

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: April 14, 2016.

Stephanie L. Richardson,
Secretary to the Commission.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Policy Clarification for Acceptance of Documents With Digital Signatures by the Federal Aviation Administration Aircraft Registry

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of FAA policy clarification.

SUMMARY: Notice is hereby given of the FAA’s clarification of its policy regarding the acceptance of documents submitted to the FAA Aircraft Registry with digital signatures in support of aircraft registration under 14 CFR 47.13 and conveyances or security documents submitted to the FAA Aircraft Registry regarding claims and interests under 14 CFR 49.13.

DATES: *Effective Date:* The policy described herein is effective May 1, 2016.

FOR FURTHER INFORMATION CONTACT: Ladeana G. Peden at 405–954–3296, Office of Aeronautical Center Counsel (AMC–7), Federal Aviation Administration, 6500 S. MacArthur Blvd., Oklahoma City, Oklahoma 73169.

Background

The FAA reviewed policies and practices regarding the acceptance of digital signatures on documents filed with the FAA Aircraft Registry. Based on that review we find that signatures, other than hand scribed signatures, are acceptable under State law. (Historically, the FAA has accepted instruments, for recording, based on their validity under state law. See *Maricopa County v. Osborn*, 60 Ariz 290 (1943); and *State of North Carolina v. David Leroy Watts*, 222 SE. 2d 389 (1976). Selected State statutes also provide that digitally signed communications are signed writings. See Ca. Gov’t Code 16.5 (West 1995); also the Illinois Financial Institutions Digital Signature Act, 205 Ill. Comp.

Stat. 705/10 (West 1998). For a general discussion of Signatures, see *Corpus Juris Secundum*, 80 C.J.S. *Signatures*, § 7 (2000).

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 Federal agencies. The Act requires that, when practicable, Federal agencies should use electronic forms, electronic filing, and digital signatures to conduct official business with the public.

The Electronic Signatures in Global and National Commerce Act, Public Law (Pub. L.) 106–229, enacted June 30, 2000, provides that the use of electronic records and electronic signatures is an acceptable practice when conducting interstate and foreign commerce.

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:

. . . 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 47.13(a) provides “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 49.13(a) provides “Each signature on a conveyance must be in ink.”

Black’s Law Dictionary, 7th Edition (“Black’s”), defines a signature as “[a] person’s name or mark written by that person or at the person’s direction. 2. . . . Any name, mark or writing used with the intention of authenticating a document.” Black’s defines a digital signature as “[a] secure, digital code attached to an electronically transmitted message that uniquely identifies and authenticates the sender.”

Based on the foregoing, the FAA Civil Aviation Registry, Aircraft Registration Branch determined that ink signatures and legible digital signatures, comply

with the signature requirements of 14 CFR parts 47 and 49.

Policy Clarification

Effective May 1, 2016 the FAA Civil Aircraft Registry, Aircraft Registration Branch (the “Aircraft Registry”) will accept printed duplicates of electronic documents that display legible, digital signatures that are filed in compliance with Parts 47 and 49 of the FAA Regulations (14 CFR parts 47 & 49). These documents include but are not limited to the following:

- (i) Aircraft Registration Application, AC Form 8050–1;
- (ii) Aircraft Bill of Sale, AC Form 8050–2, or equivalent transfer documents;
- (iii) Security documents;
- (iv) Conditional Sales Contracts;
- (v) Leases; and,
- (vi) Any supporting authorization documents such as Powers of Attorney, Trust Agreements, and supplements of related documents, and Limited Liability Company Statements, et-cetera.

In order to accommodate applicants for aircraft registration, the Aircraft Registry will make available a downloadable Aircraft Registration Application, AC Form 8050–1. Applicants may sign the form using a legible digital signature. A printed duplicate of the digitally signed application may be submitted in support of aircraft registration and a second duplicate copy may be retained in the aircraft as temporary 47.31 authority to operate the aircraft within the United States, in lieu of the pink copy of Form 8050–1 permitted under 14 CFR 47.31(c), pending registration of the aircraft.

Upon receipt of a document with a digital signature by the FAA Civil Aircraft Registry, Aircraft Registration Branch (the Aircraft Registry), FAA Legal Instrument Examiners will review each document and determine whether 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 FAA Civil Aircraft Registry, Aircraft Registration Branch (the Aircraft Registry) for recordation and registration purposes.

Issued in Washington, DC, on April 13, 2016.

John S. Duncan,
Director, Flight Standards Service.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2014-0071]

Hours of Service of Drivers: McKee Foods Transportation LLC, Exemption; FAST Act Extension of Expiration Date

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; extension of exemption.

SUMMARY: FMCSA announces the extension of the exemption granted to McKee Foods Transportation, LLC, (MFT) on March 27, 2015, for transportation by their team drivers utilizing the sleeper-berth (S/B). The Agency extends the expiration date from March 27, 2015, to March 27, 2020, in response to Section 5206(b)(2)(A) of the "Fixing America's Surface Transportation Act" (FAST Act). That section extends the expiration date of hours-of-service (HOS) exemptions in effect on the date of enactment of the FAST Act to 5 years from the date of issuance of the exemptions. The MFT exemption from the Agency's S/B requirement is limited to team drivers employed by MFT to allow these drivers to split S/B time into two periods totaling at least 10 hours, provided neither of the two periods is less than 3 hours in length. The Agency previously determined that the commercial motor vehicle operations of MFT drivers under this exemption would likely achieve a level of safety equivalent to or greater than the level of

safety that would be obtained in the absence of the exemption.

DATES: This limited exemption is effective from March 27, 2015, through March 27, 2020.

SUPPLEMENTARY INFORMATION:

Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** [49 CFR 381.315(a)].

Section 5206(b)(2)(A) of the FAST Act requires FMCSA to extend any exemption from any provision of the HOS regulations under 49 CFR part 395 that was in effect on the date of enactment of the Act to a period of 5 years from the date the exemption was granted. The exemption may be renewed. Because this action merely implements a statutory mandate that took effect on the date of enactment of the FAST Act, notice and comment are not required.

MFT Exemption

MFT, a private motor carrier, applied for an exemption to eliminate the requirement that S/B time include a period of at least 8 but less than 10 consecutive hours in the S/B and a separate period of at least 2 but less than 10 consecutive hours either in the S/B or off duty, or any combination thereof [49 CFR 395.1(g)(1)(ii)(A)(1)]. The exemption is limited to team drivers, and these team drivers are allowed to split S/B time into two periods totaling at least 10 hours, provided neither of the two periods is less than 3 hours in length.

FMCSA reviewed MFT's application and the public comments and concluded that granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation. A Notice of Final Determination granting the MFT exemption was published on March 27, 2015 [80 FR 16503].

The substance of the exemption is not affected by this extension. The exemption covers only the split S/B requirement [49 CFR 395.1(g)(1)(ii)(A)(1-2)]. The exemption is restricted to MFT team drivers, who utilize electronic logging devices to track records of duty status; have a minimum 26-hour off-duty period, at home, from Friday night to Saturday night; and are limited to 10 hours of driving following their required 10 consecutive hours off duty, or the S/B equivalent.

The FMCSA does not believe the safety record of any driver operating under this exemption will deteriorate. However, should deterioration in safety occur, FMCSA will take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA has the authority to terminate the exemption at any time the Agency has the data/information to conclude that safety is being compromised.

Issued on: April 13, 2016.

T.F. Scott Darling, III,
Acting Administrator.

[FR Doc. 2016-09112 Filed 4-19-16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2016-0130]

Commercial Driver's License: Missouri Department of Revenue (DOR); Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that it has received an application from the Missouri Department of Revenue (DOR), Driver's License Bureau, for a limited exemption from the Agency's commercial driver's license (CDL) regulations. These regulations require a driver to pass the general knowledge test before being issued a Commercial Learner's Permit (CLP). The Missouri DOR requests an exemption from knowledge test requirement for qualified veterans who participated in dedicated training in approved military programs. The Missouri DOR states that its goal is to assist qualified veterans in obtaining employment when returning to the civilian workforce, and that granting this exemption will assist veterans who have already been through extensive military training. FMCSA requests public comment on the exemption application. In addition, because the issue raised by the Missouri DOR is not unique to that State, FMCSA requests public comment whether the exemption, if granted, should cover all State Driver's Licensing Agencies (SDLAs).

DATES: Comments must be received on or before May 20, 2016.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA-