

AFS-750 Change Bulletin 16-03

Date: March 28, 2016

Subject: Acceptance of Documents with Legible Digital Signatures

To: All AFS-750 Employees and PD Room Users

Background: On October 21, 1998 Public Law 105-277, Government Paperwork Elimination Act, directed the Office of Management and Budget (OMB) to develop procedures for the use and acceptance of electronic signatures by Executive agencies. The Act states “...The procedures developed ...shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments.”

On June 30, 2000, the President signed into law the Electronic Signatures in Global and National Commerce Act (E-SIGN). E-SIGN promotes the use of electronic contract formation, signatures, and recordkeeping in private commerce by establishing legal equivalence between:

- Contracts written on paper and contracts in electronic form;
- Pen-and-ink signatures and electronic signatures; and
- Other legally-required written documents (termed “records”) and the same information in electronic form.

On October 29, 2002 the Director of Flight Standards Service issued Advisory Circular No. 120-78. The purpose of the advisory circular was to provide guidance on the acceptance and use of electronic signatures to satisfy certain operational and maintenance requirements. The advisory circular states an electronic signature may be in the following forms.

- A digital signature
- A digitized image of a paper signature
- A typed notation
- An electronic code
- Any other unique form of individual identification that can be used as a means of authenticating a record, record entry, or document

On October 31, 2008 the U.S. Department of Transportation, Federal Aviation Administration, published FAA Order 1370.104, Digital Signature Policy. This order established the FAA policy for the use of digital signatures. The order states “...Electronic signatures describe digital markings used to bind a party or to authenticate a record. It is considered the digital equivalent of the traditional handwritten signature used to sign a contract or document.” The policy defines a digital signature as follows:

“Digital signatures are a type of electronic signature that is legally acceptable and offers both signer and transaction authentication. The digital signature is the most secure and full-featured type of electronic signature. Digital signatures are federally acceptable types of electronic

signatures for business transactions as specified in the National Institutes of Standards and Technology (NIST) guidelines.”

14 CFR Part 47.13(a) states “...Each person signing an Aircraft Registration Application, AC Form 8050-1, or a document submitted as supporting evidence under this part, must sign in ink **or by other means acceptable to the FAA** (emphasis added)...”

14 CFR Part 49.13(a) states “...Each signature on a conveyance must be in ink.”

Black’s Law Dictionary, 7th Edition, defines a signature as “A person’s name or mark written by that person or at the person’s direction and any name, mark or writing used with the intention of authenticating a document.” Black’s Law Dictionary, 7th Edition, also defines a digital signature as “A secure, digital code attached to an electronically transmitted message that uniquely identifies and authenticates the sender.”

Based upon the foregoing background information the Civil Aviation Registry, Aircraft Registration Branch, has determined that the acceptance of printed duplicates of electronic documents that display legible digital signatures satisfy the signature requirements of Parts 47 and 49.

The Change: Effective April 1, 2016 the Aircraft Registration Branch (Registry) will accept printed duplicates of electronic documents that display legible digital signatures and are filed in compliance with Parts 47 and 49. These documents include but are not limited to the following:

- Aircraft Registration Application, AC Form 8050-1
- Aircraft Bill of Sale, AC Form 8050-2, or equivalent transfer documents
- Security documents
- Conditional Sales Contracts
- Leases
- Any supporting authorization documents such as Powers of Attorney, Trusts, Trust related documents, LLC statements, etc...

In order to accommodate applicants for aircraft registration, the Registry will make available a downloadable Aircraft Registration Application (application), AC Form 8050-1, that applicants may sign using a legible digital signature. Applicants may also sign the downloadable application in ink. A printed duplicate of the digitally signed application may be submitted in support of aircraft registration. However, if the application is signed in ink, the ink signed application must be submitted. A second duplicate copy, whether digitally signed or ink signed, must be retained and placed in the aircraft as temporary authority to operate the aircraft within the U.S. pending registration in accordance with §47.31(c).

The current paper application with the duplicate pink copy will continue to be accepted until such time that inventory is depleted. No additional stock will be ordered.

A policy clarification on the acceptance of printed duplicates of documents signed using a digital signature as “other means acceptable to the FAA” will be published in the Federal Register in the near future.

The Process: The Cashier’s Control Section will treat documents containing apparent digital signatures as if they are signed in ink. A “CAR COPY” stamp will not be applied.

Legal Instruments Examiners will review each document and determine if the document has a legible and acceptable digital signature.

A legible and acceptable digital signature will have, at minimum, the following components:

- 1) Shows the name of the signer and is applied in a manner to execute or validate the document;
- 2) Includes the typed or printed name of the signer below or adjacent to the signature when the signature uses a digitized or scanned version of the signer’s hand scribed signature or the name is in a cursive font;
- 3) Shows the signer’s corporate, managerial, or partnership title as part of or adjacent to the digital signature when the signer is signing on behalf of an organization or legal entity;
- 4) Shows evidence of authentication of the signer’s identity such as the text “digitally signed by” along with the software provider’s seal /watermark, date and time of execution; or, have an authentication code or key identifying the software provider; and
- 5) Has a font, size and color density that is clearly legible and reproducible when reviewed, copied and scanned into a black on white format.

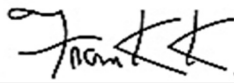
Documents digitally signed in the forgoing manner will be considered facially valid and will be acceptable for review and consideration by the Registry for recordation and registration purposes.

The following are some samples of acceptable legible digital signatures:

By: John Q. Public	Digitally signed by John Q. Public Date: 2016.01.28 11:08:52-06'00'
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OWNER: Lisa Radandt DocuSigned by: <i>Lisa Radandt</i> By _____ (Signature) 12845D6E373402...	(Note: This sample isn’t clearly legible. In order to accept this, the image must be clearer when scanned into a packet.)
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Card Number _____



Digitally signed by Frank
Kricfalusi
Date: 2009.10.29 20:07:09 -04'00'

Authorized By

Finance Corporation * 123, Any Ave * Any Town * Any Country * PA

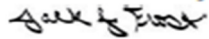
RSA Encrypted Digital Biometric Signature



Signed By: Russell King on 12/14/2005 at 5:55 PM

Signature Text

Jack F. Frost
2011.06.09 10:48:31 E
Buffalo, NY
Document Security



Seal

This memorandum is issued by the FAA Aircraft Registration Branch on February 20, 2016

By: *Bonnie Lefko* 2016.02.20 7:00: -43:37:21N by I40

Bonnie Lefko

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