

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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.

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

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

23 (1) when its application would involve a construction

1 of a rule of law that is clearly inconsistent with the
2 manifest intent of the lawmaking body or repugnant to the
3 context of the same rule of law, provided that the mere
4 requirement of a "signature" or that a record be "signed"
5 shall not by itself be sufficient to establish such intent;

6 (2) to any rule of law governing the creation or
7 execution of a will or trust, living will, or healthcare
8 power of attorney; and

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

21 (Source: P.A. 90-759, eff. 7-1-99.)

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

24 (225 ILCS 305/14) (from Ch. 111, par. 1314)

1 (Section scheduled to be repealed on January 1, 2020)

2 Sec. 14. Display of license; Seal. Every holder of a
3 license as a licensed architect shall display it in a
4 conspicuous place in the principal office of the architect.

5 Every licensed architect shall have a reproducible seal, or
6 facsimile, the print of which shall contain the name of the
7 architect, the license number, and the words "Licensed
8 Architect, State of Illinois". The licensed architect shall
9 affix the signature, current date, date of license expiration
10 and seal to the first sheet of any bound set or loose sheets of
11 technical submissions utilized as contract documents between
12 the parties to the contract or prepared for the review and
13 approval of any governmental or public authority having
14 jurisdiction by that licensed architect or under that licensed
15 architect's responsible control. The sheet of technical
16 submissions in which the seal is affixed shall indicate those
17 documents or parts thereof for which the seal shall apply. The
18 seal and dates may be electronically affixed. The licensee may
19 provide, at his or her sole discretion, an original signature
20 in the licensee's handwriting, a scanned copy of the document
21 bearing an original signature, or a signature generated by a
22 computer. ~~The signature must be in the original handwriting of~~
23 ~~the licensee. Signatures generated by computer shall not be~~
24 ~~permitted.~~ All technical submissions issued by any
25 corporation, partnership, professional service corporation, or
26 professional design firm as registered under this Act shall

1 contain the corporate or assumed business name and design firm
2 registration number, in addition to any other seal requirements
3 as set forth in this Section.

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

14 An architect licensed under the laws of this jurisdiction
15 shall not sign and seal technical submissions that were not
16 prepared by or under the responsible control of the architect
17 except that:

18 (1) the architect may sign and seal those portions of
19 the technical submissions that were prepared by or under
20 the responsible control of persons who hold a license under
21 this Act, and who shall have signed and sealed the
22 documents, if the architect has reviewed in whole or in
23 part such portions and has either coordinated their
24 preparation or integrated them into his or her work;

25 (2) the architect may sign and seal portions of the
26 professional work that are not required by this Act to be

1 prepared by or under the responsible control of an
2 architect if the architect has reviewed and adopted in
3 whole or in part such portions and has integrated them into
4 his or her work; and

5 (3) a partner or corporate officer of a professional
6 design firm registered in Illinois who is licensed under
7 the architecture licensing laws of this State, and who has
8 professional knowledge of the content of the technical
9 submissions and intends to be responsible for the adequacy
10 of the technical submissions, may sign and seal technical
11 submissions that are prepared by or under the responsible
12 control of architects who are licensed in this State and
13 who are in the regular employment of the professional
14 design firm.

15 The architect exercising responsible control under which
16 the documents or portions of the documents were prepared shall
17 be identified on the documents or portions of the documents by
18 name and Illinois license number.

19 Any licensed architect who signs and seals technical
20 submissions not prepared by that architect but prepared under
21 the architect's responsible control by persons not regularly
22 employed in the office where the architect is resident shall
23 maintain and make available to the board upon request for at
24 least 5 years following such signing and sealing, adequate and
25 complete records demonstrating the nature and extent of the
26 architect's control over and detailed professional knowledge

1 of such technical submissions throughout their preparation.

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

3 Section 15. The Professional Engineering Practice Act of
4 1989 is amended by changing Section 14 as follows:

5 (225 ILCS 325/14) (from Ch. 111, par. 5214)

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

7 Sec. 14. Seal. Every professional engineer shall have a
8 seal or stamp, the print of which shall be reproducible and
9 contain the name of the professional engineer, the professional
10 engineer's license number, and the words "Licensed
11 Professional Engineer of Illinois". Any reproducible stamp
12 heretofore authorized under the laws of this state for use by a
13 professional engineer, including those with the words
14 "Registered Professional Engineer of Illinois", shall serve
15 the same purpose as the seal provided for by this Act. The
16 engineer shall be responsible for his seal and signature as
17 defined by rule. When technical submissions are prepared
18 utilizing a computer or other electronic means, the seal may be
19 generated by the computer. The licensee may provide, at his or
20 her sole discretion, an original signature in the licensee's
21 handwriting, a scanned copy of the technical submission bearing
22 an original signature, or a signature generated by a computer.
23 ~~Signatures generated by computer shall not be permitted.~~

24 The use of a professional engineer's seal on technical

1 submissions constitutes a representation by the professional
2 engineer that the work has been prepared by or under the
3 personal supervision of the professional engineer or developed
4 in conjunction with the use of accepted engineering standards.
5 The use of the seal further represents that the work has been
6 prepared and administered in accordance with the standards of
7 reasonable professional skill and diligence.

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

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

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

21 (225 ILCS 330/15) (from Ch. 111, par. 3265)

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

23 Sec. 15. Seal. Every Professional Land Surveyor shall have
24 a reproducible seal or facsimile, which may be computer

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

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

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