

Sealing of Record Drawings

By: Kelley P. Cramm, PE, Professional Engineering Division Member

In the past year, several licensees have inquired with the Board regarding sealing of record drawings. Many of us have been required by contract, when working with certain clients, to seal the record drawings at the end of a project. This presents a dilemma for the licensee since the record drawings are typically the original design drawings that have been modified to match “as installed” conditions. As such, these drawings do not represent the work product of the licensed professional. They are simply a record, for the owner’s use, of what was actually installed. There are instances in which they may vary drastically from the original design drawings produced by the licensee.

The applicable State of Missouri statute reads as follows:

327.411. Personal seal, how used, effect of.

Each architect and each professional engineer and each professional land surveyor and each professional landscape architect shall have a personal seal in a form prescribed by the board, and he or she shall affix the seal to all final technical submissions. Technical submissions shall include, but are not limited to, drawings, specifications, plats, surveys, exhibits, reports, and certifications of construction prepared by the licensee, or under such licensee’s immediate personal supervision. Such licensee shall either prepare or personally supervise the preparation of all documents sealed by the licensee, and such licensee shall be held personally responsible for the contents of all such documents sealed by such licensee, whether prepared or drafted by another licensee or not.

The licensee being held personally responsible for the contents of the documents presents a particularly troublesome situation with record drawings. The licensee may not even agree with changes made by the contractor during the course of construction but may be subject to nonpayment of fees if he or she refuses to seal the drawings.

Many of us, when faced with this situation, have come up with carefully worded disclaimers to include on the record drawings, in the hope that such a disclaimer would help mitigate potential liability should a problem arise. This may or may not actually help protect the licensee but certainly can’t hurt.

The long term solution to this issue is to educate our clients on what the statute says, and why requiring licensees to seal record drawings put us in a difficult position both ethically and legally. State law only allows a licensee to seal work that was prepared by the licensee or under the licensee’s direct personal supervision. Record drawings are a record of what the contractor installed and thus were not under the licensee’s direct personal supervision. Legally, a licensee is not allowed to seal these documents.

There is no easy answer to this problem. I encourage you to sit down with your clients, show them the wording in the statute, and explain to them why requiring the design professional to seal record drawings is inappropriate.