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**RULE ADOPTIONS**

**LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF ARCHITECTS**

49 N.J.R. 1093(a)

**Adopted Amendments: N.J.A.C. 13:27-3.1, 6.2, 6.3, and 8.9**

**Adopted New Rules: N.J.A.C. 13:27-6.5 and 8.10**

**Digital Signing and Sealing of Documents**

Proposed: October 3, 2016, at 48 N.J.R. 2028(a).

Adopted: February 24, 2017, by the New Jersey State Board of Architects, Obiora C. Agudosi, RA, President.

Filed: March 29, 2017, as R.2017 d.079, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:3-3 and 45:3A-13.

Effective Date: May 1, 2017.

Expiration Date: February 7, 2018.

**Summary** of Public Comments and Agency Responses follows:

The official comment period ended December 2, 2016. The Board received one comment on the notice of proposal from Marc Pfeiffer, Assistant Director, Bloustein Local Government Research Center, Rutgers University. In order to ensure compliance with the Administrative Procedures Act and the rules promulgated by the Office of Administrative Law, the comment period was reopened and extended from December 19, 2016, to January 17, 2017. The Board received no additional comments during the extension.

1. Mr. Pfeiffer applauds the Board's proposal, noting his support for the Board's move to accept digital seals and signatures. However, he expresses concern that the link in proposed new N.J.A.C. 13:27-6.5(a)1 and 8.10(a)1 to the standards developed by the National Institute of Standards and Technology (NIST) is to a third-party web address and not to an address maintained by NIST. He recommends that the link be changed to a web address managed by NIST.

RESPONSE: The Board thanks Mr. Pfeiffer for his comments and understands his concern over the link. Third-party addresses can be altered or become defunct. The Board is changing N.J.A.C. 13:27-6.5(a)1 and 8.10(a)1 and changing the link so it goes to the document hosted directly on the NIST website.

**Summary of Agency-Initiated Changes:**

The State Board of Architects is changing N.J.A.C. 13:27-6.5 and 8.10 on adoption to correct an error in the year listed as the publication date of the FIPS PUB 186-4 document. As proposed, it says the publication was released in 2014. The publication was actually released in 2013.

**Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendments and new rules are subject to State statutory requirements and are not subject to any Federal requirements or standards.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks \*[thus]\*):

**SUBCHAPTER 3. ARCHITECTURAL PRACTICE AND RESPONSIBILITY**

13:27-3.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...

"Electronic transmission" means the transmission of electronic data files from one electronic device to another. The term includes manual delivery of electronic data storage media from one person or entity to another.

...

"Seal" means a digital or impression type seal meeting the requirements of N.J.A.C. 13:27-6.5 and 8.10 and affixed to a document by a licensee.

"Signature" means a digital or handwritten signature of a licensee affixed to a document in accordance with N.J.A.C. 13:27-6.5 and 8.10.

**SUBCHAPTER 6. GENERAL REQUIREMENTS FOR A TITLE BLOCK**

13:27-6.2 Title block contents; requirements by form of architectural practice

(a) When the architect practices as an individual or sole proprietor the title block shall contain:

1.-4. (No change.)

5. The name, license number, and space for the signature of the architect in responsible charge, and the date when signed.

(b) When a partnership or limited liability partnership of two or more licensed architects or closely allied professionals, in which at least one partner is an architect, practice architecture, the title block shall contain:

1.-4. (No change.)

5. The name, license number, and space for the signature of the architect in responsible charge, and the date when signed.

(c) When professionals practice architecture as a professional service corporation organized under N.J.S.A. 14A:17-1 et seq., the title block shall contain:

1.-4. (No change.)

5. The name, license number, and space for the signature of the architect in responsible charge, and the date when signed.

(d) Title block contents for a general business corporation or limited liability company authorized to practice architecture under a Certificate of Authorization issued pursuant to N.J.A.C. 13:27-4.8 shall contain:

1.-4. (No change.)

5. The full name, license number, and space for the signature of the architect in responsible charge, and the date when signed.

(e)-(h) (No change.)

#### 13:27-6.3 Signing and sealing construction documents

(a)-(b) (No change.)

(c) Construction documents and the title pages of the specifications for filing with a public agency or for the owner's legal documentation requirements may be digitally signed and sealed if the digital signature and seal meet the requirements of N.J.A.C. 13:27-6.5. An architect using a seal press shall seal construction documents only with seal presses purchased or exchanged through the Board.

#### 13:27-6.5 Digital signatures and seals

(a) A digital signature and seal shall possess the same weight, authority, and effect as handwritten signature and pressure seal when the following criteria are met:

1. The digital signing and sealing process satisfies the requirements of the Digital Signature Standard (DSS) established by the National Institute of Standards and Technology, FIPS PUB 186-4 \*[(2014)]\* **\*(2013)\***, which is incorporated herein by reference, as amended and supplemented. This standard may be obtained at:

\*[<http://cryptome.org/2013/07/NIST.FIPS.186-4.pdf>]\*

\*<http://nvlpubs.nist.gov/nistpubs/FIPS/NIST.FIPS.186-4.pdf>\*. The digital signature and seal must be:

i. Unique to the licensee;

ii. Verifiable by a trusted third party or some other approved process as belonging to the licensee;

iii. Under the licensee's direct and exclusive control; and

iv. Linked to a document in such a manner that the digital signature and seal is invalidated if any data in the document is changed. Once the digital signature and seal are applied to the document, the document shall be available in read-only format if the document is to be digitally transmitted.

(b) A licensee who digitally signs and seals a document shall maintain a digital copy of the electronically transmitted document that has also been digitally signed and sealed for future verification purposes.

(c) The pictorial representation of the digital signature and seal shall be readily available to the Board upon request and shall be produced in a [page=1094] manner acceptable to the Board. It shall contain the same words and shall have sub-

stantially the same graphic appearance and size as when the image of the digitally transmitted document is viewed at the same size as the document in its original form.

(d) Licensees are responsible for the use of their private digital keys. A lost or compromised key shall not be used and the licensee shall cause a new key pair to be generated in accordance with the criteria set forth in (a) above. A licensee shall take all reasonable steps to ensure that a compromised key is invalidated, and shall inform all affected clients that the digital key has been compromised.

#### SUBCHAPTER 8. LICENSED LANDSCAPE ARCHITECTS

##### 13:27-8.9 Seal and signature

(a)-(d) (No change.)

(e) Construction documents and the title pages of the specifications for filing with a public agency or for the owner's legal documentation requirements may be digitally signed and sealed if the digital signature and seal meet the requirements of N.J.A.C. 13:27-8.10.

##### 13:27-8.10 Digital signatures and seals

(a) A digital signature and seal shall possess the same weight, authority, and effect as handwritten signature and pressure seal when the following criteria are met:

1. The digital signing and sealing process satisfies the requirements of the Digital Signature Standard (DSS) established by the National Institute of Standards and Technology, FIPS PUB 186-4 \*[(2014)]\* **\*(2013)\***, which is incorporated herein by reference, as amended and supplemented. This standard may be obtained at:

\*[<http://cryptome.org/2013/07/NIST.FIPS.186-4.pdf>]\*

**\*<http://nvlpubs.nist.gov/nistpubs/FIPS/NIST.FIPS.186-4.pdf>\*.** The digital signature and seal must be:

i. Unique to the licensee;

ii. Verifiable by a trusted third party or some other approved process as belonging to the licensee;

iii. Under the licensee's direct and exclusive control; and

iv. Linked to a document in such a manner that the digital signature and seal is invalidated if any data in the document is changed. Once the digital signature and seal are applied to the document, the document shall be available in read-only format if the document is to be digitally transmitted.

(b) A licensee who digitally signs and seals a document shall maintain a digital copy of the electronically transmitted document that has also been digitally signed and sealed for future verification purposes.

(c) The pictorial representation of the digital signature and seal shall be readily available to the Board upon request and shall be produced in a manner acceptable to the Board. It shall contain the same words and shall have substantially the same graphic appearance and size as when the image of the digitally transmitted document is viewed at the same size as the document in its original form.

(d) Licensees are responsible for the use of their private digital keys. A lost or compromised key shall not be used and the licensee shall cause a new key pair to be generated in accordance with the criteria set forth in (a) above. A licensee shall take all reasonable steps to ensure that a compromised key is invalidated, and shall inform all affected clients that the digital key has been compromised.