

45: 8-56

**LEGISLATIVE HISTORY CHECKLIST**  
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(Engineering & land surveying--  
Revise requirements for regulations)

**NJSA:** 45:8-56

**LAWS OF:** 1989 **CHAPTER:** 276

**BILL NO:** A5048

**SPONSOR(S):** Penn

**DATE INTRODUCED:** November 27, 1989

**COMMITTEE:** **ASSEMBLY:** Higher Education and Regulated Professions  
**SENATE:** ---

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
denoted by asterisks

**DATE OF PASSAGE:** **ASSEMBLY:** December 18, 1989  
**SENATE:** December 21, 1989

**DATE OF APPROVAL:** January 8, 1990

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** No

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

§§7-11 -  
C.45:8-56 to  
45:8-60  
§12-Repealer  
§13-Note to §§1-12

P.L.1989, CHAPTER 276, *approved January 8, 1990*  
1989 Assembly No. 5048 (*First Reprint*)

1 **AN ACT** concerning the practice of engineering and land  
2 surveying, amending P.L.1938, c.342 and P.L.1952, c.130,  
3 supplementing chapter 8 of Title 45 of the Revised Statutes  
4 and repealing section 18 of P.L.1938, c.342.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the  
7 State of New Jersey:

8 1. Section 1 of P.L.1938, c.342 (C. 45:8-27) is amended to read  
9 as follows:

10 1. In order to safeguard life, health and property, and promote  
11 the public welfare, any person practicing or offering to practice  
12 professional engineering or professional land surveying in this  
13 State shall hereafter be required to submit evidence that he is  
14 qualified so to practice and shall be licensed as hereinafter  
15 provided. After the date upon which this chapter becomes  
16 effective, it shall be unlawful for any person to practice or to  
17 offer to practice engineering or land surveying in this State, or to  
18 use the title professional engineer or land surveyor or any other  
19 title, sign, card or device in such manner as to tend to convey the  
20 impression that such person is practicing engineering or land  
21 surveying or is a professional engineer or land surveyor, unless  
22 such person is duly licensed under the provisions of this chapter.  
23 Every holder of a license shall display it in a conspicuous place in  
24 his principal office, place of business or employment.

25 No corporation, firm, partnership or association shall be  
26 granted a license under this chapter; however, certain  
27 corporations shall be required to obtain a certificate of  
28 authorization as provided pursuant to P.L. c. (C. )(now  
29 pending before the <sup>1</sup>[legislature] Legislature<sup>1</sup> as this bill.) No  
30 corporation, firm, partnership or association shall use or assume a  
31 name involving the word "engineers" or "engineering" or any

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:  
<sup>1</sup> Assembly ARE committee amendments adopted December 7, 1989.

1 modification or derivative of such terms, unless an executive  
2 officer, if a corporation, or a member, if a firm, partnership or  
3 association, shall be a licensed professional engineer of the State  
4 of New Jersey.

5 No corporation, firm, partnership or association shall use or  
6 assume a name involving the words "surveyors," "land  
7 surveyors," "surveying," or "land surveying," or any modification  
8 or derivative of such terms, unless an executive officer, if a  
9 corporation, or a member, if a firm, partnership, or association,  
10 shall be a licensed land surveyor of the State of New Jersey.

11 No corporation, firm, partnership or association shall practice  
12 or offer to practice engineering or land surveying in this State  
13 unless the person or persons in responsible charge of engineering  
14 or land surveying work shall be so licensed to practice in this  
15 State. The person or persons carrying on the actual practice of  
16 professional engineering or land surveying on behalf of or  
17 designated as "engineers" or "surveyors" or "professional  
18 engineers" or "land surveyors," with or without qualifying or  
19 characterizing words, by any such corporations, firms,  
20 partnerships or associations, shall be licensed to practice  
21 professional engineering or land surveying as provided in this  
22 chapter.

23 Services constituting the practice of professional engineering  
24 shall not be rendered or offered through any business association  
25 other than a sole proprietorship of a professional engineer, a  
26 partnership of professional engineers, a partnership of closely  
27 allied professionals <sup>1</sup>[or certified landscape architects, or both,]<sup>1</sup>  
28 including at least one professional engineer, a professional  
29 service corporation established pursuant to the "Professional  
30 <sup>1</sup>[Services] Service<sup>1</sup> Corporation Act," P.L.1969, c.232  
31 (C.14A:17-1 et seq.) or a corporation authorized pursuant to  
32 P.L. c. (C. ) (now pending before the Legislature as this  
33 bill.)

34 Services constituting the practice of land surveying shall not be  
35 rendered or offered through any business association other than a  
36 sole proprietorship of a land surveyor, a partnership of land  
37 surveyors, a partnership of closely allied professionals <sup>1</sup>[or  
38 certified landscape architects, or both,]<sup>1</sup> including at least one  
39 land surveyor, a professional service corporation established

1 pursuant to the "Professional <sup>1</sup>[Services] Service<sup>1</sup> Corporation  
2 Act," P.L.1969, c.232 (C.14A:17-1 et seq.) or a corporation  
3 authorized pursuant P.L. c. (C. ) (now pending before the  
4 Legislature as this bill.)

5 Nothing in this act shall be construed as required licensing for  
6 the purpose of practicing professional engineering or land  
7 surveying by any person, firm, or corporation upon property  
8 owned or leased by such person, firm or corporation, unless the  
9 same involves the public safety, public health or public welfare.  
10 (cf: P.L.1970, c.177, s.1)

11 2. Section 2 of P.L.1938, c.342 (C.45: 8-28) is amended to read  
12 as follows:

13 2. (a) The term "professional engineer" within the meaning  
14 and intent of this chapter shall mean a person who by reason of  
15 his special knowledge of the mathematical and physical sciences  
16 and the principles and methods of engineering analysis and design,  
17 acquired by professional education and practical experience, is  
18 qualified to practice engineering as hereinafter defined as  
19 attested by his license as a professional engineer.

20 (b) The terms "practice of engineering" or "professional  
21 engineering" within the meaning and intent of this chapter shall  
22 mean any [professional] service or creative work [requiring] the  
23 adequate performance of which requires engineering education,  
24 training, and experience and the application of special knowledge  
25 of the mathematical, physical and engineering sciences to such  
26 [professional] services or creative work as consultation,  
27 investigation, evaluation, planning [, design or general supervision  
28 of construction or operation for the purpose of assuring  
29 compliance with plans, specification and design in connection  
30 with any public or private engineering or industrial project] and  
31 design of engineering works and systems, planning the use of land  
32 and water, engineering studies, and the administration of  
33 construction for the purpose of determining compliance with  
34 drawings and specifications; any of which embraces such services  
35 or work, either public or private, in connection with any  
36 engineering project including: utilities, structures, buildings,  
37 machines, equipment, processes, work systems, projects,  
38 telecommunications, or equipment of a mechanical, electrical,  
39 hydraulic, pneumatic or thermal nature, insofar as they involve

1 safeguarding life, health or property, and including such other  
2 professional services as may be necessary to the planning <sup>1,1</sup>  
3 progress and completion of any engineering services. The design  
4 of buildings by professional engineers shall be consistent with  
5 section 7 of <sup>1</sup>the "Building Design Services Act,"<sup>1</sup> P.L. c.  
6 (C. ) (now pending before the Legislature as Assembly Bill No.  
7 <sup>15049</sup><sup>1</sup> of 1989).

8 The practice of professional engineering shall not include the  
9 work ordinarily performed by persons who operate or maintain  
10 machinery or equipment. The provisions of this chapter shall not  
11 be construed to prevent or affect the employment of architects  
12 in connection with engineering projects within the scope of the  
13 act to regulate the practice of architecture and all the  
14 amendments and supplements thereto.

15 A person shall be construed to practice or offer to practice  
16 engineering, within the meaning and intent of this chapter, who  
17 practices any branch of the profession of engineering; or who, by  
18 verbal claim, sign, advertisement, letterhead, card, or in any  
19 other way represents himself to be a professional engineer, or  
20 through the use of some other title utilizing or including the word  
21 engineer, implies that he is a professional engineer; or who  
22 represents himself as able to perform, or who does perform any  
23 engineering service or work or any other professional service  
24 recognized by the [professional engineer or by educational  
25 authorities] board as professional engineering.

26 Nothing herein shall prohibit licensed architects from providing  
27 or offering services consistent with the "Building Design Services  
28 Act," P.L.....c.....(C.....)(now pending before the Legislature  
29 as Assembly Bill No. <sup>15049</sup><sup>1</sup> of 1989).

30 (c) The term "engineer-in-training" as used in this chapter  
31 shall mean a person who is a potential candidate for license as a  
32 professional engineer who is a graduate in an approved  
33 engineering curriculum of 4 years or more from a school or  
34 college accredited by the board as of satisfactory standing, and  
35 who, in addition, has successfully passed an examination in the  
36 fundamental engineering subjects, as defined elsewhere herein.

37 (d) The term "land surveyor" as used in this chapter shall mean  
38 a person who engages in the practice of land surveying as  
39 hereinafter defined.

1 (e) The practice of land surveying within the meaning and  
2 intent of this chapter includes surveying of areas for their  
3 correct determination and description and for conveyancing, and  
4 for the establishment or reestablishment of land boundaries and  
5 the plotting of lands and subdivisions thereof, and such  
6 topographical survey and land development as is incidental to the  
7 land survey.

8 (f) The term "board" as used in this chapter shall mean the  
9 State Board of Professional Engineers and Land Surveyors.

10 (g) The term "responsible charge" as used in this chapter shall  
11 mean [a degree of competence and accountability acquired by  
12 technical education, engineering practice and experience of a  
13 professional character sufficient to qualify an individual to  
14 engage personally and independently in the control and direction  
15 of investigation, design, construction or operation of engineering  
16 works requiring professional skill, initiative and independent  
17 judgment] the rendering of regular and effective supervision by a  
18 competent professional engineer to those individuals performing  
19 services which directly and materially affect the quality and  
20 competence of engineering services rendered by the licensee. A  
21 licensee engaged in any of the following acts or practices shall be  
22 deemed not to have rendered regular and effective supervision:

23 (1) The regular and continuous absence from principal office  
24 premises from which professional services are rendered, except  
25 for performance of field work or presence in a field office  
26 maintained exclusively for a specific project;

27 (2) The failure to personally inspect or review the work of  
28 subordinates where necessary and appropriate;

29 (3) The rendering of a limited, cursory or perfunctory review  
30 of plans or projects in lieu of an appropriate detailed review;

31 (4) The failure to personally be available on a reasonable basis  
32 or with adequate advance notice for consultation and inspection  
33 where circumstances require personal availability.

34 (h) The term "certificate of authorization<sup>1</sup>[:]<sup>1</sup> shall mean a  
35 certificate issued by the board pursuant to this <sup>1</sup>[Act]  
36 amendatory and supplementary act<sup>1</sup> .

37 (i) The term "joint committee" shall mean the Joint  
38 Committee of Architects and Engineers established pursuant to  
39 the "Building Design Services Act," P.L. ,c. (C. )(now

1 pending before the Legislature as Assembly Bill No. 15049<sup>1</sup> of  
2 1989).

3 (j) The term "closely allied professional" as used in this  
4 chapter shall mean and is limited to licensed architects,  
5 professional engineers, land surveyors, and professional planners.

6 (k) The term "telecommunications" as used in this chapter,  
7 shall mean, as it is applied to the practice of engineering,  
8 subjects which deal with the generation, transmission, receiving,  
9 and processing of information bearing signals for the purpose of  
10 fulfilling a particular communication need. The most common  
11 forms of signals are those encountered in voice, image and data  
12 transmission. Subjects relevant to telecommunications include  
13 but are not limited to: analog and digital circuits, propagation of  
14 electromagnetic energy through guided media such as a  
15 transmission line, fibers, wave guides, and unguided media such as  
16 free space as in broadcast and mobile communication systems,  
17 communication theory, including modulation, noise interference,  
18 and the interface with computers.

19 (cf: P.L.1977, c.340, s.1)

20 3. Section 9 of P.L.1938, c.342 (C.45:8-35) is amended to read  
21 as follows:

22 9. Applications for license as professional engineers shall be  
23 on forms prescribed and furnished by the board, shall contain  
24 statements under oath, showing the applicant's education and  
25 detailed statement of his engineering experience, and shall  
26 contain not less than five references, of whom three or more  
27 shall be licensed professional engineers having personal  
28 knowledge of the applicants engineering experience.

29 The application fee for professional engineers shall be [\$40.00  
30 or when the applicant applies for license to practice both  
31 professional engineering and land surveying, the fee shall be  
32 \$50.00,] set by the board and [in either case] shall accompany the  
33 application.

34 Applications for license as land surveyors shall be on forms  
35 prescribed and furnished by the board, shall contain statements  
36 under oath, showing the applicant's education and detailed  
37 statement of his land surveying experience, and shall contain not  
38 less than five references, of whom three or more shall be licensed  
39 land surveyors having personal knowledge of the applicant's land

1 surveying experience.

2 The application fee for land surveyors shall be [\$40.00] set by  
3 the board and shall accompany the application.

4 Applications for a certificate of registration as  
5 "engineer-in-training" shall be on forms prescribed and furnished  
6 by the board, shall be accompanied by a fee [of \$10.00] set by the  
7 board and shall contain the names of three references of whom at  
8 least one shall be a [licensed] professional engineer having  
9 personal knowledge of the applicant's engineering education,  
10 experience or training.

11 All application fees shall be retained by the board.

12 The following shall be considered as minimum evidence  
13 satisfactory to the board that the applicant is qualified for a  
14 license as a professional engineer, or as a land surveyor, or for  
15 certificate of registration as engineer-in-training, to wit:

16 (1) As a professional engineer:

17 a. Graduation from [an] a board approved curriculum in  
18 engineering of four years or more [in a school or college approved  
19 by the board as of satisfactory standing]; a specific record of an  
20 additional four years or more of experience in engineering work  
21 of a character satisfactory to the board, and indicating that the  
22 applicant is competent to be placed in responsible charge of such  
23 work; and successfully passing [a] all parts of the written [, or  
24 written and oral,] examination; or

25 b. Graduation from [an] a board approved [science] curriculum  
26 [, related to engineering,] in engineering technology of four years  
27 or more [in a school or college approved by the board as of  
28 satisfactory standing]; a specific record of an additional six years  
29 or more of experience in engineering work of a character  
30 satisfactory to the board, and indicating that the applicant is  
31 competent to be placed in responsible charge of such work; and  
32 successfully passing all parts of the written [, or written and  
33 oral,] examination; or

34 c. Graduation from [an] a board approved curriculum in  
35 engineering or [related science] engineering technology of four  
36 years or more [in a school or college approved by the board as of  
37 satisfactory standing]; a specific record of an additional 15 years  
38 or more of experience in engineering work of a character  
39 satisfactory to the board and indicating that the applicant is

1 competent to be placed in responsible charge of such work; and  
2 successfully passing the specialized portion of the written [, or  
3 written and oral,] examination which is designated as Part P; or

4 d. [A certificate of qualification of registration issued to him  
5 by proper authority of the National Council of Engineering  
6 Examiners may, in the discretion of the board, be accepted as  
7 minimum evidence satisfactory to the board that the applicant is  
8 qualified for license as a professional engineer; or] Deleted by  
9 amendment, P.L. c. .

10 e. A certificate [of qualification] of registration, issued by any  
11 state or territory or possession of the United States, or of any  
12 country, may, in the discretion of the board, be accepted as  
13 minimum evidence satisfactory to the board that the applicant is  
14 qualified for registration as a professional engineer; provided that  
15 the requirements for license by the issuing agency are at least  
16 comparable to [those] the requirements of the board in effect at  
17 the time of application.

18 (2) As a land surveyor:

19 a. (i) [During the five years immediately following the  
20 effective date of this 1985 amendatory act] Until December 31,  
21 1990, successful completion of [an] a board approved program in  
22 surveying in a school or college approved by the board as of  
23 satisfactory standing; an additional four years or more of  
24 experience in land surveying work of a character satisfactory to  
25 the board and indicating that the applicant is competent to be  
26 placed in responsible charge of such work; and successfully  
27 passing a written examination; or

28 (ii) [On or after the first day of the sixth year following the  
29 effective date of this 1985 amendatory act] Effective January 1,  
30 1991, graduation from [an] a board approved curriculum in  
31 surveying of four years or more [in a school or college approved  
32 by the board as of satisfactory standing]; an additional three  
33 years or more of experience in land surveying work of a character  
34 satisfactory to the board and indicating that the applicant is  
35 competent to be placed in responsible charge of that work; and  
36 successfully passing [a] all parts of the written examination; or

37 b. [During the five years immediately following the effective  
38 date of this 1985 amendatory act] Until December 31, 1990,  
39 successfully passing a written examination in surveying

1 prescribed by the board; and a specific record of six years or  
2 more of experience in land surveying work of a character  
3 satisfactory to the board and indicating that the applicant is  
4 competent to be placed in responsible charge of such work; or

5 c. (Deleted by amendment, P.L.1977, c.340.)

6 d. A certificate [of qualification] of registration, issued by any  
7 state or territory or possession of the United States, or of any  
8 country, may, in the discretion of the board, be accepted as  
9 minimum evidence satisfactory to the board that the applicant is  
10 qualified for registration as a land surveyor; provided that the  
11 requirements for license by the issuing agency are at least  
12 comparable to [those] the requirements of the board in effect at  
13 the time of application.

14 (3) As an engineer-in-training:

15 a. Graduation from [an] a board approved curriculum in  
16 engineering or engineering technology of four years or more [in a  
17 school or college approved by the board]; and successfully passing  
18 the fundamentals portion of the written examination which is  
19 designated as Part F [; or] .

20 b. [Graduation from an approved science curriculum, related  
21 to engineering, of four years or more in a school or college  
22 approved by the board; a specific record of an additional two  
23 years or more of engineering work of a character satisfactory to  
24 the board; and successfully passing the fundamentals portion of  
25 the written examination.] Deleted by amendments. P.L. c. .

26 Qualifications.

27 An applicant for license as a professional engineer or land  
28 surveyor shall be able to speak and write the English language.  
29 All applicants shall be of good character and reputation.

30 Completion of a master's degree in engineering [or a related  
31 science] shall be considered as equivalent to one year of  
32 engineering experience and completion of a doctor's degree in  
33 engineering [or related science] shall be considered as equivalent  
34 to one additional year of engineering experience.

35 In considering the qualifications of applicants, engineering  
36 teaching experience may be [construed] considered as engineering  
37 experience for a credit not to exceed two years.

38 The mere execution, as a contractor, of work designed by a  
39 professional engineer, or the supervision of construction of such

1 work as a foreman or superintendent, or the observation of  
2 construction as an inspector or witness shall not be deemed to be  
3 experience in engineering work.

4 Any person having the necessary qualifications prescribed in  
5 this chapter to entitle him to a license shall be eligible for such  
6 license, although he may not be practicing his profession at the  
7 time of making the application.

8 A quorum of the examining board shall not be required for the  
9 purpose of passing upon the issuance of a license to any applicant  
10 [shall consist of three members]; provided that no action on any  
11 application shall be taken without at least three votes in accord.

12 Engineering experience of a character satisfactory to the board  
13 shall be determined by the board's evaluation of the applicant's  
14 experience relative to the ability to design and supervise  
15 engineering projects and works so as to insure the safety of life,  
16 health and property.

17 The scope of the examination for professional engineering and  
18 methods of procedure shall be prescribed by the board with  
19 special reference to the applicant's ability to design and  
20 supervise engineering projects and works so as to insure the  
21 safety of life, health and property. Examinations shall be given  
22 for the purpose of determining the qualifications of applicants for  
23 license separately in professional engineering and in land  
24 surveying. A candidate failing an examination may apply for  
25 reexamination to the extent permitted by regulations of the  
26 board. Subsequent examinations will [be granted upon] require  
27 the payment of [a fee of \$15.00] fees set by the board. The board  
28 will schedule two examinations per year, dates and places to be  
29 determined by the board.

30 Examinations of applicants for license as professional engineers  
31 will be divided into two parts, as follows:

32 Part [I] F--Fundamentals of Engineering--This examination is  
33 intended to assess the applicant's competency in the fundamental  
34 engineering subjects and basic engineering sciences, such as  
35 mathematics, chemistry, physics, statics, dynamics, materials  
36 science, mechanics of materials, structures, fluid mechanics,  
37 hydraulics, thermodynamics, electrical theory, and economics. A  
38 knowledge of P.L.1938, c.342 (C.45:8-27 et seq.) is also required.

39 Part [II] P--Specialized Training--This examination is intended

1 to assess the extent of the applicant's more advanced and  
2 specialized professional training and experience especially in his  
3 chosen field of engineering.

4 Applicants for certificates of registration as  
5 engineers-in-training shall qualify by satisfactorily passing the  
6 fundamentals portion of the written examination.

7 The scope, time and place of the examinations for applicants  
8 for certificates of registration as "engineers-in-training" shall be  
9 prescribed by the board. A candidate failing [on first] an  
10 examination may apply for reexamination to the extent permitted  
11 by the regulations of the board. Subsequent examinations will [be  
12 granted upon] require the payment of [a fee of \$10.00] fees set by  
13 the board.

14 (cf: P.L.1985, c.31, s.1)

15 4. Section 9 of P.L.1938, c.342 (C.45:8-39) is amended to read  
16 as follows:

17 9. a. Any person who, hereafter, is not legally authorized to  
18 practice professional engineering or land surveying in this State  
19 according to the provisions of this act, who shall so practice or  
20 offer so to practice in this State, except as provided in section 14  
21 of this act, or any person presenting or attempting to file as his  
22 own the certificate of license of another, or who shall give false  
23 or forged evidence of any kind to the board, or to any member or  
24 representative thereof, in obtaining a certificate of license, or  
25 who shall falsely impersonate another licensed practitioner of  
26 like or different name, or who shall use or attempt to use an  
27 expired certificate of license, or an unexpired and revoked  
28 certificate of license, or who shall use the title  
29 "Engineer-in-Training" without holding a valid certificate of  
30 registration issued by the board, or who shall otherwise violate  
31 any of the provisions of this act, shall be subject to a penalty of  
32 not more than \$200.00 for the first offense and not more than  
33 \$500.00 for each and every subsequent offense. The penalties  
34 provided for by this section shall be sued for and recovered in  
35 civil actions by the State Board of Professional Engineers and  
36 Land Surveyors.

37 b. Pursuant to the provisions of the "Building Design Services  
38 Act," P.L. c. (C. )(now pending before the Legislature  
39 as Assembly Bill No. 15049<sup>1</sup> of 1989) the board:

1       (1) May refer any complaint, question or controversy involving  
2 the application of that act to the joint committee.

3       (2) Shall take no disciplinary action against any licensed  
4 architect alleged to have engaged in a violation of that act or the  
5 unlicensed practice of engineering.

6       (3) Shall refer a request for a declaratory ruling to the joint  
7 committee.

8       (4) Shall provide any and all documents in its possession  
9 regarding any matter referred to the joint committee.

10       (5) Shall, when necessary and appropriate, exercise the  
11 investigation or enforcement powers conferred by law to aid and  
12 assist the joint committee in its functions.

13       (6) Shall, consistent with that act, discipline any professional  
14 engineer who, or business association authorized to offer  
15 engineering services which <sup>1,1</sup> violates that act. Such a violation  
16 shall be deemed professional misconduct. Any violation of that  
17 act by an unlicensed individual or unauthorized business  
18 association shall be disciplined by the <sup>1</sup>New Jersey State<sup>1</sup> Board  
19 of Architects <sup>1</sup>[, consistent with the Uniform Enforcement Act,  
20 P.L.1978, c.73 (C.45:1-15 et seq.)] pursuant to the provisions of  
21 P.L.1978, c.73 (C.45:1-14 et seq.)<sup>1</sup>. Such a violation shall be  
22 deemed the unlicensed practice of architecture. However, the  
23 design of an engineering work by an unlicensed individual or  
24 unauthorized business association shall be disciplined by the  
25 <sup>1</sup>State<sup>1</sup> Board of Professional Engineers and Land Surveyors <sup>1</sup>[,  
26 consistent with the Uniform Enforcement Act, P.L. 1978, c.73  
27 (C.45:1-15 et seq.)] pursuant to the provisions of P.L.1978, c.73  
28 (C.45:1-14 et seq.)<sup>1</sup>. Such a violation shall be deemed the  
29 unlicensed practice of <sup>1</sup>[Engineering] engineering<sup>1</sup> .

30       **[b.] c.** No person, firm, partnership, association or corporation  
31 shall bring or maintain any action in the courts of this State for  
32 the collection of compensation for services constituting the  
33 practice of engineering or land surveying without alleging and  
34 proving that he was duly licensed in accordance with this chapter  
35 at the time the alleged cause of action arose.

36       **[c.] d.** <sup>1</sup>[Every County Court and every county district court,  
37 within their respective territorial jurisdictions,] The Superior  
38 Court<sup>1</sup> shall have jurisdiction of actions for penalties under this  
39 act.

1 (cf. P.L.1970, c.177, s.3)

2 5. Section 1 of P.L.1952, c.130 (C.45:8-35.1) is amended to  
3 read as follows:

4 1. Any architect who is duly licensed to practice architecture  
5 in this State, provided he has a college degree in a program or  
6 curriculum of four years of more, shall be entitled to be licensed  
7 to engage in the practice of professional engineering upon  
8 application therefor to the State Board of Professional Engineers  
9 and Land Surveyors, and upon satisfactorily passing that part of  
10 an examination limited solely to specialized training of engineers,  
11 and which is now designated as part [III] P thereof. Such  
12 applicant shall be examined, according to the limitation herein  
13 provided, at a regularly conducted examination for applicants for  
14 license as professional engineer.

15 (cf: P.L.1952, c.130, s.1)

16 6. Section 17 of P.L.1938, c.342 (C.54:8-43) is amended to  
17 read as follows:

18 17. The clerk of such department, institution, commission,  
19 board or body of the State Government or of any political  
20 subdivision thereof shall file with the secretary-director of the  
21 State Board of Professional Engineers and Land Surveyors the  
22 name of any engineer designated, appointed or employed, within  
23 thirty days after appointment. Where professional engineers or  
24 land surveyors are employed, subject to the provisions of the civil  
25 service law, the appointment of any such person shall be  
26 understood to mean and include appointment after such person  
27 has been certified as having satisfactorily passed a civil service  
28 examination. No person, firm, association or corporation engaged  
29 in engineering or land surveying, shall employ an engineer or land  
30 surveyor, in responsible charge of any work, within the meaning  
31 and intent of this act, other than a duly qualified professional  
32 engineer or land surveyor, who has been licensed pursuant to the  
33 provisions of this chapter, prior to such employment by the  
34 person, firm, association or corporation so engaged in engineering  
35 or land surveying; provided, however, that nothing in this chapter  
36 shall apply to any public utility as defined in chapter two of Title  
37 48 of the Revised Statutes, or any employee thereof or to any  
38 improvement or proposed improvement made by any such public  
39 utility or by any employee of or any contractor or agent for said

1 public utility.

2 Nothing in this chapter shall apply to a corporation or any of  
3 its affiliated companies any of which are in the field of  
4 telecommunications or any employee thereof where either said  
5 corporation or any of its affiliated companies is subject to the  
6 jurisdiction of the State Board of Public Utilities or the Federal  
7 Communications Commission.

8 Nothing in this chapter shall apply to a corporation in the field  
9 of telecommunications, or to its affiliates, or any employees  
10 thereof in which the primary business is research and technical  
11 development manufacturing or product design.

12 (cf: P.L.1950, c.149, s.17)

13 7. (New section) The <sup>1</sup>[Board] board<sup>1</sup> shall issue a certificate  
14 of authorization to certain corporations and those corporations  
15 shall be authorized to offer professional engineering and land  
16 surveying services or both, as follows:

17 a. No corporation shall offer to provide engineering services in  
18 this State unless issued a certificate of authorization pursuant to  
19 this <sup>1</sup>amendatory and supplementary<sup>1</sup> act. This subsection shall  
20 not apply to a professional service corporation established  
21 pursuant to the "Professional <sup>1</sup>[Services] Service<sup>1</sup> Corporation  
22 Act," P.L.1969, c.232 (C.14A:17-1 et seq.).

23 b. No corporation shall offer to provide land surveying services  
24 in this State unless issued a certificate of authorization pursuant  
25 to this act. This subsection shall not apply to a professional  
26 <sup>1</sup>[services] service<sup>1</sup> corporation established pursuant to the  
27 "Professional <sup>1</sup>[Services] Service<sup>1</sup> Corporation Act," P.L.1969,  
28 c.232 <sup>1</sup>[(C.14A;17-1 et seq.)] (C.14A:17-1 et seq.)<sup>1</sup>.

29 The certificate of authorization shall designate a New Jersey  
30 licensee or licensees who are in responsible charge of the  
31 engineering or land surveying activities and decisions of the  
32 corporation. All final drawings, papers or documents involving  
33 the practice of engineering or the practice of land surveying,  
34 when issued by the corporation or filed for public record, shall be  
35 signed and sealed by the New Jersey licensee who is in  
36 responsible charge of the work.

37 8. (New section) Prior to the issuance of a certificate of  
38 authorization, a corporation shall file with the board an  
39 application, on forms designated by the board, listing, where

1 applicable, the name and address of the corporation and its  
2 satellite offices, and the name, address and signature of all  
3 officers, corporate board members, directors, principals and any  
4 licensees who shall be in responsible charge of the practice of  
5 engineering or the practice of land surveying or both, through the  
6 corporation, together with such other information as may be  
7 required by the board to ensure compliance with its regulations.  
8 The same information shall accompany the biennial renewal fee.  
9 A change in any of this information shall be reported to the board  
10 within 30 days after the effective date of that change.

11 9. (New section) The board shall have the authority to review  
12 the professional conduct of any corporation authorized to offer  
13 engineering or land surveying services or both under the  
14 provisions of P.L. c. (C. ) (Now pending before the  
15 Legislature as this bill). In order to implement those provisions,  
16 the board may:

17 a. Establish by regulations adopted pursuant to the  
18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
19 seq.) a biennial renewal fee for the certificate of authorization.

20 b. Suspend, revoke, or refuse to renew the certificate of  
21 authorization of any corporation whose agent, employees,  
22 directors or officers violate, or cause to be violated, any of the  
23 provisions of P.L. c. (C. ) (Now pending before the  
24 Legislature as this bill) or chapter 8 of Title 45 of the Revised  
25 Statutes <sup>1</sup>[, in conformance with the "Uniform Enforcement  
26 Act", P.L.1971, c.60 (C.45:1-2.1 et seq.)] pursuant to the  
27 provisions of P.L.1978, c.73, C.45:1-14 et seq.<sup>1</sup>.

28 c. Adopt such rules and regulations as required to carry out  
29 the provisions of this act pursuant to the "Administrative  
30 Procedure Act,: P.L.1968, c.410 (C.52:14B-1 et seq.).

31 10. (New section) A licensee shall maintain such records as  
32 are reasonably necessary to establish that the licensee exercised  
33 regular and effective supervision of professional services of  
34 which such licensee was in responsible charge.

35 11. (New section) No corporation shall be relieved of  
36 responsibility for the conduct or acts of its agents, employees of  
37 officers by reason of compliance with the provisions of P.L.

38 c. (C. )(Now pending before the Legislature as this bill).

39 12. Section 18 of P.L.1938, c.342 (C.45:8-44) is repealed.

1       13. This act shall take effect immediately but shall remain  
2 inoperative until 120 days following the enactment into law of  
3 P.L. c (C. )(now pending before the Legislature as  
4 Assembly Bill No. 15047<sup>1</sup> of 1989) and P.L. c (C. )(now  
5 pending before the Legislature as Assembly Bill No. 15049<sup>1</sup> of  
6 1989).

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8

9

**REGULATED PROFESSIONS**

10

**Building & Construction**

11

12       Revises the statutory requirements for the regulation of the  
13 practice of engineering and land surveying.

1 9. (New section) The board shall have the authority to review  
2 the professional conduct of any corporation authorized to offer  
3 engineering or land surveying services or both under the  
4 provisions of P.L. c. (C. )(Now pending before the  
5 Legislature as this bill). In order to implement those provisions,  
6 the board may:

7 a. Establish by regulations adopted pursuant to the  
8 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
9 seq.) a biennial renewal fee for the certificate of authorization.

10 b. Suspend, revoke, or refuse to renew the certificate of  
11 authorization of any corporation whose agent, employees,  
12 directors or officers violate, or cause to be violated, any of the  
13 provisions of P.L. c. (C. )(Now pending before the  
14 Legislature as this bill) or chapter 8 of Title 45 of the Revised  
15 Statutes, in conformance with the "Uniform Enforcement Act",  
16 P.L.1971, c.60 (C.45:1-2.1 et seq.).

17 c. Adopt such rules and regulations as required to carry out  
18 the provisions of this act pursuant to the "Administrative  
19 Procedure Act,": P.L.1968, c.410 (C.52:14B-1 et seq.).

20 10. (New section) A licensee shall maintain such records as  
21 are reasonably necessary to establish that the licensee exercised  
22 regular and effective supervision of professional services of  
23 which such licensee was in responsible charge.

24 11. (New section) No corporation shall be relieved of  
25 responsibility for the conduct or acts of its agents, employees of  
26 officers by reason of compliance with the provisions of P.L.  
27 c. (C. )(Now pending before the Legislature as this bill).

28 12. Section 18 of P.L.1938, c.342 (C.45:8-44) is repealed.

29 13. This act shall take effect immediately but shall remain  
30 inoperative until 120 days following the enactment into law of  
31 P.L. c (C. )(now pending before the Legislature as  
32 Assembly Bill No. of 1989) and P.L. c (C. )(now  
33 pending before the Legislature as Assembly Bill No. of 1989).

34  
35  
36 STATEMENT

37  
38 This bill changes certain of the provisions regarding the  
39 practice of engineering by expanding and revising the definition

1 of professional engineering. The bill also expands the definition  
2 of "responsible charge" and permits the State Board of  
3 Professional Engineers and Land Surveyors to issue certificates of  
4 authorization to certain corporations for the provision of  
5 engineering and land surveying services. The corporations may  
6 provide those services if, as appropriate, (1) at least two-thirds  
7 (2/3) of the directors are professional engineers or licensed land  
8 surveyors and closely allied professionals; (2) at least one director  
9 is a professional engineer or licensed land surveyor; (3) two-thirds  
10 (2/3) of the shares are owned by professional engineers or  
11 licensed land surveyors or closely allied professionals: and, (4) a  
12 minimum of 20% of the shares are owned by professional  
13 engineers or licensed land surveyors. Also, the certificate of  
14 authorization shall designate a New Jersey licensee or licensees  
15 who are in responsible charge of the engineering or land surveying  
16 activities and decisions of the corporation. All final drawings,  
17 papers or documents involving the practice of engineering or the  
18 practice of land surveying, when issued by the corporation or  
19 filed for public record, shall be signed and sealed by the New  
20 Jersey licensee who is in responsible charge of the work.

21 The bill also provides for review of complaints to the Joint  
22 Committee of Architects and Engineers, which is to be  
23 established by a companion bill, the "Building Design Services  
24 Act," of 1989. Under the provisions of that bill, the board:

25 (1) May refer any complaint, question or controversy involving  
26 the application of that act to the joint committee.

27 (2) Shall take no disciplinary action against any licensed  
28 architect alleged to have engaged in a violation of that act or the  
29 unlicensed practice of engineering.

30 (3) Shall refer a request for a declaratory ruling to the joint  
31 committee.

32 (4) Shall provide any and all documents in its possession  
33 regarding any matter referred to the joint committee.

34 (5) Shall, when necessary and appropriate, exercise the  
35 investigation or enforcement powers conferred by law to aid and  
36 assist the joint committee in its functions.

37 (6) Shall discipline any unlicensed individual who, or  
38 unauthorized business association which, designs an engineering  
39 work in violation of that act. Such a violation shall be deemed

1 the unlicensed practice of engineering. Any other violation of  
2 that act by an unlicensed individual or business association shall  
3 be disciplined by the board of architects. Such a violation shall  
4 be deemed the unlicensed practice of architecture.

5 The bill also repeals section 18 of P.L.1938, c.342 (C.45:8-44)  
6 which provided that all licensed land surveyors must maintain a  
7 place of business with a conspicuous sign including his name,  
8 address and the designation "Licensed Land Surveyor."

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11

## REGULATED PROFESSIONS

12

### Building & Construction

13

14 Revises the statutory requirements for the regulation of the  
15 practice of engineering and land surveying.

ASSEMBLY HIGHER EDUCATION AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 5048**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 4, 1989

The Assembly Higher Education and Regulated Professions Committee favorably reports Assembly Bill No. 5048 with amendments.

As amended by committee, this bill changes certain of the provisions regarding the practice of engineering by expanding and revising the definition of professional engineering. The bill also expands the definition of "responsible charge" and permits the State Board of Professional Engineers and Land Surveyors to issue certificates of authorization to certain corporations for the provision of engineering and land surveying services. The certificate of authorization shall designate a New Jersey licensee or licensees who are in responsible charge of the engineering or land surveying activities and decisions of the corporation. All final drawings, papers or documents involving the practice of engineering or the practice of land surveying, when issued by the corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

The bill also provides for review of complaints to the Joint Committee of Architects and Engineers, which is to be established by a companion bill, the "Building Design Services Act," of 1989. Under the provisions of that bill, the board:

- (1) May refer any complaint, question or controversy involving the application of that act to the joint committee.
- (2) Shall take no disciplinary action against any licensed architect alleged to have engaged in a violation of that act or the unlicensed practice of engineering.
- (3) Shall refer a request for a declaratory ruling to the joint committee.
- (4) Shall provide any and all documents in its possession regarding any matter referred to the joint committee.