereinafter "Board") proposes an amendment to the Georgia State Board of Registration for Professional Engineers and Land Surveyors Rules, RULE 180-12-02, "Sealing of Documents," (herein after "proposed rule amendment"). The Board voted to post this notice of adoption at a meeting on September 14, 2010. The proposed rule amendment creates a rule that defines certain terms and makes clear the acceptable methods of signing and sealing documents. This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:30 a.m., September 13th, 2011, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on September 6th, 2011. Written comments should be addressed to Kelly Farr, Interim Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Registration for Professional Engineers and Land Surveyors, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (866) 888-9718.

The Board will consider the proposed rule amendment for adoption at a meeting scheduled to begin at 9:35 a.m. on September 13th, 2011, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Registration for Professional Engineers and Land Surveyors has the authority to adopt a proposed rule amendment to Rule 180-12-.02 pursuant to authority contained in O.C.G.A. §§ 43-15-4(a), and O.C.G.A. § 43-15-6(a) and O.C.G.A. § 43-15-22.

At the meeting on September 13th, 2011, the Georgia State Board of Registration for Professional Engineers and Land Surveyors will vote that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), and O.C.G.A. § 43-15-6(a) (General powers of board) and O.C.G.A. § 43-15-22.

Additionally, at the meeting, the Board will vote that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-15-4(a), O.C.G.A. § 43-15-6(a) and O.C.G.A. § 43-15-22, to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 11th day of August, 2011.

Kelly Farr
Deputy Secretary of State
Interim Division Director
Professional Licensing Boards Division

Posted: August 11, 2011

**SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS
RULES**

RULE 180-12-.02, “Sealing of Documents.”

PURPOSE: The purpose of this amendment is to create a rule that defines certain terms and makes clear the acceptable methods of signing and sealing documents.

MAIN FEATURES: The main feature of this amendment is defining how electronic documents may be transmitted.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENTS TO THE GEORGIA STATE BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND
SURVEYORS**

RULE 180-12-.02, “Sealing of Documents.”

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

RULE 180-12-.02, “Sealing of Documents”, is hereby revised as follows:

RULE 180-12-.02, “Sealing of Documents”.

- 1) The term, “documents,” as used herein shall mean engineering and/or land surveying work issued in the form of plans, drawings, maps, surveys, reports, specifications, design information, and calculations, including such work issued in digital form. This Rule shall not apply to recordable property plats governed under O.C.G.A. 15-6-67(b)(2)(E).
- 2) The term “issued” as used herein shall mean documents in the final form which bear the seal and signature of the registrant.
- 3) The registrant shall seal and sign ~~(with signature across the seal)~~ all original final documents which are issued to a client or any public agency. The sealing of documents by the registrant shall certify that the work was performed by the registrant or under the direct supervisory control of the registrant on a daily basis. For engineering documents, the date of signature shall be placed immediately under the seal and signature.
- 4) No registrant shall issue an incomplete, preliminary, in-progress, or for-review document or any type unless such document displays the date of issue and a notation in bold lettering, such as “PRELIMINARY,” “NOT FOR CONSTRUCTION,” “NOT FOR RECORDING PURPOSES,” or “FOR REVIEW ONLY,” which clearly identifies the purpose for which the document is issued.
- 5) Seals, signatures, dates, and/or other notations required by this Rule shall be placed on original documents such that the seal, signature, date and/or notations, will be reproduced when copies are made. ~~All dates and signatures shall be hand written. O.C.G.A. 10-12-4 does not apply.~~

6) Documents containing more than one sheet shall be sealed and signed on the first or title page by all registrants responsible for the work therein. Each drawing sheet, whether bound or unbound, shall be sealed and signed by the registrant(s) responsible for the work on that sheet. If a document is sealed and signed by more than one registrant, the portion of the work for which each registrant is responsible shall be clearly noted.

7) Each document that is sealed and signed by a registrant shall contain the name, address, and contact information of the firm or sole practitioner certifying the work.

~~8) Documents that are electronically transmitted shall have the computer-generated seal removed from the original file. All electronically transmitted documents shall have displayed, in lieu of the seal, signature and date, the following statements, "The original of this document was sealed and signed by {registrant's printed name and registration number on {date of signature}." And in bold lettering, "THIS REPRODUCTION IS NOT A CERTIFIED DOCUMENT."~~
Documents as defined in Paragraph (1) that are transmitted electronically beyond the direct control of the licensee shall have the computer-generated seal removed from the original file, unless signed with an electronic signature as defined in Paragraph (9) of this Rule. After removal of the seal the electronic media shall have the following inserted in lieu of the signature and date: "This document originally issued and sealed by (name of sealer), (license number), on (Date of sealing). This medium shall not be considered a certified document." Hardcopy documents containing the original seal, signature and date of the licensee may be duplicated by photocopy or electronic scanning processes and distributed either in hardcopy or electronic medium. The scanned digital files of certified documents are not subject to the requirements of this Paragraph. The electronic transmission beyond the direct control of the licensee of CAD, vector or other files subject to easy editing are subject to the requirements of this paragraph. Easy editing is based on the file consisting of separate elements that can be individually modified or deleted. 9) Documents to be electronically transmitted beyond the direct control of the licensee that are signed using an electronic signature shall contain the authentication procedure in a secure mode and a list of the hardware, software and parameters used to prepare the document(s). Secure mode means that the authentication procedure has protective measures to prevent alteration or overriding of the authentication procedure. The term "electronic signature" shall be an electronic authentication process that is attached to or logically associated with an electronic document. The electronic signature shall be:

a) Unique to the licensee using it;

b) Capable of verification;

c) Under the sole control of the licensee; and

d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document is changed.

O.C.G.A. §§ 43-15-4(a), 43-15-6(a), and 43-15-22.