

LEGISLATIVE HISTORY OF R.S.45:8-35
(Professional engineers; licenses; fees; qualifications)

L.1938 - chap.342 - A507

Mar.4 - Introduced by McClave.

May 9 - Passed in Assembly, amended.

June 8 - Passed in Senate.

June 14 - Approved, chapter 342.

Amended during passage (this section not amended).

Statement (copy enclosed).

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Amended by:

L.1950 - chap.149 - A272 (§9).

Mar.6 - Introduced by Curtis.

Mar.23 - Passed in Assembly, amended.

Apr.5 - Passed in Senate.

May 26 - Approved, chapter 149.

Amended during passage (copy enclosed of original bill
and amendments).

Statement (copy enclosed).

L.1959 - chap.61 - A192.

Jan.26 - Introduced by Crabiel.

Feb.16 - Passed in Assembly.

May 21 - Passed in Senate.

June 2 - Approved, chapter 61.

Not amended during passage.

Statement (copy enclosed).

Reports:

This section (45:8-35) discussed at:

974.90 New Jersey Professional and Occupational
L699 Licensing Study Commission
1970 Public hearing
vol.3 pp. 94-120
vol.3 pp. 68A-71A

974.90 New Jersey Professional and Occupational
L699 Licensing Study Commission
1970 Report

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JE/EH

Encl.

RC-Yes 1959 - A192

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STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1938

By Mr. McCLAVE

Referred to Committee on Highways

AN ACT concerning the practice of professional engineering and land surveying (Revision of 1938), and repealing chapter five, Title 45, of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. In order to safeguard life, health and property any person practic-
2 ing or offering to practice professional engineering or land surveying in
3 this State, shall hereafter be required to submit evidence that he or she is
4 qualified so to practice and shall be licensed as hereinafter provided and
5 from and after the date upon which this chapter becomes effective, it shall
6 be unlawful for any person to practice or to offer to practice professional
7 engineering or land surveying in this State, or to use the title engineer or
8 surveyor or any other title, sign card or device in such manner as to tend
9 to convey the impression that such person is practicing professional engin-
10 eering or land surveying or is a professional engineer or land surveyor,
11 unless such person is duly licensed under the provisions of this chapter.
12 Every holder of a license shall display it in a conspicuous place in his prin-
13 cipal office, place of business or employment.

14 Nothing in this act shall be construed as requiring licensing for the
15 purpose of practicing professional engineering or land surveying by any

16 person, firm or corporation upon property owned or leased by such person,
17 firm or corporation, unless the same involves the public safety or health.

1 2. Definitions. (a) The term "professional engineer" as used in this
2 chapter shall mean a person who by reason of his or her knowledge of
3 mathematics, the physical sciences, and the principles of engineering, ac-
4 quired by professional education and practical experience, is qualified to en-
5 gage in engineering practice as hereinafter defined.

6 (b) The practice of professional engineering within the meaning and
7 intent of this chapter includes any professional service, such as consulta-
8 tion, investigations, evaluation, planning, design, or responsible supervi-
9 sion of construction or operation, in connection with any public or private
10 utilities, structures, buildings, machines, equipment, processes, works, or
11 projects, wherein the public welfare, or the safeguarding of life, health or
12 property is concerned or involved, when such service requires the applica-
13 tion of engineering principles and data. The practice of professional en-
14 gineering shall not include the work ordinarily performed by persons who
15 operate or maintain machinery or equipment. The provisions of this chap-
16 ter shall not be construed to extend to architects.

17 (c) The term "land surveyor" as used in this chapter shall mean a per-
18 son who engages in the practice of land surveying as hereinafter defined.

19 (d) The practice of land surveying within the meaning and intent of
20 this chapter includes surveying of areas for their correct determination and
21 description and for conveyancing, or for the establishment or re-establish-
22 ment of land boundaries and the plotting of lands and subdivisions thereof.

23 (e) The term "board" as used in this chapter shall mean the State
24 Board of Professional Engineers and Land Surveyors.

1 3. To carry out the provisions of this chapter, there is hereby created an
2 examining board for the licensing of professional engineers and land survey-
3 ors, which board shall consist of five (5) members who shall be appointed
4 by the Governor of the State of New Jersey, with the advice and consent of
5 the Senate, within sixty days after the passage of this chapter, or as soon

6 as practicable thereafter. The members of said board shall be appointed to
7 serve for the term of five (5) years. Each member shall hold office after the
8 expiration of his term until his successor shall be duly appointed or quali-
9 fied. The term of office of the members of said board shall commence on
10 the first day of May. Vacancies in the membership of the board, however
11 created, shall be filled by appointment of the Governor from nominees
12 recommended by the representative professional engineering societies of
13 this State, with the advice and consent of the Senate, for the unexpired
14 term. Notwithstanding anything herein contained, the present members of
15 the State Board shall continue in office as members of said board until their
16 present respective terms expire.

1 **4. Said board, when so appointed, shall be designated and known as the**
2 **"State Board of Professional Engineers and Land Surveyors."**

3 No person shall be appointed upon said board who is not a citizen of
4 the United States and a resident of this State at the time of his appoint-
5 ment, and who has not been engaged in the practice of professional engi-
6 neering at least ten (10) years, and who shall not have been in responsible
7 charge of professional engineering or land surveying for at least five (5)
8 years.

9 After the passage of this chapter appointments to the board to fill
10 expired terms shall be made by the Governor from nominees recom-
11 mended by the representative professional engineering societies of the
12 State, with the advice and consent of the Senate.

13 The Governor may remove any member of the board after hearing, for
14 misconduct, incompetency, neglect of duty or for any other sufficient cause.

15 At least one member of said examining board qualified as set forth
16 in section four, paragraph one, of this chapter, shall also be a licensed land
17 surveyor.

18 After this chapter becomes effective, no person shall be appointed as
19 a member of said examining board who shall not be a licensed professional
20 engineer under the provisions of this chapter.

21 The members of said examining board shall receive no compensation
22 for their services, but shall be reimbursed for all necessary travelling,
23 hotel, incidental and clerical expenses, incurred in carrying out the pro-
24 visions of this chapter; *provided, however*, that the total of such expenses
25 shall not exceed the total receipts from fees during any fiscal year.

1 5. Each member of the examining board before entering upon the
2 duties of his office, shall subscribe to an official oath of office as provided by
3 section 41:1-3 of the Title Oaths and Affidavits, which oath shall be filed in
4 the office of the Secretary of State.

5 The examining board shall be entitled to the services of the Attorney-
6 General in connection with the affairs of the board and the board shall
7 have power to compel the attendance of witnesses, and any member
8 thereof may administer oaths and the board may take testimony and proofs
9 concerning any matters within its jurisdiction.

10 The board shall have the power to make all by-laws and rules, not
11 inconsistent with the Constitution and laws of the State, which may be
12 reasonably necessary for the proper performance of its duties and the
13 regulations of the proceedings before it. The board shall adopt and have
14 an official seal.

15 In carrying into effect the provisions of this chapter, the board may,
16 under the hand of its president and the seal of the board, subpoena wit-
17 nesses and compel their attendance, and also may require the production
18 of books, papers, documents, etc., in a case involving the revocation of
19 license or practicing or offering to practice without license. If any person
20 shall refuse to obey any subpoena so issued, or shall refuse to testify or
21 produce any books, papers or documents, the board may present its peti-
22 tion to any justice of the State Supreme Court setting forth the facts, and
23 thereupon such court shall, in proper case, issue a subpoena to such person,
24 requiring attendance before such court and there to testify or to produce
25 such books, papers and documents as may be deemed necessary and perti-
26 nent to the board. Any person failing or refusing to obey the subpoena or

27 order of said court may be proceeded against in the same manner as for
28 refusal to obey any other subpoena or order of the said court.

1 6. Said examining board shall at its annual meeting to be held in April
2 meet and organize by electing a president, vice-president, treasurer and sec-
3 retary, and appoint one or more investigators and such other assistants as
4 may be required, who shall hold their respective offices for not more than
5 one (1) year or until their successors have been elected or appointed and
6 have qualified.

7 The secretary and treasurer shall give bond for the faithful perform-
8 ance of their duties in such sum as the board shall determine

9 The secretary and investigators shall not be members of the board and
10 shall receive such salaries as the board shall determine; *provided, however,*
11 that the total of such salaries and expenses incident thereto together with all
12 other expenses shall not exceed the total receipts from fees during any fiscal
13 year.

14 Said board shall meet at least semi-annually and special meetings may
15 be held at such times as the by-laws of the board may provide.

16 Notice of all meetings shall be given in the manner provided by the by-
17 laws.

18 A quorum of the examining board shall consist of three (3) members.

1 7. The secretary of the board shall receive and account for all moneys
2 derived from the operation of this chapter and shall pay therefrom, upon
3 resolution of the board, all expenses incurred by the said board, including
4 salaries, in carrying out the provisions of this chapter.

5 An itemized account of all receipts and expenditures of the board shall
6 be kept by the said secretary and a detailed report thereof, verified by the
7 affidavit of said secretary, shall be filed with the Secretary of State within
8 twenty days after the close of the fiscal year.

9 The Secretary of State shall be paid such fees for filing the report as
10 are now paid for filing similar reports in his office. All surplus in the hands
11 of the board at the end of the fiscal year shall be paid to the State Treasurer.

1 8. The examining board shall keep a record of its proceedings and a
2 roster of all applicants for license, showing for each the date of application,
3 name, age, education and other qualifications, place of business and place of
4 residence, whether or not an examination was required and whether the appli-
5 cant was rejected or a certificate of license granted, and the date of such
6 action.

7 The books and register of the examining board shall be prima facie evi-
8 dence of all matters recorded therein. The roster showing the names and
9 places of business and residence of all licensed professional engineers and
10 land surveyors shall be prepared by the secretary of the board during the
11 month of June of each year; such roster shall be printed and a copy mailed
12 to each licensee and a copy mailed to the clerk of each city, town, township,
13 village, borough, county and other municipal corporation of this State, which
14 roster shall be placed on file in the office of said clerk.

1 9. Applications for license shall be on forms prescribed and furnished
2 by the board, shall contain statements under oath, showing the applicant's
3 education and detailed summary of his or her technical work, and shall con-
4 tain not less than five references, of whom three or more shall be licensed
5 engineers having personal knowledge of his or her engineering experience.

6 The license fee for professional engineers shall be twenty-five dollars
7 (\$25.00) or when the applicant applies for license to practice engineering
8 and land surveying, when the fee shall be thirty-five dollars (\$35.00), and in
9 either case ten dollars (\$10.00) shall accompany the application, the re-
10 mainder to be paid upon notification that application has been approved
11 subject to such final payment, when license certificate will be issued.

12 The license fee for land surveyors shall be twenty-five dollars (\$25.00)
13 of which ten dollars (\$10.00) shall accompany the application, the remainder
14 to be paid upon notification that application has been approved subject to
15 such final payment, when license certificate will be issued.

16 Should the board deny the issuance of a license certificate to any appli-
17 cant for professional engineer's license or for land surveyor's license, the
18 initial fee of ten dollars (\$10.00) shall be retained.

19 When a certificate of qualification issued by the National Bureau of
20 Engineering Registration is accepted as evidence of qualification, the total
21 fee for license as professional engineer shall be fifteen dollars (\$15.00)
22 and shall accompany the application.

23 The following shall be considered as minimum evidence satisfactory to
24 the board that the applicant is qualified for license as a professional en-
25 gineer, or land surveyor, respectively, to wit:

26 (1) As a professional engineer:

27 a. Graduation from an approved course in engineering of four years
28 or more in a school or college approved by the board of satisfactory
29 standing; and a specific record of an additional four years or more of
30 active practice in engineering work of a character satisfactory to the
31 board, and indicating that the applicant is competent to be placed in re-
32 sponsible charge of such work; or

33 b. Successfully passing a written, or written and oral, examination
34 designed to show knowledge and skill approximating that attained
35 through graduation from an approved four-year engineering course; and
36 a specific record of eight years or more of active practice in engineer-
37 ing work of a character satisfactory to the board and indicating that
38 the applicant is competent to be placed in responsible charge of such
39 work; or

40 c. A specific record of twelve years or more of lawful practice in pro-
41 fessional engineering work of a character satisfactory to the board and
42 indicating that the applicant is qualified to design or to supervise con-
43 struction of engineering works and provided applicant is not less than
44 thirty-five years of age; or

45 d. A certificate of qualification issued by the National Bureau of En-
46 gineering Registration may, in the discretion of the board, be accepted
47 as minimum evidence satisfactory to the board that the applicant is
48 qualified for license as a professional engineer.

49 (2) As a land surveyor:

50 a. Graduation from an approved course in surveying in a school or
51 college approved by the board as satisfactory standing; and an addi-
52 tional two years or more of actual practice in land surveying work of
53 a character satisfactory to the board and indicating that the applicant
54 is competent to be placed in responsible charge of such work, or

55 b. Successfully passing a written, or written and oral, examination
56 in surveying prescribed by the board; and a specific record of four years
57 or more of active practice in land surveying work of a character satis-
58 factory to the board and indicating that the applicant is competent to
59 be placed in responsible charge of such work, or

60 c. A specific record of twelve years or more of lawful practice in land
61 surveying work of a character satisfactory to the board and provided
62 applicant is not less than thirty-three years of age.

63 No person shall be eligible for license as a professional engineer or land
64 surveyor who is under twenty-one years of age and who is not a citizen of
65 the United States or who has not made declaration of his or her intention
66 to become a citizen of the United States, or who does not speak and write
67 the English language, or who is not of good character and reputation.

68 The satisfactory completion of each year of an approved course in en-
69 gineering in a school or college approved by the board as of satisfactory
70 standing, without graduation, shall be considered as equivalent to one-half
71 years of active practice.

72 Graduation in a course of four years or more, other than engineering,
73 from a college or university of recognized standing shall be considered as
74 equivalent to two years of active practice.

75 In considering the qualifications of applicants, engineering teaching
76 may be construed as engineering experience.

77 The mere execution, as a contractor, of work designed by a professional
78 engineer, or the supervision of construction of such work as a foreman or
79 superintendent shall not be deemed to be active practice of engineering
80 work.

81 Any person having the necessary qualification prescribed in this chap-
82 ter to entitle him or her to license shall be eligible for such license though he
83 or she may not be practicing his or her profession at the time of making
84 the application.

85 Applicants for license, in cases where the evidence originally presented
86 in the application does not appear to the board to be conclusive, or to war-
87 rant the issuance of a certificate, may present further evidence for the con-
88 sideration of the board which may include the results of a required exam-
89 ination.

90 In determining the qualifications of applicants for license as profes-
91 sional engineers or land surveyors, character shall be given predominant
92 weight and a majority of vote of the members of the board shall be re-
93 quired to pass upon the issuance of a license to any applicant.

94 The scope of the examination and methods of procedure shall be pre-
95 scribed by the board with special reference to the applicant's ability to
96 design and supervise engineering works so as to insure the safety of life,
97 health and property. Examinations shall be given for the purpose of deter-
98 mining the qualifications of applicants for license separately in professional
99 engineering and in land surveying. A candidate failing on examination may
100 apply for re-examination at or after the expiration of six months and will
101 be re-examined without payment of additional fee. Subsequent examina-
102 tions will be granted upon the payment of a fee to be determined by the board
103 and not to exceed ten dollars (\$10.00).

1 10. Certificates. The board shall issue a license certificate upon pay-
2 ment of the license fee as provided in this chapter, to any applicant who,
3 in the opinion of the board has satisfactorily met all the requirements of
4 this chapter. In the case of a licensed engineer the certificate shall authorize
5 the practice of the applicant as a "professional engineer" solely under that
6 title and in the case of a licensed land surveyor as a "land surveyor" solely
7 under that title, or as "professional engineer and land surveyor" when the
8 applicant qualifies in both respects. Certificates of license shall show the

9 full name of the licensee, shall have a serial number and shall be signed
10 by the president and the secretary of the board under the seal of the board.
11 The issuance of a license certificate by this board shall be evidence that the
12 person named therein is entitled to all the rights and privileges of a li-
13 censed engineer or a licensed land surveyor, or as both as the case may be,
14 while said certificate remains unrevoked or unexpired.

15 Each licensed "professional engineer" or "land surveyor" shall upon re-
16 ceipt of license, obtain a seal of design authorized by the board, bearing his or
17 her name, license number and the legend "Licensed Professional Engineer
18 and Land Surveyor" if so licensed. Plans, specifications, plats, and re-
19 ports issued by the licensee shall be stamped with the said seal when filed
20 with public authorities, during the life of the licensee's certificate, but it
21 shall be unlawful for anyone to stamp or seal any documents with said seal
22 after the certificate of the licensee named thereon has expired or has been
23 revoked, unless said certificate shall have been renewed or re-issued. The
24 exact method of fulfilling the require ment as to the stamping of documents
25 shall be regulated by the board.

26 All professional engineers licensed by this board prior to the passage of
27 this chapter, shall continue to practice under the various classifications
28 heretofore granted or may, upon application therefor, and the payment of
29 a fee of five dollars (\$5.00) receive a new certificate under the title "pro-
30 fessional engineer"; *provided*, said professional engineer presents evidence
31 satisfactory to the board of his qualifications to practice in the field of
32 general engineering comprehended in the title "professional engineer".

33 All licenses granted by the board will be recorded by the board in the
34 office of the Secretary of State, in a book kept for that purpose and any
35 recording fee as may be provided by law shall be paid by the applicant be-
36 fore the license is delivered.

1 11. Expirations and renewals. License certificates shall expire on the
2 thirtieth day of April following issuance or renewal and shall become invalid
3 on that day unless renewed. Licensees shall apply for renewal on or before

4 the thirtieth day of April of each year. It shall be the duty of the secretary
5 of the board to notify all persons licensed under this chapter of the date of
6 the expiration of their certificates and the amount of the fee that shall be
7 required for their renewal for one year; such notice shall be mailed at least
8 one month in advance of the date of expiration of said certificate. Renewal
9 may be effected at any time during the month of April by the payment of the
10 following fees, to wit:

11 As professional engineer, five dollars (\$5);

12 As professional engineer and land surveyor, five dollars (\$5);

13 As licensee under any one of the special titles in professional engineer-
14 ing designated by the board prior to the passage of this chapter, five dol-
15 lars (\$5);

16 As land surveyor, five dollars (\$5).

17 The failure on the part of the licensee to renew his or her certificate
18 annually in the month of April as required shall not deprive such person of
19 the right of renewal during the ensuing year but the fee to be paid for the
20 renewal of a certificate after the thirtieth day of April shall be increased
21 two dollars (\$2) for every three months or fraction thereof that payment of
22 renewal is delinquent; *provided, however*, that the maximum fee for delin-
23 quent renewal shall not exceed twice the normal renewal fee. One notice to
24 the licensee, by registered mail, on or before April fifteenth, addressed to his
25 or her last place of residence known to the board, informing him or her of
26 his or her failure to have applied for renewal of his or her license, shall con-
27 stitute legal notification of such delinquency by the board.

28 The failure on the part of the licensee to renew his or her certificate
29 within one year from the date of the expiration of said license will auto-
30 matically revoke such license and the right of the person to practice there-
31 after shall be restored only by a new application for license in the regular
32 manner and the favorable action of the board. The right of the person to
33 practice as a "professional engineer" or as a "land surveyor" after the
34 expiration of his or her license shall render the person so doing liable to all
35 the penalties prescribed for practicing without a license

1 12. The examining board shall have the power to revoke the certificate
2 of license of any professional engineer or land surveyor licensed here-
3 under who is found guilty by said board of any fraud or deceit in obtaining a
4 certificate of license, or of gross negligence, incompetency or misconduct in
5 the practice of engineering or land surveying.

6 Any person may prefer charges of such fraud, deceit, negligence, incom-
7 petency or misconduct against any professional engineer or land surveyor
8 hereunder.

9 Such charges shall be in writing and sworn to by the complainant and
10 submitted to the board. Such charges unless dismissed without hearing by
11 the board as unfounded or trivial, shall be heard and determined by the
12 board within three (3) months after the date on which they are preferred.

13 The time and place for such hearing shall be fixed by the board. A copy
14 of the charges, together with a notice of the time and place of hearing shall
15 be personally served on the accused by the board at least thirty (30) days
16 before the day fixed for the hearing, and in the event that such service can-
17 not be effected thirty (30) days before such hearing, then the date of hearing
18 and determination shall be postponed as may be necessary to permit the
19 carrying out of this execution. At said hearing the accused shall have the
20 right to appear personally and by counsel and to cross examine witnesses
21 against him or her and to produce evidence and witnesses in his or her de-
22 fense. If after said hearing three or more members of the board vote in
23 favor of finding the accused guilty of any fraud or deceit in obtaining a cer-
24 tificate, or of gross negligence, incompetency or misconduct in the practice
25 of professional engineering or land surveying, the board shall revoke the
26 certificate of license of the accused. The board may under circumstances
27 which to it may seem proper, reissue a certificate of license to any person
28 whose certificate has been so revoked.

29 A new certificate of license to replace any certificate lost, destroyed or
30 mutilated, may be issued subject to the rules and regulations of the board. A
31 charge of three dollars (\$3) shall be made for such reissuance.

1 13. Any person who, hereafter, is not legally authorized to practice
2 professional engineering or land surveying in this State according to the
3 provisions of this chapter, who shall so practice or offer so to practice in
4 this State, except as provided in section fourteen of this chapter, or any
5 person presenting or attempting to file as his own the certificate of license of
6 another, or who shall give false or forged evidence of any kind to the board,
7 or to any member thereof, in obtaining a certificate of license, or who shall
8 falsely impersonate another licensed practitioner of like or different name,
9 or who shall use or attempt to use an expired certificate of license or an
10 unexpired and revoked certificate of license, shall be deemed guilty of a
11 misdemeanor and punishable upon conviction thereof by a fine of not less
12 than one hundred dollars (\$100.00) nor more than five hundred dollars
13 (\$500.00) or by imprisonment for a term of not exceeding three months, or
14 by both fine and imprisonment.

15 All fines collected for the violation of any of the provisions of this
16 chapter shall be paid to the secretary of this board to be held, disposed and
17 accounted for by him as herein directed, and it shall be the duty of the
18 county treasurer of each county, or the treasurer of any municipality,
19 upon receipt by him of any such fine, to forthwith pay over same to the
20 secretary of the board. The board or any member or officer thereof may
21 prefer a complaint for violation of this chapter before any court, tribunal
22 or magistrate having jurisdiction and may by its officers, counsel and agents,
23 aid in presenting the law or facts before said court, tribunal or magistrate
24 in any proceeding taken thereon, and it shall be the duty of the prosecutor
25 of the pleas of the counties in this State to prosecute all violations of the
26 provisions of this chapter.

1 14. The following shall be exempted from the provisions of this chapter:

2 (1) A person not a resident of and having no established place of busi-
3 ness in this State, practicing or offering to practice herein the profession
4 of engineering or land surveying, when such practice does not exceed in the
5 aggregate thirty days in any calendar year; *provided*, such person is legally

6 qualified by license to practice the said profession in any State or country
7 in which the requirements and qualifications for obtaining a certificate of
8 license are not lower than those specified in this chapter.

9 (2) A person not a resident of and having no established place of busi-
10 ness in this State, or who has recently become a resident thereof, practicing
11 or offering to practice herein for more than thirty days in any calendar
12 year the profession of engineering or land surveying, if he shall have filed
13 with the board an application for a certificate of license and shall have paid
14 the fee required by this chapter; *provided*, that such a person is legally
15 qualified to practice said profession in any State or country in which the
16 requirements and qualifications for obtaining a license are not lower than
17 those specified in this chapter. Such exemption shall continue only for such
18 time as the board requires for the consideration of the application for license.

19 (3) An employee or a subordinate of a person holding a license under
20 this chapter or an employee of a person exempted from license by subsec-
21 tions (1) and (2) of this section; *provided*, this practice does not include
22 responsible charge of design or supervision.

23 (4) Officers and employees of the Government of the United States while
24 engaged within this State in the practice of engineering or land surveying,
25 for said Government.

26 (5) Practice of professional engineering or land surveying solely as an
27 employee of this State or any political subdivision thereof at the time this
28 chapter becomes effective and thereafter only until the expiration of the
29 then existing term of office of such employee.

30 (6) The practice of engineering or land surveying solely as an officer
31 or employee of a corporation engaged in interstate commerce as defined in
32 an act of Congress entitled "Act to regulate commerce", approved Feb-
33 ruary fourth, one thousand eight hundred and eighty-seven, and as amended,
34 unless the same affects public safety or health.

35 (7) Practice of professional engineering or land surveying solely as an
36 employee of any person, firm or corporation, provided neither such person,

37 firm, corporation or such employee hold himself out to be licensed engineers
38 or land surveyors, or accept compensation, other than as such employee, for
39 such practice, unless the same affects the public safety or health.

1 15. Hereafter no county, city, town, township, village, borough or other
2 municipal corporations or other political subdivisions in the State shall
3 engage in the construction or maintenance of any public work involving
4 professional engineering for which plans, specifications and estimates have
5 not been made by, and the construction and maintenance supervised by a
6 licensed professional engineer.

1 16. No department, institution, commission, board or body of the State
2 Government, or any political subdivision thereof shall designate, appoint or
3 employ an engineer in responsible charge other than a duly qualified pro-
4 fessional engineer who has been licensed by the State of New Jersey, prior
5 to the designation, appointment or employment by such department, insti-
6 tution, commission, board or body of the State Government, or any political
7 subdivision thereof.

8 Notwithstanding anything in this chapter to the contrary no engineer
9 licensed in this State prior to the passage of this chapter and holding an
10 appointment by the State or by any department, institution, commission,
11 board or body of the State Government, or any political subdivision
12 thereof shall be deprived of the right of reappointment to the same office
13 or position.

1 17. The clerk of such department, institution, commission, board or
2 body of the State Government or political subdivision thereof shall file
3 with the secretary of the State Board of Professional Engineers and Land
4 Surveyors the name of any engineer designated, appointed or employed,
5 within thirty days after appointment. Where engineers or land surveyors
6 are employed, subject to the provisions of the civil service law, the appoint-
7 ment of any such person shall be understood to mean and include appoint-
8 ment after such person has been certified as having satisfactorily passed
9 a civil service examination. No person, firm, association or corporation

10 engaged in engineering or land surveying, shall employ an engineer or land
11 surveyor, in responsible charge of any work, other than a duly qualified
12 professional engineer or land surveyor, who has been licensed pursuant to
13 the provisions of this chapter, prior to such employment by the person,
14 firm, association or corporation so engaged in engineering or land survey-
15 ing; *provided, however*, that nothing in this chapter shall apply to any
16 public utility as defined in chapter two of Title 48 of the Revised Statutes,
17 or any employee thereof or to any improvement or proposed improvement
18 made by any such public utility or by any employee of or any contractor
19 or agent for said public utility.

1 18. All licensed land surveyors making any survey under the name of
2 such licensee shall, from and after the passage of this chapter, maintain a
3 place of business, upon which place of business there shall be conspicuously
4 displayed a sign, which sign shall contain the name and address of such
5 licensee; and, further, the words "Licensed Land Surveyor." Any person
6 violating the provisions hereof shall be guilty of a misdemeanor and pun-
7 ishable by a fine not exceeding one hundred dollars (\$100.00), and all pro-
8 ceedings shall be in the same manner as is provided for penalties author-
9 ized by this chapter.

1 19. No department, institution, commission, board or body of the State
2 Government, or any political subdivision thereof, being the depository or
3 having the custody of any plan involving professional engineering or land
4 surveying, shall receive or file the same, unless there shall be attached to
5 such plan the certificate of an engineer licensed pursuant to the provisions
6 of this chapter, nor shall any survey be received and filed unless there is
7 attached to such survey the certificate of a land surveyor licensed pursuant
8 to this chapter.

1 20. Nothing in this chapter shall be construed as prohibiting licensed
2 professional engineers from making surveys where such surveys are
3 essential to engineering projects, nor as prohibiting any person from doing
4 land surveying; *provided*, he does not hold himself out to be a licensed
5 land surveyor, and accept or receive compensation for such service.

1 21. This chapter shall not be construed to affect or prevent the prac-
2 tice of any other legally recognized profession.

1 22. The provisions of this chapter are severable, and if any of the pro-
2 visions hereof are held unconstitutional the decision shall not be construed
3 to impair any other provisions of this chapter. It is hereby declared as the
4 legislative intent that this chapter would have been adopted had such uncon-
5 stitutional provisions not been included herein.

1 23. Chapter eight of Title 45 of the Revised Statutes is hereby re-
2 pealed. All acts and parts of acts inconsistent herewith be and the same
3 are hereby repealed and this act shall take effect immediately.

STATEMENT

The purpose of this law is as follows:

1. To more effectively safeguard life, health and property in the practice of professional engineering and land surveying, and
2. To remove ambiguities in the existing legislation governing the practice of professional engineering and land surveying, and
3. To raise the standard for practice of professional engineering and land surveying, and
4. To establish a more comprehensive and modern definition of "professional engineer" and "professional engineering", and
5. To bring about a closer correspondence between the requirements for practice in this State and the requirements of other States having professional engineers and land surveyors license laws, and
6. To promote a relation between this State and the other States that will conduce to reciprocal practice privileges.
7. This law creates no new board or body, does not provide any compensation to the members of the board and is not, in any respect, another job or salary bill.

Endorsements

This law is endorsed by

- (1) The State Board of Professional Engineers and Land Surveyors.
- (2) The New Jersey Association of Professional Engineers and Land Surveyors.
- (3) Engineer's Advisory Committee of the State League of Municipalities.

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1938

By Mr. McCLAVE

Referred to Committee on Highways.

AN Act concerning the practice of professional engineering and land surveying (Revision of 1938), and repealing chapter eight, Title 45, of the Revised Statutes.

1 **BE IT ENACTED** *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. In order to safeguard life, health and property any person practic-
2 ing or offering to practice professional engineering or land surveying in
3 this State, shall hereafter be required to submit evidence that he or she is
4 qualified so to practice and shall be licensed as hereinafter provided and
5 from and after the date upon which this chapter becomes effective, it shall
6 be unlawful for any person to practice or to offer to practice professional
7 engineering or land surveying in this State, or to use the title engineer or
8 surveyor or any other title, sign card or device in such manner as to tend
9 to convey the impression that such person is practicing professional engin-
10 eering or land surveying or is a professional engineer or land surveyor,
11 unless such person is duly licensed under the provisions of this chapter.
12 Every holder of a license shall display it in a conspicuous place in his prin-
13 cipal office, place of business or employment.

14 Nothing in this act shall be construed as requiring licensing for the
15 purpose of practicing professional engineering or land surveying by any

16 person, firm or corporation upon property owned or leased by such person,
17 firm or corporation, unless the same involves the public safety or health.

1 2. Definitions. (a) The term "professional engineer" as used in this
2 chapter shall mean a person who by reason of his or her knowledge of
3 mathematics, the physical sciences, and the principles of engineering, ac-
4 quired by professional education and practical experience, is qualified to en-
5 gage in engineering practice as hereinafter defined.

6 (b) The practice of professional engineering within the meaning of this
7 chapter includes any professional service such as consultation, investigation,
8 evaluation, planning, design, or responsible supervision of construction or
9 operation in connection with any public or private engineering or industrial
10 project. The practice of professional engineering shall not include the work
11 ordinarily performed by persons who operate or maintain machinery or
12 equipment. The provisions of this chapter shall not be construed to prevent
13 or affect the employment of architects in connection with engineering projects
14 within the scope of the act to regulate the practice of architecture and all
15-16 the amendments and supplements thereto.

17 (c) The term "land surveyor" as used in this chapter shall mean a per-
18 son who engages in the practice of land surveying as hereinafter defined.

19 (d) The practice of land surveying within the meaning and intent of
20 this chapter includes surveying of areas for their correct determination and
21 description and for conveyancing, or for the establishment or re-establish-
22 ment of land boundaries and the plotting of lands and subdivisions thereof.

23 (e) The term "board" as used in this chapter shall mean the State
24 Board of Professional Engineers and Land Surveyors.

1 3. To carry out the provisions of this chapter, there is hereby created an
2 examining board for the licensing of professional engineers and land survey-
3 ors, which board shall consist of five (5) members who shall be appointed
4 by the Governor of the State of New Jersey, with the advice and consent of
5 the Senate, within sixty days after the passage of this chapter, or as soon
6 as practicable thereafter. The members of said board shall be appointed to

7 serve for the term of five (5) years. Each member shall hold office after the
8 expiration of his term until his successor shall be duly appointed or quali-
9 fied. The term of office of the members of said board shall commence on
10 the first day of May. Vacancies in the membership of the board, however
11 created, shall be filled by appointment of the Governor from nominees
12 recommended by the representative professional engineering societies of
13 this State, with the advice and consent of the Senate, for the unexpired
14 term. Notwithstanding anything herein contained, the present members of
15 the State Board shall continue in office as members of said board until their
16 present respective terms expire.

1 4. Said board, when so appointed, shall be designated and known as the
2 "State Board of Professional Engineers and Land Surveyors."

3 No person shall be appointed upon said board who is not a citizen of
4 the United States and a resident of this State at the time of his appoint-
5 ment, and who has not been engaged in the practice of professional engi-
6 neering at least ten (10) years, and who shall not have been in responsible
7 charge of professional engineering or land surveying for at least five (5)
8 years.

9 After the passage of this chapter appointments to the board to fill
10 expired terms shall be made by the Governor from nominees recom-
11 mended by the representative professional engineering societies of the
12 State, with the advice and consent of the Senate.

13 The Governor may remove any member of the board after hearing, for
14 misconduct, incompetency, neglect of duty or for any other sufficient cause.

15 At least one member of said examining board qualified as set forth
16 in section four, paragraph one, of this chapter, shall also be a licensed land
17 surveyor.

18 After this chapter becomes effective, no person shall be appointed as
19 a member of said examining board who shall not be a licensed professional
20 engineer under the provisions of this chapter.

21 The members of said examining board shall receive no compensation
22 for their services, but shall be reimbursed for all necessary travelling,
23 hotel, incidental and clerical expenses, incurred in carrying out the pro-
24 visions of this chapter; *provided, however*, that the total of such expenses
25 shall not exceed the total receipts from fees during any fiscal year.

1 5. Each member of the examining board before entering upon the
2 duties of his office, shall subscribe to an official oath of office as provided by
3 section 41:1-3 of the Title Oaths and Affidavits, which oath shall be filed in
4 the office of the Secretary of State.

5 The examining board shall be entitled to the services of the Attorney-
6 General in connection with the affairs of the board and the board shall
7 have power to compel the attendance of witnesses, and any member
8 thereof may administer oaths and the board may take testimony and proofs
9 concerning any matters within its jurisdiction.

10 The board shall have the power to make all by-laws and rules, not
11 inconsistent with the Constitution and laws of the State, which may be
12 reasonably necessary for the proper performance of its duties and the
13 regulations of the proceedings before it. The board shall adopt and have
14 an official seal.

15 In carrying into effect the provisions of this chapter, the board may,
16 under the hand of its president and the seal of the board, subpoena wit-
17 nesses and compel their attendance, and also may require the production
18 of books, papers, documents, etc., in a case involving the revocation of
19 license or practicing or offering to practice without license. If any person
20 shall refuse to obey any subpoena so issued, or shall refuse to testify or
21 produce any books, papers or documents, the board may present its peti-
22 tion to any justice of the State Supreme Court setting forth the facts, and
23 thereupon such court shall, in proper case, issue a subpoena to such person,
24 requiring attendance before such court and there to testify or to produce
25 such books, papers and documents as may be deemed necessary and perti-
26 nent to the board. Any person failing or refusing to obey the subpoena or

27 order of said court may be proceeded against in the same manner as for
28 refusal to obey any other subpoena or order of the said court.

1 6. Said examining board shall at its annual meeting to be held in April
2 meet and organize by electing a president, vice-president, treasurer and sec-
3 retary, and appoint one or more investigators and such other assistants as
4 may be required, who shall hold their respective offices for not more than
5 one (1) year or until their successors have been elected or appointed and
6 have qualified.

7 The secretary and treasurer shall give bond for the faithful perform-
8 ance of their duties in such sum as the board shall determine.

9 The secretary and investigators shall not be members of the board and
10 shall receive such salaries as the board shall determine; *provided, however,*
11 that the total of such salaries and expenses incident thereto together with all
12 other expenses shall not exceed the total receipts from fees during any fiscal
13 year.

14 Said board shall meet at least semiannually and special meetings may
15 be held at such times as the by-laws of the board may provide.

16 Notice of all meetings shall be given in the manner provided by the by-
17 laws.

18 A quorum of the examining board shall consist of three (3) members.

1 7. The secretary of the board shall receive and account for all moneys
2 derived from the operation of this chapter and shall pay therefrom, upon
3 resolution of the board, all expenses incurred by the said board, including
4 salaries, in carrying out the provisions of this chapter.

5 An itemized account of all receipts and expenditures of the board shall
6 be kept by the said secretary and a detailed report thereof, verified by the
7 affidavit of said secretary, shall be filed with the Secretary of State within
8 twenty days after the close of the fiscal year.

9 The Secretary of State shall be paid such fees for filing the report as
10 are now paid for filing similar reports in his office. All surplus in the hands
11 of the board at the end of the fiscal year shall be paid to the State Treasurer.

1 8. The examining board shall keep a record of its proceedings and a
2 roster of all applicants for license, showing for each the date of application,
3 name, age, education and other qualifications, place of business and place of
4 residence, whether or not an examination was required and whether the appli-
5 cant was rejected or a certificate of license granted, and the date of such
6 action.

7 The books and register of the examining board shall be prima facie evi-
8 dence of all matters recorded therein. The roster showing the names and
9 places of business and residence of all licensed professional engineers and
10 land surveyors shall be prepared by the secretary of the board during the
11 month of June of each year; such roster shall be printed and a copy mailed
12 to each licensee and a copy mailed to the clerk of each city, town, township,
13 village, borough, county and other municipal corporation of this State, which
14 roster shall be placed on file in the office of said clerk.

1 9. Applications for license shall be on forms prescribed and furnished
2 by the board, shall contain statements under oath, showing the applicant's
3 education and detailed summary of his or her technical work, and shall con-
4 tain not less than five references, of whom three or more shall be licensed
5 engineers having personal knowledge of his or her engineering experience.

6 The license fee for professional engineers shall be twenty-five dollars
7 (\$25.00) or when the applicant applies for license to practice engineering
8 and land surveying, when the fee shall be thirty-five dollars (\$35.00), and in
9 either case ten dollars (\$10.00) shall accompany the application, the re-
10 mainder to be paid upon notification that application has been approved
11 subject to such final payment, when license certificate will be issued.

12 The license fee for land surveyors shall be twenty-five dollars (\$25.00)
13 of which ten dollars (\$10.00) shall accompany the application, the remainder
14 to be paid upon notification that application has been approved subject to
15 such final payment, when license certificate will be issued.

16 Should the board deny the issuance of a license certificate to any appli-
17 cant for professional engineer's license or for land surveyor's license, the
18 initial fee of ten dollars (\$10.00) shall be retained.

19 When a certificate of qualification issued by the National Bureau of
20 Engineering Registration is accepted as evidence of qualification, the total
21 fee for license as professional engineer shall be fifteen dollars (\$15.00)
22 and shall accompany the application.

23 The following shall be considered as minimum evidence satisfactory to
24 the board that the applicant is qualified for license as a professional en-
25 gineer, or land surveyor, respectively, to wit:

26 (1) As a professional engineer:

27 a. Graduation from an approved course in engineering of four years
28 or more in a school or college approved by the board of satisfactory
29 standing; and a specific record of an additional four years or more of
30 active practice in engineering work of a character satisfactory to the
31 board, and indicating that the applicant is competent to be placed in re-
32 sponsible charge of such work; or

33 b. Successfully passing a written, or written and oral, examination
34 designed to show knowledge and skill approximating that attained
35 through graduation from an approved four-year engineering course; and
36 a specific record of eight years or more of active practice in engineer-
37 ing work of a character satisfactory to the board and indicating that
38 the applicant is competent to be placed in responsible charge of such
39 work; or

40 c. A specific record of twelve years or more of lawful practice in pro-
41 fessional engineering work of a character satisfactory to the board and
42 indicating that the applicant is qualified to design or to supervise con-
43 struction of engineering works and provided applicant is not less than
44 thirty-five years of age; or

45 d. A certificate of qualification issued by the National Bureau of En-
46 gineering Registration may, in the discretion of the board, be accepted
47 as minimum evidence satisfactory to the board that the applicant is
48 qualified for license as a professional engineer.

49 **(2) As a land surveyor:**

50 **a. Graduation from an approved course in surveying in a school or**
51 **college approved by the board as satisfactory standing; and an addi-**
52 **tional two years or more of actual practice in land surveying work of**
53 **a character satisfactory to the board and indicating that the applicant**
54 **is competent to be placed in responsible charge of such work, or**

55 **b. Successfully passing a written, or written and oral, examination**
56 **in surveying prescribed by the board; and a specific record of four years**
57 **or more of active practice in land surveying work of a character satis-**
58 **factory to the board and indicating that the applicant is competent to**
59 **be placed in responsible charge of such work, or**

60 **c. A specific record of twelve years or more of lawful practice in land**
61 **surveying work of a character satisfactory to the board and provided**
62 **applicant is not less than thirty-three years of age.**

63 **No person shall be eligible for license as a professional engineer or land**
64 **surveyor who is under twenty-one years of age and who is not a citizen of**
65 **the United States or who has not made declaration of his or her intention**
66 **to become a citizen of the United States, or who does not speak and write**
67 **the English language, or who is not of good character and reputation.**

68 **The satisfactory completion of each year of an approved course in en-**
69 **gineering in a school or college approved by the board as of satisfactory**
70 **standing, without graduation, shall be considered as equivalent to one-half**
71 **years of active practice.**

72 **Graduation in a course of four years or more, other than engineering,**
73 **from a college or university of recognized standing shall be considered as**
74 **equivalent to two years of active practice.**

75 **In considering the qualifications of applicants, engineering teaching**
76 **may be construed as engineering experience.**

77 **The mere execution, as a contractor, of work designed by a professional**
78 **engineer, or the supervision of construction of such work as a foreman or**
79 **superintendent shall not be deemed to be active practice of engineering**
80 **work.**

81 Any person having the necessary qualification prescribed in this chap-
 82 ter to entitle him or her to license shall be eligible for such license though he
 83 or she may not be practicing his or her profession at the time of making
 84 the application.

85 Applicants for license, in cases where the evidence originally presented
 86 in the application does not appear to the board to be conclusive, or to war-
 87 rant the issuance of a certificate, may present further evidence for the con-
 88 sideration of the board which may include the results of a required exam-
 89 ination.

90 In determining the qualifications of applicants for license as profes-
 91 sional engineers or land surveyors, character shall be given predominant
 92 weight and a majority of vote of the members of the board shall be re-
 93 quired to pass upon the issuance of a license to any applicant.

94 The scope of the examination and methods of procedure shall be pre-
 95 scribed by the board with special reference to the applicant's ability to
 96 design and supervise engineering works so as to insure the safety of life,
 97 health and property. Examinations shall be given for the purpose of deter-
 98 mining the qualifications of applicants for license separately in professional
 99 engineering and in land surveying. A candidate failing on examination may
 100 apply for re-examination at or after the expiration of six months and will
 101 be re-examined without payment of additional fee. Subsequent examina-
 102 tions will be granted upon the payment of a fee to be determined by the board
 103 and not to exceed ten dollars (\$10.00).

1 10. Certificates. The board shall issue a license certificate upon pay-
 2 ment of the license fee as provided in this chapter, to any applicant who,
 3 in the opinion of the board has satisfactorily met all the requirements of
 4 this chapter. In the case of a licensed engineer the certificate shall authorize
 5 the practice of the applicant as a "professional engineer" solely under that
 6 title and in the case of a licensed land surveyor as a "land surveyor" solely
 7 under that title, or as "professional engineer and land surveyor" when the
 8 applicant qualifies in both respects. Certificates of license shall show the

9 full name of the licensee, shall have a serial number and shall be signed
10 by the president and the secretary of the board under the seal of the board.
11 The issuance of a license certificate by this board shall be evidence that the
12 person named therein is entitled to all the rights and privileges of a li-
13 censed engineer or a licensed land surveyor, or as both as the case may be,
14 while said certificate remains unrevoked or unexpired.

15 Each licensed "professional engineer" or "land surveyor" shall upon re-
16 ceipt of license, obtain a seal of design authorized by the board, bearing his or
17 her name, license number and the legend "Licensed Professional Engineer
18 and Land Surveyor" if so licensed. Plans, specifications, plats, and re-
19 ports issued by the licensee shall be stamped with the said seal when filed
20 with public authorities, during the life of the licensee's certificate, but it
21 shall be unlawful for anyone to stamp or seal any documents with said seal
22 after the certificate of the licensee named thereon has expired or has been
23 revoked, unless said certificate shall have been renewed or re-issued. The
24 exact method of fulfilling the requirement as to the stamping of documents
25 shall be regulated by the board.

26 All professional engineers licensed by this board prior to the passage of
27 this chapter, shall continue to practice under the various classifications
28 heretofore granted and within the branches of engineering indicated or may,
29 upon application therefor, and the payment of a fee of five dollars (\$5.00)
30 receive a new certificate under the title "professional engineer"; *provided*,
31 said professional engineer presents evidence satisfactory to the board of his
32 qualifications to practice in the field of general engineering comprehended
33 in the title "professional engineer".

34 All licenses granted by the board shall be recorded by the board in the
35 office of the Secretary of State, in a book kept for that purpose and any
36 recording fee as may be provided by law shall be paid by the applicant be-
37 fore the license is delivered.

1 11. Expirations and renewals. License certificates shall expire on the
2 thirtieth day of April following issuance or renewal and shall become invalid

3 on that day unless renewed. Licensees shall apply for renewal on or before
4 the thirtieth day of April of each year. It shall be the duty of the secretary
5 of the board to notify all persons licensed under this chapter of the date of
6 the expiration of their certificates and the amount of the fee that shall be
7 required for their renewal for one year; such notice shall be mailed at least
8 one month in advance of the date of expiration of said certificate. Renewal
9 may be effected at any time during the month of April by the payment of the
10 following fees, to wit:

11 As professional engineer, five dollars (\$5);

12 As professional engineer and land surveyor, five dollars (\$5);

13 As licensee under one or more of the special titles in professional engi-
14 neering and land surveying designated by the board prior to the passage of
15 this chapter, five dollars (\$5);

16 As land surveyor, five dollars (\$5).

17 The failure on the part of the licensee to renew his or her certificate
18 annually in the month of April as required shall not deprive such person of
19 the right of renewal during the ensuing year but the fee to be paid for the
20 renewal of a certificate after the thirtieth day of April shall be increased
21 two dollars (\$2) for every three months or fraction thereof that payment of
22 renewal is delinquent; *provided, however*, that the maximum fee for delin-
23 quent renewal shall not exceed twice the normal renewal fee. One notice to
24 the licensee, by registered mail, on or before April fifteenth, addressed to his
25 or her last place of residence known to the board, informing him or her of
26 his or her failure to have applied for renewal of his or her license, shall con-
27 stitute legal notification of such delinquency by the board.

28 The failure on the part of the licensee to renew his or her certificate
29 within one year from the date of the expiration of said license will auto-
30 matically revoke such license and the right of the person to practice there-
31 after shall be restored only by a new application for license in the regular
32 manner and the favorable action of the board. Continuing to practice as a
33 "professional engineer" or as a "land surveyor" after the expiration of

34 his or her license shall render the person so doing liable to all the penalties
35 prescribed for practicing without a license.

1 12. The examining board shall have the power to revoke the certificate
2 of license of any professional engineer or land surveyor licensed here-
3 under who is found guilty by said board of any fraud or deceit in obtaining a
4 certificate of license, or of gross negligence, incompetency or misconduct in
5 the practice of engineering or land surveying.

6 Any person may prefer charges of such fraud, deceit, negligence, incom-
7 petency or misconduct against any professional engineer or land surveyor
8 hereunder.

9 Such charges shall be in writing and sworn to by the complainant and
10 submitted to the board. Such charges unless dismissed without hearing by
11 the board as unfounded or trivial, shall be heard and determined by the
12 board within three (3) months after the date on which they are preferred.

13 The time and place for such hearing shall be fixed by the board. A copy
14 of the charges, together with a notice of the time and place of hearing shall
15 be personally served on the accused by the board at least thirty (30) days
16 before the day fixed for the hearing, and in the event that such service can-
17 not be effected thirty (30) days before such hearing, then the date of hearing
18 and determination shall be postponed as may be necessary to permit the
19 carrying out of this execution. At said hearing the accused shall have the
20 right to appear personally and by counsel and to cross examine witnesses
21 against him or her and to produce evidence and witnesses in his or her de-
22 fense. If after said hearing three or more members of the board vote in
23 favor of finding the accused guilty of any fraud or deceit in obtaining a cer-
24 tificate, or of gross negligence, incompetency or misconduct in the practice
25 of professional engineering or land surveying, the board shall revoke the
26 certificate of license of the accused. The board may under circumstances
27 which to it may seem proper, reissue a certificate of license to any person
28 whose certificate has been so revoked.

29 A new certificate of license to replace any certificate lost, destroyed or
30 mutilated, may be issued subject to the rules and regulations of the board. A
31 charge of three dollars (\$3) shall be made for such reissuance.

1 13. Any person who, hereafter, is not legally authorized to practice
2 professional engineering or land surveying in this State according to the
3 provisions of this chapter, who shall so practice or offer so to practice in
4 this State, except as provided in section fourteen of this chapter, or any
5 person presenting or attempting to file as his own the certificate of license of
6 another, or who shall give false or forged evidence of any kind to the board,
7 or to any member thereof, in obtaining a certificate of license, or who shall
8 falsely impersonate another licensed practitioner of like or different name,
9 or who shall use or attempt to use an expired certificate of license or an
10 unexpired and revoked certificate of license, shall be deemed guilty of a
11 misdemeanor and punishable upon conviction thereof by a fine of not less
12 than one hundred dollars (\$100.00) nor more than five hundred dollars
13 (\$500.00) or by imprisonment for a term of not exceeding three months, or
14 by both fine and imprisonment.

15 All fines collected for the violation of any of the provisions of this
16 chapter shall be paid to the secretary of this board to be held, disposed and
17 accounted for by him as herein directed, and it shall be the duty of the
18 county treasurer of each county, or the treasurer of any municipality,
19 upon receipt by him of any such fine, to forthwith pay over same to the
20 secretary of the board. The board or any member or officer thereof may
21 prefer a complaint for violation of this chapter before any court, tribunal
22 or magistrate having jurisdiction and may by its officers, counsel and agents,
23 aid in presenting the law or facts before said court, tribunal or magistrate
24 in any proceeding taken thereon, and it shall be the duty of the prosecutor
25 of the pleas of the counties in this State to prosecute all violations of the
26 provisions of this chapter.

1 14. The following shall be exempted from the provisions of this chapter:

2 (1) A person not a resident of and having no established place of busi-
3 ness in this State, practicing or offering to practice herein the profession
4 of engineering or land surveying, when such practice does not exceed in the
5 aggregate thirty days in any calendar year; *provided*, such person is legally
6 qualified by license to practice the said profession in any State or country
7 in which the requirements and qualifications for obtaining a certificate of
8 license are not lower than those specified in this chapter.

9 (2) A person not a resident of and having no established place of busi-
10 ness in this State, or who has recently become a resident thereof, practicing
11 or offering to practice herein for more than thirty days in any calendar
12 year the profession of engineering or land surveying, if he shall have filed
13 with the board an application for a certificate of license and shall have paid
14 the fee required by this chapter; *provided*, that such a person is legally
15 qualified to practice said profession in any State or country in which the
16 requirements and qualifications for obtaining a license are not lower than
17 those specified in this chapter. Such exemption shall continue only for such
18 time as the board requires for the consideration of the application for license.

19 (3) An employee or a subordinate of a person holding a license under
20 this chapter or an employee of a person exempted from license by subsec-
21 tions (1) and (2) of this section; *provided*, this practice does not include
22 responsible charge of design or supervision.

23 (4) Officers and employees of the Government of the United States while
24 engaged within this State in the practice of engineering or land surveying,
25 for said Government.

26 (5) The practice of engineering or land surveying solely as an officer
27 or employee of a corporation engaged in interstate commerce as defined in
28 an act of Congress entitled "Act to regulate commerce", approved Feb-
29 ruary fourth, one thousand eight hundred and eighty-seven, and as amended,
30 unless the same affects public safety or health.

1 15. Hereafter no county, city, town, township, village, borough or other
2 municipal corporations or other political subdivisions in the State shall

3 engage in the construction or maintenance of any public work involving
4 professional engineering for which plans, specifications and estimates have
5 not been made by, and the construction and maintenance supervised by a
6 licensed professional engineer or a registered architect, nor shall any county,
7 city, town, township, village, borough or other municipal corporation or
8 other political subdivision in the State employ any person to perform work
9 involving land surveying except a licensed land surveyor.

1 16. No department, institution, commission, board or body of the State
2 Government, or any political subdivision thereof shall designate, appoint or
3 employ an engineer in responsible charge other than a duly qualified pro-
4 fessional engineer who has been licensed by the State of New Jersey, prior
5 to the designation, appointment or employment by such department, insti-
6 tution, commission, board or body of the State Government, or any political
7 subdivision thereof.

8 Notwithstanding anything in this chapter to the contrary no engineer
9 licensed in this State prior to the passage of this chapter and holding an
10 appointment by the State or by any department, institution, commission,
11 board or body of the State Government, or any political subdivision
12 thereof shall be deprived of the right of reappointment to the same office
13 or position or appointment to any other office or position requiring similar
14 qualifications.

1 17. The clerk of such department, institution, commission, board or
2 body of the State Government or political subdivision thereof shall file
3 with the secretary of the State Board of Professional Engineers and Land
4 Surveyors the name of any engineer designated, appointed or employed,
5 within thirty days after appointment. Where engineers or land surveyors
6 are employed, subject to the provisions of the civil service law, the appoint-
7 ment of any such person shall be understood to mean and include appoint-
8 ment after such person has been certified as having satisfactorily passed
9 a civil service examination. No person, firm, association or corporation
10 engaged in engineering or land surveying, shall employ an engineer or land

11 surveyor, in responsible charge of any work, other than a duly qualified
12 professional engineer or land surveyor, who has been licensed pursuant to
13 the provisions of this chapter, prior to such employment by the person,
14 firm, association or corporation so engaged in engineering or land survey-
15 ing; *provided, however*, that nothing in this chapter shall apply to any
16 public utility as defined in chapter two of Title 48 of the Revised Statutes,
17 or any employee thereof or to any improvement or proposed improvement
18 made by any such public utility or by any employee of or any contractor
19 or agent for said public utility.

1 18. All licensed land surveyors making any survey under the name of
2 such licensee shall, from and after the passage of this chapter, maintain a
3 place of business, upon which place of business there shall be conspicuously
4 displayed a sign, which sign shall contain the name and address of such
5 licensee; and, further, the words "Licensed Land Surveyor." Any person
6 violating the provisions hereof shall be guilty of a misdemeanor and pun-
7 ishable by a fine not exceeding one hundred dollars (\$100.00), and all pro-
8 ceedings shall be in the same manner as is provided for penalties author-
9 ized by this chapter.

1 19. No department, institution, commission, board or body of the State
2 Government, or any political subdivision thereof, being the depository or
3 having the custody of any plan or specification involving professional engi-
4 neering shall receive or file any plan or specification involving professional
5 engineering unless there shall be attached thereto the certificate and seal of
6 a professional engineer licensed pursuant to the provisions of this chapter
7 or the seal of a registered architect thereon nor receive or file any plan or
8 specification involving land surveying unless there shall be attached thereto
9 the certificate and seal of a land surveyor licensed pursuant to this chapter.

1 20. Nothing in this chapter shall be construed as prohibiting licensed
2 professional engineers from making surveys where such surveys are
3 essential to engineering projects, nor as prohibiting any person from doing
4 land surveying; *provided*, he does not hold himself out to be a licensed
5 land surveyor, and accept or receive compensation for such service.

1 21. This chapter shall not be construed to affect or prevent the prac-
2 tice of any other legally recognized profession. Nothing in this act shall
3 be construed as prohibiting, regulating or interfering with persons duly li-
4 censed under any laws of this State in the operation and maintenance of
5 equipment and in the supervision of operation of steam power plants,
6 portable machinery and equipment, and refrigeration plants, or from engag-
7 ing in such engineering activities as may be incident to such operating,
8 maintenance or supervision as is customarily a part of the services rendered
9 by such licensed persons in the course of their employment.

1 22. The provisions of this chapter are severable, and if any of the pro-
2 visions hereof are held unconstitutional the decision shall not be construed
3 to impair any other provisions of this chapter. It is hereby declared as the
4 legislative intent that this chapter would have been adopted had such uncon-
5 stitutional provisions not been included herein.

1 23. Chapter eight of Title 45 of the Revised Statutes is hereby re-
2 pealed. All acts and parts of acts inconsistent herewith be and the same
3 are hereby repealed and this act shall take effect immediately.

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1950

By Mr. CURTIS

Referred to Committee on Revision and Amendment of Laws

AN ACT to amend "An act concerning the practice of professional engineering and land surveying (Revision of 1938), and repealing chapter eight, Title 45, of the Revised Statutes," approved June fourteenth, one thousand nine hundred and thirty-eight (P. L. 1938, c. 342); and to repeal chapter ninety of the laws of one thousand nine hundred and forty-three; and chapter fifty-nine of the laws of one thousand nine hundred and forty-seven.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section one of the act of which this act is amendatory is amended to
2 read as follows:

3 1. In order to safeguard life, health and property, and promote the
4 public welfare, any person practicing or offering to practice professional
5-6 engineering or land surveying in this State shall hereafter be required to
7 submit evidence that he [or she] is qualified so to practice and shall be
8 licensed as hereinafter provided. ~~[and from and after]~~ After the date upon
9 which this chapter becomes effective, it shall be unlawful for any person to
10 practice or to offer to practice professional engineering or land surveying
11 in this State, or to use the title professional engineer or land surveyor or
12 any other title, sign, card or device in such manner as to tend to convey the
13 impression that such person is practicing professional engineering or land
14 surveying or is a professional engineer or land surveyor, unless such per-

15 son is duly licensed under the provisions of this chapter. Every holder of a
 16 license shall display it in a conspicuous place in his principal office, place of
 17 business or employment.

18 No corporation, firm, partnership or association shall be granted a
 19 license under this chapter. No corporation, firm, partnership or association
 20 shall use or assume a name involving the word "engineers" or "engineer-
 21 ing" or any modification or derivative of such terms, unless an executive
 22 officer, if a corporation, or a member, if a firm, partnership or association,
 23 shall be a licensed professional engineer of the State of New Jersey. [if
 24 practicing professional engineering, or a licensed land surveyor of the State
 25 of New Jersey if practicing land surveying; *provided, that*]

26 No corporation, firm, partnership or association shall use or assume a
 27 name involving the words "surveyors," "land surveyors," "surveying," or
 28 "land surveying," or any modification or derivative of such terms, unless an
 29 executive officer, if a corporation, or a member, if a firm, partnership, or as-
 30 sociation, shall be a licensed land surveyor of the State of New Jersey.

31 No corporation, firm, partnership or association shall practice or offer
 32 to practice professional engineering or land surveying in this State unless
 33 the person or persons in responsible charge of engineering or land survey-
 34 ing work shall be so licensed to practice in this State [;] . [and *provided*
 35 *further, that the*] The person or persons carrying on the actual practice of
 36 professional engineering or land surveying on behalf of or designated as
 37 "engineers" or "surveyors" or "professional engineers" or "land sur-
 38 veyors," with or without qualifying or characterizing words, by any such
 39 corporations, firms, partnerships or associations, shall be licensed to practice
 40 professional engineering or land surveying as provided in this chapter.

41 Nothing in this act shall be construed as requiring licensing for the
 42 purpose of practicing professional engineering or land surveying by any per-
 43 son, firm, or corporation upon property owned or leased by such person,
 44 firm or corporation, unless the same involves the public safety [or health],
 45 public health or public welfare.

1 2. Section two of the act of which this act is amendatory is amended to
2 read as follows:

3 2. Definitions. (a) The term "professional engineer" [as used in this
4 chapter] within the meaning and intent of this chapter shall mean a person
5 who by reason of his [or her] special knowledge of [mathematics,] the
6 mathematical and physical sciences [,] and the principles and methods of
7 engineering analysis and design, acquired by professional education and
8 practical experience, is qualified to [engage in engineering practice] practice
9 professional engineering as hereinafter defined as attested by his license as
10 a professional engineer.

11 (b) The [practice of] terms "practice of engineering" or "professional
12 engineering" within the meaning [of this chapter includes] and intent of
13 this chapter shall mean any professional service or creative work requiring
14 engineering education, training, and experience and the application of special
15 knowledge of the mathematical, physical and engineering sciences to such
16 professional services or creative work [such] as consultation, investigation,
17 evaluation, planning, design or [responsible] general supervision of con-
18 struction or operation for the purpose of assuring compliance with plans,
19 specification and design in connection with any public or private engineering
20 or industrial project. The practice of professional engineering shall not in
21 clude the work ordinarily performed by persons who operate or maintain
22 machinery or equipment. The provisions of this chapter shall not be con-
23 strued to prevent or affect the employment of architects in connection with
24 engineering projects within the scope of the act to regulate the practice of
25 architecture and all the amendments and supplements thereto.

26 A person shall be construed to practice or offer to practice engineering,
27 within the meaning and intent of this chapter, who practices any branch of
28 the profession of engineering; or who, by verbal claim, sign, advertisement,
29 letterhead, card, or in any other way represents himself to be a pro-
30 fessional engineer, or through the use of some other title implies that he is
31 a professional engineer; or who represents himself as able to perform, or

32 who does perform any engineering service or work or any other professional
33 service recognized by the professional engineer or by educational author-
34 ities as professional engineering.

35 (c) The term "engineer-in-training" as used in this chapter shall mean
36 a person who is a potential candidate for license as a professional engineer
37 who is a graduate in an approved engineering curriculum of four years or
38 more from a school or college accredited by the board as of satisfactory
39 standing, or a person who, in lieu of such graduation has had four years or
40 more of experience in engineering work of a character satisfactory to the
41 board; and who, in addition, has successfully passed an examination in the
42 fundamental engineering subjects, as defined elsewhere herein.

43 [(c)] (d) The term "land surveyor" as used in this chapter shall
44 mean a person who engages in the practice of land surveying as hereinafter
45 defined.

46 [(d)] (e) The practice of land surveying within the meaning and in-
47 tent of this chapter includes surveying of areas for their correct determina-
48 tion and description and for conveyancing, [or] and for the establishment
49 or re-establishment of land boundaries and the plotting of lands and sub-
50 divisions thereof, and such topographical survey and land development as
51 is incidental to the land survey.

52 [(e)] (f) The term "board" as used in this chapter shall mean the
54 State Board of Professional Engineers and Land Surveyors.

55 (g) The term "responsible charge" as used in this chapter shall mean
56 a degree of competence and accountability acquired by technical education,
57 engineering practice and experience of a professional character sufficient to
58 qualify an individual to engage personally and independently in the control
59 and direction of investigation, design, construction or operation of engineer-
60 ing works requiring professional skill, initiative and independent judgment.

1 3. Section three of the act of which this act is amendatory is amended
2 to read as follows:

3 3. To carry out the provisions of this chapter, there is hereby created
4 an examining board for the licensing of professional engineers and land
5 surveyors, and the certification of engineers-in-training, which board shall
6 consist of five members who shall be appointed by the Governor of the
7 State of New Jersey, with the advice and consent of the Senate, within
8 sixty days after the passage of this chapter, or as soon as practicable there-
9 after. The members of said board shall be appointed to serve for [the] a
10 term of five years, one of which shall expire each calendar year. Each mem-
11 ber shall hold office after the expiration of his term until his successor shall
12 be duly appointed and qualified. A member of the board shall not be eligi-
13 ble to succeed himself more than once. The term of office of the members
14 of said board shall commence on the first day of May. Vacancies in the
15 membership of the board, however created, [may] shall be filled by ap-
16 pointment of the Governor, with the advice and consent of the Senate, from
17 nominees recommended by the representative professional engineering soci-
18 eties [of] incorporated in this State, [with the advice and consent of the
19 Senate,] the members of which are licensed pursuant to this act, for [the]
20 any unexpired term, and for each five-year term. Notwithstanding anything
21 herein contained, the present members of the State Board shall continue in
22 office as members of said board until their present respective terms expire,
23 except as provided elsewhere herein for removal.

24 [To direct and supervise the administrative work of the State Board of
25 Professional Engineers and Land Surveyors there is hereby created the
26 office of secretary-director, who shall also be ex officio a member of the exam-
27 ing board. The secretary-director shall be the chief executive and adminis-
28 trative officer of the State Board. The secretary-director shall be named
29 by the Governor of this State, and his term which commences within ten
30 days after this act takes effect shall terminate on the thirty first day of
31 March, one thousand nine hundred and forty-two. His successor shall be

32 appointed by a majority of the State Board of Professional Engineers
 33 and Land Surveyors for a period of three years. The secretary-director
 34 is hereby empowered to appoint an assistant secretary and one or more
 35 investigators and such assistants as he may deem necessary, who shall hold
 36 their respective positions during the pleasure of the secretary-director, and
 37 shall perform such duties as he may assign; and shall receive such salaries
 38 or compensation as the secretary-director shall fix; *provided, however*, that
 39 the total of such salaries and compensation and incidental expenses, to-
 40 gether with all other expenses shall not exceed the total receipts from fees
 41 during any fiscal year. The secretary-director shall be paid a salary of
 42 two thousand five hundred dollars (\$2,500.00) per annum. The secretary-
 43 director is further empowered to lease and maintain suitable offices for
 44 the board at such places within the State of New Jersey as he may deem
 45 necessary for the conduct of the business of the board. The secretary-direc-
 46 tor is empowered to make rules and regulations for effectuating the pur-
 47 poses of this act.]

48 To supervise the detailed office routine and all necessary administra-
 49 tive work of the board, there is hereby created the position of sec-
 49a retary to the board. The board shall appoint such a secretary, to serve
 50 at the pleasure of the board, at a salary determined by the board. Du-
 51 ties of the secretary to the board shall be those defined by the board. The
 52 secretary to the board shall not be a member of the board.

53 The board may provide for the creation of additional positions, as
 54 deemed necessary to make effective the provisions of this act.

55 The board shall arrange through lease or otherwise to maintain suit-
 56 able offices within the State of New Jersey for the conduct of the business
 57 of the board.

1 4. Section four of the act of which this act is amendatory is amended
 2 to read as follows:

3 4. Said board, when so appointed, shall be designated and known as the
 4 "State Board of Professional Engineers and Land Surveyors."

5 **[No person shall be appointed on said board who is not a citizen of the**
 6 **United States and a resident of this State at the time of his appointment,**
 7 **and who has not been engaged in the practice of professional engineering at**
 8 **least ten years, and who shall not have been in responsible charge of profes-**
 9 **sional engineering or land surveying for at least five years.]**

10 All persons appointed to the said board shall be citizens of the United
 11 States and residents of the State of New Jersey. Appointees shall have
 12 been licensed as professional engineers in New Jersey for a period of at
 13 least five years, and at least one member shall also be a licensed land sur-
 14 veyor.

15 **[After the passage of this chapter appointments to the board to fill ex-**
 16 **pired terms may be made by the Governor from nominees recommended by**
 17 **the representative professional engineering societies of the State, with the**
 18 **advice and consent of the Senate.]**

19 The Governor may remove any member of the board after hearing, for
 20 misconduct, incompetency, neglect of duty or for any other sufficient cause.

21 **[One member of said examining board shall be a licensed land sur-**
 22 **veyor.]**

23 **[After this chapter becomes effective, no person shall be appointed as a**
 24 **member of said examining board who shall not be a licensed professional**
 25 **engineer or licensed land surveyor under the provisions of this chapter.]**

26 The members of said examining board shall receive no compensation
 27 for their services, but shall be reimbursed for all necessary **[traveling,**
 28 **hotel, incidental and clerical]** expenses, incidental to their duties as mem-
 29 bers of said board, incurred in carrying out the provisions of this chapter
 30 **;** *provided, however*, that the total of such expenses shall not exceed the
 31 total receipts from fees during any fiscal year].

1 5. Section five of the act of which this act is amendatory is amended to
 2 read as follows:

3 5. Each member of the examining board before entering upon the
4 duties of his office, shall subscribe to an official oath of office as provided by
5 section 41:1-3 of the Title Oaths and Affidavits of the Revised Statutes,
6 which oath shall be filed in the office of the Secretary of State.

7 The examining board shall be entitled to the services of the Attorney-
8 General in connection with the affairs of the board and the board shall have
9 power to compel the attendance of witnesses, and any member thereof may
10 administer oaths and the board may take testimony and proofs concerning
11 any matters within its jurisdiction.

12 The board shall adopt and have an official seal.

13 In carrying into effect the provisions of this chapter, the board may,
14 under the hand of its president and the seal of the board, subpoena witnesses
15 and compel their attendance, and also may require the production of books,
16 papers, documents, et cetera, in a case involving the revocation of license or
17 practicing or offering to practice without license. If any person shall re-
18 fuse to obey any subpoena so issued, or shall refuse to testify or produce any
19 books, papers or documents, the board may present its petition to any [jus-
20 tice] judge of the [State Supreme] Superior Court of New Jersey setting
21 forth the facts, and thereupon such court shall, in proper case, issue a sub-
22 poena to such person, requiring attendance before such court and there to
23 testify or to produce such books, papers and documents as may be deemed
24 necessary and pertinent to the board. Any person failing or refusing to
25 obey the subpoena or order of said court may be proceeded against in the
26 same manner as for refusal to obey any other subpoena or order of the
27 said court.

1 6. Section six of the act of which this act is amendatory is amended
2 to read as follows:

3 6. Said examining board shall at its annual meeting to be held in
4 [April] May [meet and] organize by electing a president, vice-president
5 and secretary-treasurer, who shall be members of the board.

6 The secretary-~~[director and]~~ treasurer shall ~~[give]~~ furnish bond for
 7 the faithful performance of ~~[their]~~ his duties in such ~~[sums]~~ sum as the
 8 board shall determine. Premium for said bond shall be regarded as a
 9 proper and necessary expense of the board.

10 Said board shall meet at least every two months and special meetings
 11 may be held at such times as called by the ~~[secretary-director]~~ president.

12 A quorum of the examining board shall consist of three members; pro-
 13 vided, that no action at any meeting shall be taken without at least three
 14 votes in accord.

1 7. Section seven of the act of which this act is amendatory is amended
 2 to read as follows:

3 7. An itemized account of all receipts and expenditures of the board
 4 shall be kept by the said secretary-~~[director]~~ treasurer and a detailed report
 5 thereof, verified by the affidavit of said secretary-~~[director]~~ treasurer, shall
 6 be filed with the ~~[Secretary of State]~~ Director of Division of Budget and
 7 Accounting, Department of the Treasury, within twenty days after the close
 8 of the fiscal year. A copy of this report shall be forwarded also to the office
 9 of the Attorney-General, as head of the Department of Law and Public
 10 Safety.

11 [The Secretary of State shall be paid such fees for filing the report as
 12 are now paid for filing similar reports in his office. All surplus in the
 13 hands of the board at the end of the fiscal year shall be paid to the State
 14 Treasurer.]

1 8. Section eight of the act of which this act is amendatory is amended
 2 to read as follows:

3 8. The examining board shall keep a record of its proceedings and a
 4 [roster] record of all applicants for license, showing for each the date of
 5 application, name, age, education and other qualifications, place of business
 6 and place of residence, whether or not an examination was required and
 7 whether the applicant was rejected or a certificate of license granted, and the
 8 date of such action.

9 The books and register of the examining board shall be prima facie evi-
10 dence of all matters recorded therein. ~~【The】~~ A ~~【roster】~~ public register
11 showing the names and places of business and residences of all licensed pro-
12 fessional engineers and land surveyors and engineers-in-training shall be
13 prepared ~~【by the secretary of the board】~~ under the direction of the secre-
14 tary-treasurer during the month of June of each year; such ~~【roster】~~ public
15 register shall be printed and a copy mailed to each licensee and a copy
16 mailed to the clerk of each city, town, township, village, borough, county
17 and other municipal corporation of this State, which ~~【roster】~~ public register
18 shall be placed on file in the office of the said clerk. Said public register
19 shall contain a copy of this statute, as amended, in its entirety.

✓ 1 9. Section nine of the act of which this act is amendatory is amended to
2 read as follows:

3 9. Applications for license as professional engineers shall be on forms
4 prescribed and furnished by the board, shall contain statements under oath,
5 showing the applicant's education and detailed ~~【summary】~~ statement of his
6 ~~【or her】~~ 【technical work】 engineering experience, and shall contain not less
7 than five references, of whom three or more shall be licensed professional en-
8 gineers having personal knowledge of ~~【his or her】~~ the applicant's engi-
9 neering experience.

10 The ~~【license】~~ application fee for professional engineers shall be
11 ~~【twenty-five dollars (\$25.00)】~~ twenty dollars (\$20.00) or when the applicant
12 applies for license to practice both professional engineering and land sur-
13 veying, ~~【when】~~ the fee shall be ~~【thirty-five dollars (\$35.00)】~~ thirty dollars
14 (\$30.00), and in either case ~~【ten dollars (\$10.00)】~~ shall accompany the ap-
15 plication ~~【, the remainder to be paid upon notification that application has~~
16 ~~been approved subject to such final payment, when license certificate will~~
17 ~~be issued】.~~

18 Applications for license as land surveyors shall be on forms prescribed
19 and furnished by the board, shall contain statements under oath, showing
20 the applicant's education and detailed statement of his land surveying ex-

21 perience, and shall contain not less than five references, of whom three or
 22 more shall be licensed professional engineers or land surveyors having per-
 23 sonal knowledge of the applicant's land surveying experience.

24 The [license] application fee for land surveyors shall be [twenty-five
 25 dollars (\$25.00)] twenty dollars (\$20.00) [of which ten dollars (\$10.00)]
 26 and shall accompany the application [, the remainder to be paid upon noti-
 27 fication that application has been approved subject to such final payment,
 28 when license certificate will be issued].

29 [Should the board deny the issuance of a license certificate to any ap-
 30 plicant for professional engineer's license or for land surveyor's license, the
 31 initial fee of ten dollars (\$10.00) shall be retained.]

32 The form of application for a certificate of registration as "engineer-
 33 in-training" shall be furnished by the board and shall be accompanied by a
 34 fee of five dollars (\$5.00) and shall contain the names of three references
 35 of whom at least one shall be a licensed professional engineer having per-
 36 sonal knowledge of the applicant's engineering experience or training.

37 All application fees shall be retained by the board.

38 [When a certificate of qualification issued by the National Bureau of
 39 Engineering Registration is accepted as evidence of qualification, the total
 40 fee for license as professional engineer shall be fifteen dollars (\$15.00) and
 41 shall accompany the application.]

42 The following shall be considered as minimum evidence satisfactory to
 43 the board that the applicant is qualified for a license as a professional engi-
 44 neer, or as a land surveyor, [respectively,] or for certificate of registration
 45 as engineer-in-training, to wit:

46 (1) As a professional engineer:

47 a. Graduation from an approved course in engineering of four
 48 years or more in a school or college approved by the board as of satis-
 49 factory standing; [and] a specific record of an additional four years
 50 or more of active practice in engineering work of a character satisfac-
 51 tory to the board, and indicating that the applicant is competent to be

52 placed in responsible charge of such work; and successfully passing a
53 written or written and oral examination; or

54 b. Successfully passing a written, or written and oral examination
55 designed to show knowledge and skill approximating that attained
56 through graduation from an approved four-year engineering course;
57 and a specific record of eight years or more of active practice in
58 engineering work of a character satisfactory to the board and indicating
59 that the applicant is competent to be placed in responsible charge of
60 such work; or

61 [c. A specific record of twelve years or more of lawful practice in
62 professional engineering work of a character satisfactory to the board
63 and indicating that the applicant is qualified to design or to supervise
64 construction of engineering works and provided applicant is not less
65 than thirty-five years of age; or]

66 [d.] c. A certificate of qualification or registration issued to him
67 by [the] proper authority of the National Council of State Boards of
68 Engineering Examiners, or of the National Bureau of Engineering
69 Registration may, in the discretion of the board, be accepted as min-
70 imum evidence satisfactory to the board that the applicant is qualified
71 for license as a professional engineer, or

72 d. A certificate of qualification of registration, issued by any State
73 or territory or possession of the United States, or of any country, may,
74 in the discretion of the board, be accepted as minimum evidence satis-
75 factory to the board that the applicant is qualified for registration as a
76 professional engineer; provided, requirements for license by issuing
77 agency are at least comparable to those of the board.

78 (2) As a land surveyor:

79 a. Graduation from an approved course in surveying in a school or
80 college approved by the board as of satisfactory standing; [and] an
81 additional [two] three years or more of actual practice in land sur-
82 veying work of a character satisfactory to the board and indicating that

the applicant is competent to be placed in responsible charge of such work, and successfully passing a written or written and oral examination; or

b. Successfully passing a written, or written and oral, examination in surveying prescribed by the board; and a specific record of [four] six years or more of active practice in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work [, or].

[c. A specific record of twelve years or more of lawful practice in land surveying work of a character satisfactory to the board and provided applicant is not less than thirty-three years of age.]

(3) As an engineer-in-training:

a. Is a citizen of the United States or has made declaration of his intention to become a citizen of the United States of America; and

b. Has graduated with a scholastic record satisfactory to the board in an approved course in engineering of four or more years from a school or college approved by the board; and has satisfactorily passed a written examination in the fundamental engineering subjects; or

c. Has a specific record of four years or more of active practice in engineering work of a character satisfactory to the board, and who, in addition has passed a written examination in the fundamental engineering subjects.

Qualifications.

[No person shall be eligible for license as a professional engineer or land surveyor who is under twenty-one years of age and who is not a citizen of the United States or who has not made declaration of his or her intention to become a citizen of the United States, or who does not speak and write the English language, or who is not of good character and reputation.]

To be eligible for license as a professional engineer, a person shall be at least twenty-five years of age. To be eligible for license as a land surveyor, a person shall be at least twenty-one years of age. To be eligible for

114 license as a professional engineer or land surveyor an applicant shall be a
115 citizen of the United States of America or shall have made declaration of
116 his intention to become a citizen of the United States of America. An appli-
117 cant for license as a professional engineer or land surveyor shall be able to
118 speak and write the English language. All applicants shall be of good char-
119 acter and reputation.

120 The satisfactory completion of each year of an approved course in en-
121 gineering in a school or college approved by the board as of satisfactory
122 standing, without graduation, shall be considered as equivalent to one-half
123 year of active practice.

124 Graduation in a course of four years or more, other than engineering,
125 from a college or university of recognized standing shall be considered as
126 equivalent to two years of active practice.

127 In considering the qualifications of applicants, engineering teaching may
128 be construed as engineering experience.

129 The mere execution, as a contractor, of work designed by a professional
130 engineer, or the supervision of construction of such work as a foreman or
131 superintendent shall not be deemed to be active practice of engineering
132 work.

133 Any person having the necessary qualifications prescribed in this chap-
134 ter to entitle him [or her] to license shall be eligible for such license though
135 he [or she] may not be practicing his [or her] profession at the time of
136 making the application.

137 [Applicants for license, in cases where the evidence originally presented
138 in the application does not appear to the board to be conclusive, or to war-
139 rant the issuance of a certificate, may present further evidence for the con-
140 sideration of the board which may include the results of a required examina-
141 tion.]

142 [In determining the qualifications of applicants for license as profes-
143 sional engineers or land surveyors, character shall be given predominant

weight and a majority of vote of the members of the board shall be required to pass upon the issuance of a license to any applicant.]

A quorum of the examining board for the purpose of passing upon the issuance of a license to any applicant shall consist of three members; *provided*, that no action on any application shall be taken without at least three votes in accord.

The scope of the examination and methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering projects and works so as to insure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicants for license separately in professional engineering and in land surveying. A candidate failing on examination may apply for re-examination at the next subsequent examination [or after the expiration of six months] and will be re-examined without payment of additional fee. Subsequent examinations will be granted upon the payment of a fee to be determined by the board and not to exceed ten dollars (\$10.00). The board will schedule three examinations per year, dates and places to be determined by the board.

Examinations of applicants for license as professional engineer will be divided into three parts, as follows:

Part I—Structural design—This examination is intended to establish the applicant's competency to plan, structurally design and supervise the construction of buildings and similar structures.

Part II—Basic engineering sciences—This examination is intended to cover the practical application of the basic engineering sciences, such as hydraulics, thermodynamics, chemistry and electricity.

Part III—Specialized training of engineers—This examination is intended to cover the more advanced and specialized professional training and experience of engineers in their chosen field of engineering.

Applicants for certificate of registration as engineer-in-training shall qualify by satisfactorily passing Parts I and II of the examination.

175 The scope, time and place of the examinations for applicants for cer-
 176 tificates of registration as "engineer-in-training" shall be prescribed by the
 177 board. A candidate failing on first examination may apply for one re-exami-
 178 nation at the next subsequent examinations after the expiration of six months
 179 and will be re-examined without payment of an additional fee. All subse-
 180 quent examinations will be granted upon the payment of a fee of five dol-
 181 lars (\$5.00).

1 10. Section ten of the act of which this act is amendatory is amended to
 2 read as follows:

3 10. Certificates. The board shall issue a license certificate upon payment
 4 of the license application fee as provided in this chapter, to any applicant
 5 who, in the opinion of the board, has satisfactorily met all the require-
 6 ments of this chapter, and who has paid the license fee of five dollars
 7 (\$5.00) to cover licensure for the year or fraction thereof in which such li-
 8 cense is issued. In the case of a licensed professional engineer the certifi-
 9 cate shall authorize the practice of the applicant as a "professional engi-
 10 neer" [solely under that title] and in the case of a licensed land surveyor as
 11 a "land surveyor" [solely under that title], or as "professional engineer
 12 and land surveyor" when the applicant qualifies in both [respects] classi-
 13 fications. Certificates of license shall show the full name of the licensee,
 14 shall have a [serial] license number and shall be signed by the president
 15 and the secretary-treasurer of the board under the seal of the board. The
 16 issuance of a license certificate by this board shall be evidence that the per-
 17 son named therein is entitled to all the rights and privileges of a licensed
 18 professional engineer or a licensed land surveyor, or as both as the case may
 19 be, while said certificate remains unrevoked or unexpired.

20 Each [licensed] [""] professional engineer ["] or ["" land sur-
 21 veyor ["] shall upon receipt of license certificate, obtain a seal of a
 22 design authorized by the board, bearing his [or her] name, license number
 23 and the legend "Licensed Professional Engineer," [and "Land Surveyor"]
 24 "Licensed Land Surveyor," or "Licensed Professional Engineer and Land

25 Surveyor," as the case may be [if so licensed]. Plans, specification, plats,
 26 and reports issued by [the licensee] persons authorized under this chapter
 27 shall be stamped with said seal when filed with public authorities, during
 28 the life of the licensee's certificate, but it shall be unlawful for anyone to
 29 stamp or seal any documents with said seal after the certificate of the li-
 30 censee named thereon has expired or has been revoked, unless said certifi-
 31 cate shall have been renewed or reissued. The exact method of fulfilling
 32 the requirement as to the stamping of documents shall be regulated by the
 33 board.

34 All professional engineers licensed by this board prior to the passage
 35 of this chapter, shall continue to practice under the various classifications
 36 heretofore granted and within the branches of engineering indicated or may,
 37 upon application therefor, and the payment of a fee of five dollars (\$5.00)
 38 receive a new certificate under the title "professional engineer"; *provided,*
 39 said professional engineer presents evidence satisfactory to the board of his
 40 qualifications to practice in the field of general engineering comprehended
 41 in the title "professional engineer."

42 All [licenses granted by the board] license certificates shall be recorded
 43 by the board in the office of the Secretary of State, in a book kept for that
 44 purpose and any recording fee as may be provided by law shall be paid by
 45 the applicant before the license certificate is delivered.

46 The examining board shall be empowered to issue a certificate of regis-
 47 tration as "Engineer-in-Training" to an applicant who meets the qualifica-
 48 tions [:] outlined elsewhere herein.

49 An applicant who meets the requirements of this act shall receive a
 50 certificate of registration as "Engineer-in-Training," which certificate may
 51 remain in effect for a period of ten years from the date of issuance.

1 11. Section eleven of the act of which this act is amendatory is
 2 amended to read as follows:

3 11. License certificates shall expire on the thirtieth day of April follow-
 4 ing issuance, renewal or reinstatement and shall become invalid on that day

5 unless renewed. Licensees shall apply for renewal on or before the thirtieth
 6 day of April of each year. It shall be the duty of the secretary-treasurer
 7 [director] of the board to notify all persons licensed under this chapter of
 8 the date of the expiration of their certificates and the amount of the fee that
 9 shall be required for their renewal for one year; such notice shall be mailed
 10 to each registrant at his post office address known to the board at least one
 11 month in advance of the date of expiration of said certificate. Renewal of
 12 any certificate issued under this chapter may be effected at any time during
 13 the month of April by the payment of the [following fees, to wit:] fee of five
 14 dollars (\$5.00).

15 [As professional engineer, five dollars (\$5.00);]

16 [As professional engineer and land surveyor, five dollars (\$5.00);]

17 [As licensee under one or more of the special titles in professional
 18 engineering and land surveying designated by the board prior to the pas-
 19 sage of this chapter, five dollars (\$5.00);]

20 [As land surveyor, five dollars (\$5.00).]

21 The failure on the part of the licensee to renew his [or her] certificate
 22 annually in the month of April as required shall not deprive such person of
 23 the right of renewal during the ensuing year but the fee to be paid if the
 24 license be renewed in any month during the current year subsequent to April
 25 shall be seven dollars (\$7.00) instead of five dollars (\$5.00); and, if the li-
 26 sence certificate be not renewed in the current year, the licensee shall [have
 27 to] pay a reinstatement fee of ten dollars (\$10.00) plus five dollars (\$5.00)
 28 for each year in which the licensee is in arrears. One notice to the licensee,
 29 by mail, on or before April fifteenth, addressed to his [or her] last place of
 30 residence known to the board, informing him [or her] of his [or her] fail-
 31 ure to have applied for a renewal of his [or her] license certificate, shall
 32 constitute legal notification of such delinquency by the board.

33 The failure on the part of the licensee to renew his [or her] certificate
 34 within one year from the date of the expiration of said license certificate
 35 will automatically revoke such license certificate and the right of the person

36 to practice thereafter shall be restored only upon the payment of the ten
37 dollar (\$10.00) reinstatement fee plus all arrearages. Continuing to practice
38 as a "professional engineer" or as a "land surveyor" after the expiration
39 of his [or her] license shall render the person so doing liable to all the
40 penalties prescribed for practicing without a license certificate.

1 12. Section twelve of the act of which this act is amendatory is
2 amended to read as follows:

3 12. The examining board shall have the power to revoke the certificate
4 of license of any professional engineer or land surveyor licensed hereunder
5 who is found guilty by said board of any fraud or deceit in obtaining a cer-
6 tificate of license, or of gross negligence, incompetency or misconduct in
7 the practice of professional engineering or land surveying.

8 Any person may prefer charges of such fraud, deceit, negligence, incom-
9 petency or misconduct against any professional engineer or land surveyor
10 hereunder.

11 Such charges shall be in writing and sworn to by the complainant and
12 submitted to the board. Such charges unless dismissed without hearing by
13 the board as unfounded or trivial, shall be heard and determined by the
14 board within three months after the date on which they are preferred.

15 The time and place for such hearing shall be fixed by the board. A copy
16 of the charges, together with a notice of the time and place of hearing shall
17 be personally served on the accused by the board at least thirty days before
18 the day fixed for the hearing, and in the event that such service cannot be
19 effected thirty days before such hearing, then the date of hearing and deter-
20 mination shall be postponed as may be necessary to permit the carrying out
21 of this execution. At said hearing the accused shall have the right to ap-
22 pear personally and by counsel and to cross examine witnesses against him
23 [or her] and to produce evidence and witnesses in his [or her] defense. If
24 after said hearing three or more members of the board vote in favor of
25 finding the accused guilty of any fraud or deceit in obtaining a certificate, or
26 of gross negligence, incompetency or misconduct in the practice of profes-

27 sional engineering or land surveying, the board shall revoke the certificate
28 of license of the accused. The board may under circumstances which to it
29 may seem proper, reissue a certificate of license to any person whose certifi-
30 cate has been so revoked.

31 A new certificate of license to replace any certificate lost, destroyed or
32 mutilated, may be issued subject to the rules and regulations of the board.
33 A charge of three dollars (\$3.00) shall be made for such reissuance.

1 13. Section thirteen of the act of which this act is amendatory is
2 amended to read as follows:

3 13. Any person who, hereafter, is not legally authorized to practice pro-
4 fessional engineering or land surveying in this State according to the pro-
5 visions of this chapter, who shall so practice or offer so to practice in this
6 State, except as provided in section fourteen of this chapter, or any person
7 presenting or attempting to file as his own the certificate of license of an-
8 other, or who shall give false or forged evidence of any kind to the board,
9 or to any member or representative thereof, in obtaining a certificate of
10 license, or who shall falsely impersonate another licensed practitioner of
11 like or different name, or who shall use or attempt to use an expired certi-
12 ficate of license, or an unexpired and revoked certificate of license, or who
13 shall otherwise violate any of the provisions of this chapter, shall be deemed
14 guilty of a misdemeanor and punishable upon conviction thereof by a fine of
15 not less than one hundred dollars (\$100.00) nor more than five hundred dol-
16 lars (\$500.00) or by imprisonment for a term of not exceeding three months,
16½ or by both fine and imprisonment.

17 It shall be unlawful for any person to use the title "Engineer-in-Train-
18 ing" unless such person is the holder of a valid certificate of registration
19 issued by the board. Violation of the provisions of this act shall be deemed
20 a misdemeanor and punishable, upon conviction thereof, by a fine of not
21 less than one hundred dollars (\$100.00) nor more than five hundred dollars
22 (\$500.00).

23 All fines collected for the violations of any of the provisions of this
24 chapter shall be paid to the secretary-treasurer of this board to be held, dis-

25 posed and accounted for by him as [herein directed] provided by law and it
 26 shall be the duty of the county treasurer of each county, or the treasurer
 27 of any municipality, upon receipt by him of any such fine, to forthwith pay
 28 over same to the secretary-treasurer of the board. The board or any mem-
 29 ber or officer thereof may prefer a complaint for violation of this chapter be-
 30 fore any court, tribunal or magistrate having jurisdiction and may by its
 31 officers, counsel and agents, aid in presenting the law or facts before said
 32 court, tribunal or magistrate in any proceeding taken thereon, and it shall
 33 be the duty of the prosecutor of the pleas of the counties in this State to
 34 prosecute all violations of the provisions of this chapter.

1 14. Section fourteen of the act of which this act is amendatory is
 2 amended to read as follows:

3 14. The following shall be exempted from the provisions of this chap-
 4 ter:

5 (1) A person not a resident of and having no established place of
 6 business in this State, practicing or offering to practice herein [the pro-
 7 fession of engineering or land surveying] professional engineering or land
 8 surveying within the meaning and intent of this chapter, when such prac-
 9 tice does not exceed in the aggregate thirty days in any calendar year;
 10 *provided*, such person is legally qualified by license to practice [the] said
 11 [profession] professional engineering or land surveying in any State or
 12 country in which the requirements and qualifications for [obtaining] a cer-
 13 tificate of license are [not lower than] at least comparable to those specified
 14 in this chapter.

15 (2) A person not a resident of and having no established place of busi-
 16 ness in this State, or who has recently become a resident thereof, practicing
 17 or offering to practice herein for more than thirty days in any calendar year
 18 [the profession of] professional engineering or land surveying, if he shall
 19 have filed with the board an application for a certificate of license and
 20 shall have paid the fee required by this chapter; *provided*, that such a per-
 21 son is legally qualified to practice said [profession] professional engineer-

ing or land surveying in any State or country in which the requirements and qualifications for obtaining a license are [not lower than] at least comparable to those specified in this chapter. Such exemption shall continue only for such time as the board requires for the consideration of the application for license certificate.

(3) An employee or a subordinate of a person holding a license under this chapter or an employee of a person exempted from license by subsections (1) and (2) of this section; *provided*, this practice does not include responsible charge of design or supervision.

(4) Officers and employees of the Government of the United States while engaged within this State in the practice of professional engineering or land surveying, for said Government.

(5) The practice of engineering or land surveying solely as an officer or employee of a corporation engaged in interstate commerce as defined in an act of Congress entitled "Act to regulate commerce," approved February fourth, one thousand eight hundred and eighty-seven, and as amended, unless the same affects public safety or health.

15. Section fifteen of the act of which this act is amendatory is amended to read as follows:

15. Hereafter no county, city, town, township, village, borough or other municipal corporations or other political subdivisions in the State shall engage in the design, construction or maintenance of any public work involving professional engineering for which plans, specifications and estimates have not been made by and the construction and maintenance supervised by a licensed professional engineer or a registered architect, nor shall any county, city, town, township, village, borough or other municipal corporation or other political subdivision in the State employ any person or to perform work involving land surveying except a licensed land surveyor.

16. Section sixteen of the act of which this act is amendatory is amended to read as follows:

3 16. No department, institution, commission, board or body of the State
4 Government, or of any political subdivision thereof shall designate, appoint
5 or employ an engineer or any person to be in responsible charge of pro-
6 fessional engineering work other than a duly qualified professional engineer
7 who has been licensed by the State of New Jersey, prior to the designation,
8 appointment or employment by such department, institution, commission,
9 board or body of the State Government, or any political subdivision thereof.

10 Notwithstanding anything in this chapter to the contrary no professional
11 engineer licensed in this State prior to the passage of this chapter and hold-
12 ing an appointment by the State or by any department, institution, com-
13 mission, board or body of the State Government, or any political subdivision
14 thereof, shall be deprived of the right of reappointment to the same office or
15 position or appointment to any other office or position requiring similar
16 qualifications.

1 17. Section seventeen of the act of which this act is amendatory is
2 amended to read as follows:

3 17. The clerk of such department, institution, commission, board or body
4 of the State Government or of any political subdivision thereof shall file with
5 the secretary-treasurer of the State Board of Professional Engineers and
6 Land Surveyors the name of any engineer designated, appointed or em-
7 ployed, within thirty days after appointment. Where professional engineers
8 or land surveyors are employed, subject to the provisions of the civil service
9 law, the appointment of any such person shall be understood to mean and
10 include appointment after such person has been certified as having satisfac-
11 torily passed a civil service examination. No person, firm, association or
12 corporation engaged in engineering or land surveying, shall employ an engi-
13 neer or land surveyor, in responsible charge of any work, within the mean-
14 ing and intent of this act, other than a duly qualified professional engineer
15 or land surveyor, who has been licensed pursuant to the provisions of this
16 chapter, prior to such employment by the person, firm, association or cor-
17 poration so engaged in engineering or land surveying; provided, however,

18 that nothing in this chapter shall apply to any public utility as defined in
 19 chapter two of Title 48 of the Revised Statutes, or any employee thereof or
 20 to any improvement or proposed improvement made by any such public
 21 utility or by any employee of or any contractor or agent for said public
 22 utility.

1 18. Section nineteen of the act of which this act is amendatory is
 2 amended to read as follows:

3 19. No department, institution, commission, board or body of the State
 4 Government, or any political subdivision thereof, being the depository or
 5 having the custody of any plan or specification involving professional engi-
 6 neering, shall receive or file any such plan or specification [involving pro-
 7 fessional engineering] unless there [shall be attached] is affixed thereto the
 8 [certificate and] seal of a professional engineer licensed pursuant to the
 9 provisions of this chapter, or the seal of a registered architect thereon nor
 10 receive or file any plan [or specification] involving land surveying unless
 11 there [shall be attached] is affixed thereto the [certificate and] seal of a
 12 land surveyor licensed pursuant to this chapter.

1 19. Chapter 50 of the Laws of 1943 is hereby repealed.

1 20. Chapter 59 of the Laws of 1947 is hereby repealed.

1 21. This act shall take effect immediately.

STATEMENT

The purposes of these amendments and revisions are:

1. Further defines the term professional engineer and the practice of professional engineering so as to protect not only licensed professional engineers but the public health, safety and welfare as well.

2. Defines "responsible charge of work," thereby establishing a basis for mandatory licensure.

3. Limits a board member to two *successive* terms.

4. Provides that the Governor select his nominee for appointment to vacancies in the State Board of Professional Engineers and Land Surveyors

from a list of nominees furnished by the principal State societies of professional engineers. Present law makes it optional. (This conforms to the licensing laws of the majority of professions in New Jersey.)

5. Eliminates the office of secretary director of the board and places full authority in the board as a whole.

6. Requires written examinations for all applicants for a license as professional engineer and/or land surveyor. Also increases minimum age for professional engineer applicant to 25 years.

7. Specifically divides examination into three parts—Structural, Basic Engineering Sciences, and Specialized Training.

8. Other minor revisions have been made to facilitate and expedite the functioning and the work of the State Board and to conform to the State Department Reorganization Act.

All the revisions contained herein have the unanimous approval of the New Jersey Society of Professional Engineers.

All the revisions contained herein have the unanimous approval of the New Jersey Society of Architects.

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ASSEMBLY, No. 272

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1950

By Mr. CURTIS

Referred to Committee on Revision and Amendment of Laws

AN ACT to amend "An act concerning the practice of professional engineering and land surveying (Revision of 1938), and repealing chapter eight, Title 45, of the Revised Statutes," approved June fourteenth, one thousand nine hundred and thirty-eight (P. L. 1938, c. 342); and to repeal chapter ninety of the laws of one thousand nine hundred and forty-three; and chapter fifty-nine of the laws of one thousand nine hundred and forty-seven.

1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:

1 1. Section one of the act of which this act is amendatory is amended to
2 read as follows:

3 1. In order to safeguard life, health and property, and promote the
4 public welfare, any person practicing or offering to practice professional
5 engineering or land surveying in this State shall hereafter be required
6 to submit evidence that he is qualified so to practice and shall be
7 licensed as hereinafter provided. After the date upon which this chap-
8 ter becomes effective, it shall be unlawful for any person to practice
9 or to offer to practice professional engineering or land surveying in
10-11 this State, or to use the title professional engineer or land surveyor or
12 any other title, sign, card or device in such manner as to tend to convey the
13 impression that such person is practicing professional engineering or land
14 surveying or is a professional engineer or land surveyor, unless such per-

15 son is duly licensed under the provisions of this chapter. Every holder of a
16 license shall display it in a conspicuous place in his principal office, place of
17 business or employment.

18 No corporation, firm, partnership or association shall be granted a
19 license under this chapter. No corporation, firm, partnership or association
20 shall use or assume a name involving the word "engineers" or "engineer-
21 ing" or any modification or derivative of such terms, unless an executive
22 officer, if a corporation, or a member, if a firm, partnership or association,
23-25 shall be a licensed professional engineer of the State of New Jersey.

26 No corporation, firm, partnership or association shall use or assume a
27 name involving the words "surveyors," "land surveyors," "surveying," or
28 "land surveying," or any modification or derivative of such terms, unless an
29 executive officer, if a corporation, or a member, if a firm, partnership, or as-
30 sociation, shall be a licensed land surveyor of the State of New Jersey.

31 No corporation, firm, partnership or association shall practice or offer
32 to practice professional engineering or land surveying in this State unless
33 the person or persons in responsible charge of engineering or land survey-
34 ing work shall be so licensed to practice in this State. The person or persons
35 carrying on the actual practice of professional engineering or land surveying
36 on behalf of or designated as "engineers" or "surveyors" or "professional
37 engineers" or "land surveyors," with or without qualifying or characterizing
38 words, by any such corporations, firms, partnerships or associations, shall be
39 licensed to practice professional engineering or land surveying as provided
40 in this chapter.

41 Nothing in this act shall be construed as requiring licensing for the
42 purpose of practicing professional engineering or land surveying by any per-
43 son, firm, or corporation upon property owned or leased by such person,
44 firm or corporation, unless the same involves the public safety, public health
45 or public welfare.

1 2. Section two of the act of which this act is amendatory is amended to
2 read as follows:

3 2. Definitions. (a) The term "professional engineer" within the mean-
4 ing and intent of this chapter shall mean a person who by reason of his special
5 knowledge of the mathematical and physical sciences and the principles and
6 methods of engineering analysis and design, acquired by professional educa-
7 tion and practical experience, is qualified to practice professional engineer-
8 ing as hereinafter defined as attested by his license as a professional en-
9 gineer.

10 (b) The terms "practice of engineering" or "professional engineering"
11 within the meaning and intent of this chapter shall mean any professional
12 service or creative work requiring engineering education, training, and ex-
13 perience and the application of special knowledge of the mathematical, physi-
14 cal and engineering sciences to such professional services or creative work as
15 consultation, investigation, evaluation, planning, design or general supervi-
16 sion of construction or operation for the purpose of assuring compliance
17 with plans, specification and design in connection with any public or private
18 engineering or industrial project. The practice of professional engineering
19 shall not include the work ordinarily performed by persons who operate or
20 maintain machinery or equipment. The provisions of this chapter shall not
21 be construed to prevent or affect the employment of architects in connection
22 with engineering projects within the scope of the act to regulate the practice
23-25 of architecture and all the amendments and supplements thereto.

26 A person shall be construed to practice or offer to practice engineering,
27 within the meaning and intent of this chapter, who practices any branch of
28 the profession of engineering; or who, by verbal claim, sign, advertisement,
29 letterhead, card, or in any other way represents himself to be a pro-
30 fessional engineer, or through the use of some other title implies that he is
31 a professional engineer; or who represents himself as able to perform, or
32 who does perform any engineering service or work or any other professional
33 service recognized by the professional engineer or by educational author-
34 ities as professional engineering.

35 (c) The term "engineer-in-training" as used in this chapter shall mean
 36 a person who is a potential candidate for license as a professional engineer
 37 who is a graduate in an approved engineering curriculum of four years or
 38 more from a school or college accredited by the board as of satisfactory
 39 standing, or a person who, in lieu of such graduation has had four years or
 40 more of experience in engineering work of a character satisfactory to the
 41 board; and who, in addition, has successfully passed an examination in the
 42 fundamental engineering subjects, as defined elsewhere herein.

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

46 (e) The practice of land surveying within the meaning and intent of this
 47 chapter includes surveying of areas for their correct determination and de-
 48 scription and for conveyancing, and for the establishment or re-establish-
 49 ment of land boundaries and the plotting of lands and subdivisions thereof,
 50 and such topographical survey and land development as is incidental to the
 51 land survey.

52 (f) The term "board" as used in this chapter shall mean the State Board
 53-54 of Professional Engineers and Land Surveyors.

55 (g) The term "responsible charge" as used in this chapter shall mean
 56 a degree of competence and accountability acquired by technical education,
 57 engineering practice and experience of a professional character sufficient to
 58 qualify an individual to engage personally and independently in the control
 59 and direction of investigation, design, construction or operation of engineer-
 60 ing works requiring professional skill, initiative and independent judgment.

1 3. Section three of the act of which this act is amendatory is amended
 2 to read as follows:

3 3. To carry out the provisions of this chapter, there is hereby created
 4 an examining board for the licensing of professional engineers and land
 5 surveyors, and the certification of engineers-in-training, which board shall
 6 consist of five members who shall be appointed by the Governor of the

7 State of New Jersey, with the advice and consent of the Senate, within
8 sixty days after the passage of this chapter, or as soon as practicable there-
9 after. The members of said board shall be appointed to serve for a
10 term of five years, one of which shall expire each calendar year. Each mem-
11 ber shall hold office after the expiration of his term until his successor shall
12 be duly appointed and qualified. A member of the board shall not be eligi-
13 ble to succeed himself more than once, except that the present members of
14 the board shall be eligible to succeed themselves once hereafter. The term of
15 office of the members of said board shall commence on the first day of May.
16 Vacancies in the membership of the board, however created, shall be filled
17 by appointment of the Governor, with the advice and consent of the Senate,
18 from nominees recommended by the representative professional engineering
19 societies incorporated in this State, the members of which are licensed pur-
20 suant to this act, for any unexpired term, and for each five-year term. Not-
21 withstanding anything herein contained, the present members of the State
22 Board shall continue in office as members of said board until their present
23 respective terms expire, except as provided elsewhere herein for removal.

24 To supervise all necessary administrative work of the board, there is
25 hereby created the position of secretary-director to the board. The board
26 shall appoint such a secretary-director, to serve for a term of five years, at a
27 salary determined by the board. Duties of the secretary-director of the
28 board shall be those defined by the board. The secretary-director of the
29 board shall not be a member of the board.

30 The board may provide for the creation of additional positions, as
31 deemed necessary to make effective the provisions of this act.

32 The board shall arrange through lease or otherwise to maintain suit-
33 able offices within the State of New Jersey for the conduct of the business
34 of the board.

1 4. Section four of the act of which this act is amendatory is amended
2 to read as follows:

3 4. Said board, when so appointed, shall be designated and known as the
4 "State Board of Professional Engineers and Land Surveyors."

5 All persons appointed to the said board shall be citizens of the United
6 States and residents of the State of New Jersey. Appointees shall have
7 been licensed as professional engineers in New Jersey for a period of at
8 least five years, and at least one member shall also be a licensed land sur-
9 veyor.

10 The Governor may remove any member of the board after hearing, for
11 misconduct, incompetency, neglect of duty or for any other sufficient cause.

12 The members of said examining board shall receive no compensation for
13 their services, but shall be reimbursed for all necessary expenses, incidental
14 to their duties as members of said board, incurred in carrying out the pro-
15 visions of this chapter.

1 5. Section five of the act of which this act is amendatory is amended to
2 read as follows:

3 5. Each member of the examining board before entering upon the
4 duties of his office, shall subscribe to an official oath of office as provided by
5 section 41:1-3 of the Title Oaths and Affidavits of the Revised Statutes,
6 which oath shall be filed in the office of the Secretary of State.

7 The examining board shall be entitled to the services of the Attorney-
8 General in connection with the affairs of the board and the board shall have
9 power to compel the attendance of witnesses, and any member thereof may
10 administer oaths and the board may take testimony and proofs concerning
11 any matters within its jurisdiction.

12 The board shall adopt and have an official seal.

13 In carrying into effect the provisions of this chapter, the board may,
14 under the hand of its president and the seal of the board, subpoena witnesses
15 and compel their attendance, and also may require the production of books,
16 papers, documents, et cetera, in a case involving the revocation of license or
17 practicing or offering to practice without license. If any person shall re-
18 fuse to obey any subpoena so issued, or shall refuse to testify or produce any

19 books, papers or documents, the board may present its petition to any judge
20 of the Superior Court of New Jersey setting forth the facts, and thereupon
21 such court shall, in proper case, issue a subpoena to such person, requiring
22 attendance before such court and there to testify or to produce such books,
23 papers and documents as may be deemed necessary and pertinent to the
24 board. Any person failing or refusing to obey the subpoena or order of said
25 court may be proceeded against in the same manner as for refusal to obey
26 any other subpoena or order of the said court.

1 6. Section six of the act of which this act is amendatory is amended
2 to read as follows:

3 6. Said examining board shall at its annual meeting to be held in
4 May organize by electing a president and vice-president, who shall be mem-
5 bers of the board.

6 The secretary-director shall furnish bond for the faithful performance
7 of his duties in such sum as required by law. Premium for said bond shall
8-9 be regarded as a proper and necessary expense of the board.

10 Said board shall meet at least every two months and special meetings
11 may be held at such times as called by the president.

12 A quorum of the examining board shall consist of three members; *pro-*
13 *vided*, that no action at any meeting shall be taken without at least three
14 votes in accord.

1 7. Section seven of the act of which this act is amendatory is amended
2 to read as follows:

3 7. An itemized account of all receipts and expenditures of the board
4 shall be kept by the said secretary-director and a detailed report thereof, veri-
5 fied by the affidavit of said secretary-director, shall be filed with the Direc-
6 tor of Division of Budget and Accounting, Department of the Treasury, within
7 twenty days after the close of the fiscal year. A copy of this report shall be
8 forwarded also to the office of the Attorney-General, as head of the Depart-
9 ment of Law and Public Safety.

1 8. Section eight of the act of which this act is amendatory is amended
2 to read as follows:

3 8. The examining board shall keep a record of its proceedings and a
4 record of all applicants for license, showing for each the date of
5 application, name, age, education and other qualifications, place of business
6 and place of residence, whether or not an examination was required and
7 whether the applicant was rejected or a certificate of license granted, and the
8 date of such action.

9 The books and register of the examining board shall be prima facie evi-
10 dence of all matters recorded therein. A public register showing the names
11 and places of business and residences of all licensed professional engineers
12 and land surveyors and engineers-in-training shall be prepared under the
13 direction of the secretary-director during the month of June of each year;
14 such public register shall be printed and a copy mailed to each licensee and a
15 copy mailed to the clerk of each city, town, township, village, borough,
16 county and other municipal corporation of this State, which public register
17 shall be placed on file in the office of the said clerk.

1 9. Section nine of the act of which this act is amendatory is amended to
2 read as follows:

3 9. Applications for license as professional engineers shall be on forms
4 prescribed and furnished by the board, shall contain statements under oath,
5 showing the applicant's education and detailed statement of his engineering
6 experience, and shall contain not less than five references, of whom three
7 or more shall be licensed professional engineers having personal knowledge
8 of the applicant's engineering experience.

9 The application fee for professional engineers shall be twenty dollars
10 (\$20.00) or when the applicant applies for license to practice both profes-
11 sional engineering and land surveying, the fee shall be thirty dollars (\$30.00),
12-17 and in either case shall accompany the application.

18 Applications for license as land surveyors shall be on forms prescribed
19 and furnished by the board, shall contain statements under oath, showing
20 the applicant's education and detailed statement of his land surveying ex-
21 perience, and shall contain not less than five references, of whom three or

22 more shall be licensed professional engineers or land surveyors having per-
23 sonal knowledge of the applicant's land surveying experience.

24-30 The application fee for land surveyors shall be twenty dollars (\$20.00)
31 and shall accompany the application.

32 Applications for a certificate of registration as "engineer-in-training"
33 shall be on forms prescribed and furnished by the board, shall be accompanied
34 by a fee of five dollars (\$5.00) and shall contain the names of three references
35 of whom at least one shall be a licensed professional engineer having per-
36 sonal knowledge of the applicant's engineering experience or training.

37 All application fees shall be retained by the board.

38-42 The following shall be considered as minimum evidence satisfactory to
43 the board that the applicant is qualified for a license as a professional engi-
44 neer, or as a land surveyor, or for certificate of registration as engineer-in-
45 training, to wit:

46 (1) As a professional engineer:

47 a. Graduation from an approved course in engineering of four
48 years or more in a school or college approved by the board as of satis-
49 factory standing; a specific record of an additional four years or
50 more of active practice in engineering work of a character satisfac-
51 tory to the board, and indicating that the applicant is competent to be
52 placed in responsible charge of such work; and successfully passing a
53 written or written and oral examination; or

54 b. Successfully passing a written, or written and oral examination
55 designed to show knowledge and skill approximating that attained
56 through graduation from an approved four-year engineering course;
57 and a specific record of eight years or more of active practice in
58 engineering work of a character satisfactory to the board and indicating
59 that the applicant is competent to be placed in responsible charge of
60 such work; or

61 c. A specific record of fifteen years or more of lawful practice in
62 professional engineering work of a character satisfactory to the board
63 and indicating that the applicant is qualified to design or to supervise

64 construction of engineering works and provided applicant is not less
65 than thirty-five years of age; or

66 d. A certificate of qualification or registration issued to him by
67 proper authority of the National Council of State Boards of Engineering
68 Examiners, or of the National Bureau of Engineering Registration may,
69 in the discretion of the board, be accepted as minimum evidence satis-
70 factory to the board that the applicant is qualified for license as a
71 professional engineer, or

72 e. A certificate of qualification of registration, issued by any State
73 or territory or possession of the United States, or of any country, may,
74 in the discretion of the board, be accepted as minimum evidence satis-
75 factory to the board that the applicant is qualified for registration as a
76 professional engineer; *provided*, requirements for license by issuing
77 agency are at least comparable to those of the board.

78 (2) As a land surveyor:

79 a. Graduation from an approved course in surveying in a school
80 or college approved by the board as of satisfactory standing; an
81 additional three years or more of actual practice in land survey-
82 ing work of a character satisfactory to the board and indicating that
83 the applicant is competent to be placed in responsible charge of such
84 work, and successfully passing a written or written and oral examina-
85 tion; or

86 b. Successfully passing a written, or written and oral, examination
87 in surveying prescribed by the board; and a specific record of six years
88 or more of active practice in land surveying work of a character satis-
89 factory to the board and indicating that the applicant is competent to be
90 placed in responsible charge of such work; or

91 c. A specific record of fifteen years or more of lawful practice in
92 land surveying work of a character satisfactory to the board and pro-
93 vided applicant is not less than thirty-three years of age.

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

95 a. Is a citizen of the United States or has made declaration of
96 his intention to become a citizen of the United States of America; and

97 b. Has graduated with a scholastic record satisfactory to the
98 board in an approved course in engineering of four or more years from
99 a school or college approved by the board; and has satisfactorily passed
100 a written examination in the fundamental engineering subjects; or

101 c. Has a specific record of four years or more of active practice in
102 engineering work of a character satisfactory to the board, and who, in
103 addition has passed a written examination in the fundamental engineer-
104 ing subjects.

105 Qualifications.

106-111 To be eligible for license as a professional engineer, a person shall be
112 at least twenty-five years of age. To be eligible for license as a land sur-
113 veyor, a person shall be at least twenty-one years of age. To be eligible for
114 license as a professional engineer or land surveyor an applicant shall be a
115 citizen of the United States of America or shall have made declaration of
116 his intention to become a citizen of the United States of America. An appli-
117 cant for license as a professional engineer or land surveyor shall be able to
118 speak and write the English language. All applicants shall be of good char-
119 acter and reputation.

120 The satisfactory completion of each year of an approved course in en-
121 gineering in a school or college approved by the board as of satisfactory
122 standing, without graduation, shall be considered as equivalent to one-half
123 year of active practice.

124 Graduation in a course of four years or more, other than engineering,
125 from a college or university of recognized standing shall be considered as
126 equivalent to two years of active practice.

127 In considering the qualifications of applicants, engineering teaching may
128 be construed as engineering experience.

129 The mere execution, as a contractor, of work designed by a professional
130 engineer, or the supervision of construction of such work as a foreman or

131 superintendent shall not be deemed to be active practice of engineering
132 work.

133 Any person having the necessary qualifications prescribed in this chap-
134 ter to entitle him to license shall be eligible for such license though he may
135 not be practicing his profession at the time of making the application.

136-146 A quorum of the examining board for the purpose of passing upon the
147 issuance of a license to any applicant shall consist of three members; *pro-*
148 *vided*, that no action on any application shall be taken without at least three
149 votes in accord.

150 The scope of the examination for professional engineering and methods of
151 procedure shall be prescribed by the board with special reference to the appli-
152 cant's ability to design and supervise engineering projects and works so as to
153 insure the safety of life, health and property. Examinations shall be given for
154 the purpose of determining the qualifications of applicants for license sepa-
155 rately in professional engineering and in land surveying. A candidate failing
156 on examination may apply for re-examination at the next subsequent examin-
157 ation and will be re-examined without payment of additional fee. Subse-
158 quent examinations will be granted upon the payment of a fee to be deter-
159 mined by the board and not to exceed ten dollars (\$10.00). The board will
160 schedule two examinations per year, dates and places to be determined by
161 the board.

162 Examinations of applicants for license as professional engineer will be
163 divided into three parts, as follows:

164 Part I—Basic engineering sciences—This examination is intended to
165 cover the practical application of the basic engineering sciences, such as hy-
166 draulics, thermodynamics, chemistry and electricity.

167 Part II—Structural design—This examination is intended to establish
168 the applicant's competency to plan, structurally design and supervise the
169 construction of buildings and similar structures.

170 Part III—Specialized training of engineers—This examination is in-
171 tended to cover the more advanced and specialized professional training and
172 experience of engineers in their chosen field of engineering.

173 Applicants for certificate of registration as engineer-in-training shall
174 qualify by satisfactorily passing Parts I and II of the examination.

175 The scope, time and place of the examinations for applicants for cer-
176 tificates of registration as "engineer-in-training" shall be prescribed by the
177 board. A candidate failing on first examination may apply for one re-exami-
178 nation at the next subsequent examinations after the expiration of six months
179 and will be re-examined without payment of an additional fee. All subse-
180 quent examinations will be granted upon the payment of a fee of five dol-
181 lars (\$5.00).

1 10. Section ten of the act of which this act is amendatory is amended to
2 read as follows:

3 10. Certificates. The board shall issue a license certificate upon payment
4 of the application fee as provided in this chapter, to any applicant
5 who, in the opinion of the board, has satisfactorily met all the require-
6 ments of this chapter, and who has paid the license fee of five dollars
7 (\$5.00) to cover licensure for the year or fraction thereof in which such li-
8 cense is issued. In the case of a licensed professional engineer the certifi-
9 cate shall authorize the practice of the applicant as a "professional engi-
10 neer" and in the case of a licensed land surveyor as a "land surveyor," or
11 as "professional engineer and land surveyor" when the applicant qualifies
12 in both classifications. Certificates of license shall show the full name of the
13 licensee, shall have a license number and shall be signed by the president
14-15 and the secretary-director of the board under the seal of the board. The
16 issuance of a license certificate by this board shall be evidence that the per-
17 son named therein is entitled to all the rights and privileges of a licensed
18 professional engineer or a licensed land surveyor, or as both as the case may
19 be, while said certificate remains unrevoked or unexpired.

20 Each professional engineer or land surveyor shall upon receipt of li-
21 cense certificate, obtain a seal of a design authorized by the board, bearing
22 his name, license number and the legend "Licensed Professional Engineer,"

23 "Licensed Land Surveyor," or "Licensed Professional Engineer and
24 Land Surveyor," as the case may be. Plans, specification, plats,
25-26 and reports issued by persons authorized under this chapter shall
27 be stamped with said seal when filed with public authorities, during
28 the life of the licensee's certificate, but it shall be unlawful for anyone to
29 stamp or seal any documents with said seal after the certificate of the li-
30 censee named thereon has expired or has been revoked, unless said certifi-
31 cate shall have been renewed or reissued. The exact method of fulfilling
32 the requirement as to the stamping of documents shall be regulated by the
33 board.

34 All professional engineers licensed by this board prior to the passage
35 of this chapter, shall continue to practice under the various classifications
36 heretofore granted and within the branches of engineering indicated or may,
37 upon application therefor, and the payment of a fee of five dollars (\$5.00)
38 receive a new certificate under the title "professional engineer"; *provided*,
39 said professional engineer presents evidence satisfactory to the board of his
40 qualifications to practice in the field of general engineering comprehended
41 in the title "professional engineer."

42 All license certificates shall be recorded by the board in the office of the
43 Secretary of State, in a book kept for that purpose and any recording fee
44 as may be provided by law shall be paid by the applicant before the license
45 certificate is delivered.

46 The examining board shall be empowered to issue a certificate of regis-
47 tration as "Engineer-in-Training" to an applicant who meets the qualifica-
48 tions outlined elsewhere herein.

49 An applicant who meets the requirements of this act shall receive a
50 certificate of registration as "Engineer-in-Training," which certificate may
51 remain in effect for a period of ten years from the date of issuance.

1 11. Section eleven of the act of which this act is amendatory is
2 amended to read as follows:

3 11. License certificates shall expire on the thirtieth day of April follow-
4 ing issuance, renewal or reinstatement and shall become invalid on that day
5 unless renewed. Licensees shall apply for renewal on or before the thirtieth
6-7 day of April of each year. It shall be the duty of the secretary-director of the
8 board to notify all persons licensed under this chapter of the date of the ex-
9 piration of their certificates and the amount of the fee that shall be required
10 for their renewal for one year; such notice shall be mailed to each licensee at
11 his post-office address known to the board at least one month in advance of the
12 date of expiration of said certificate. Renewal of any certificate issued under
13 this chapter may be effected at any time during the month of April by the
14 payment of the fee of five dollars (\$5.00).

15-21 The failure on the part of the licensee to renew his certificate an-
22 nually in the month of April as required shall not deprive such person of
23 the right of renewal during the ensuing year but the fee to be paid if the
24 license be renewed in any month during the current year subsequent to April
25 shall be seven dollars (\$7.00) instead of five dollars (\$5.00); and, if the li-
26 sence certificate be not renewed in the current year, the licensee shall
27 pay a reinstatement fee of ten dollars (\$10.00) plus five dollars (\$5.00)
28 for each year in which the licensee is in arrears. One notice to the licensee,
29 by mail, on or before April fifteenth, addressed to his last post-office ad-
30 dress known to the board, informing him of his failure to have applied for
31 a renewal of his license certificate, shall constitute legal notification of such
32 delinquency by the board.

33 The failure on the part of the licensee to renew his certificate within
34 one year from the date of the expiration of said license certificate will
35 automatically revoke such license certificate and the right of the person
36 to practice thereafter shall be restored only upon the payment of the ten
37 dollar (\$10.00) reinstatement fee plus all arrearages. Continuing to practice
38 as a "professional engineer" or as a "land surveyor" after the expiration
39 of his license shall render the person so doing liable to all the penalties pre-
40 scribed for practicing without a license certificate.

1. 12. Section twelve of the act of which this act is amendatory is
2 amended to read as follows:

3 12. The examining board shall have the power to revoke the certificate
4 of license of any professional engineer or land surveyor licensed hereunder
5 who is found guilty by said board of any fraud or deceit in obtaining a cer-
6 tificate of license, or of gross negligence, incompetency or misconduct in
7 the practice of professional engineering or land surveying.

8 Any person may prefer charges of such fraud, deceit, negligence, incom-
9 petency or misconduct against any professional engineer or land surveyor
10 hereunder.

11 Such charges shall be in writing and sworn to by the complainant and
12 submitted to the board. Such charges unless dismissed without hearing by
13 the board as unfounded or trivial, shall be heard and determined by the
14 board within three months after the date on which they are preferred.

15 The time and place for such hearing shall be fixed by the board. A copy
16 of the charges, together with a notice of the time and place of hearing shall
17 be personally served on the accused by the board at least thirty days before
18 the day fixed for the hearing, and in the event that such service cannot be
19 effected thirty days before such hearing, then the date of hearing and deter-
20 mination shall be postponed as may be necessary to permit the carrying out
21 of this execution. At said hearing the accused shall have the right
22 to appear personally and by counsel and to cross-examine witnesses
23 against him and to produce evidence and witnesses in his defense. If
24 after said hearing three or more members of the board vote in favor of
25 finding the accused guilty of any fraud or deceit in obtaining a certificate, or
26 of gross negligence, incompetency or misconduct in the practice of profes-
27 sional engineering or land surveying, the board shall revoke the certificate
28 of license of the accused. The board may under circumstances which to it
29 may seem proper, reissue a certificate of license to any person whose certifi-
30 cate has been so revoked.

31 A new certificate of license to replace any certificate lost, destroyed or
32 mutilated, may be issued subject to the rules and regulations of the board.
33 A charge of three dollars (\$3.00) shall be made for such reissuance.

1 13. Section thirteen of the act of which this act is amendatory is
2 amended to read as follows:

3 13. Any person who, hereafter, is not legally authorized to practice pro-
4 fessional engineering or land surveying in this State according to the pro-
5 visions of this chapter, who shall so practice or offer so to practice in this
6 State, except as provided in section fourteen of this chapter, or any person
7 presenting or attempting to file as his own the certificate of license of an-
8 other, or who shall give false or forged evidence of any kind to the board,
9 or to any member or representative thereof, in obtaining a certificate of
10 license, or who shall falsely impersonate another licensed practitioner of
11 like or different name, or who shall use or attempt to use an expired certi-
12 ficate of license, or an unexpired and revoked certificate of license, or who
13 shall otherwise violate any of the provisions of this chapter, shall be deemed
14 guilty of a misdemeanor and punishable upon conviction thereof by a fine of
15 not less than one hundred dollars (\$100.00) nor more than five hundred dol-
16 lars (\$500.00) or by imprisonment for a term of not exceeding three months,
16½ or by both fine and imprisonment.

17 It shall be unlawful for any person to use the title "Engineer-in-Train-
18 ing" unless such person is the holder of a valid certificate of registration
19 issued by the board. Violation of the provisions of this act shall be deemed
20 a misdemeanor and punishable, upon conviction thereof, by a fine of not
21 less than one hundred dollars (\$100.00) nor more than five hundred dollars
22 (\$500.00).

23 All fines collected for the violations of any of the provisions of this
24 chapter shall be paid to the secretary-director of this board to be held, dis-
25 posed and accounted for by him as provided by law and it shall
26 be the duty of the county treasurer of each county, or the treasurer

27 of any municipality, upon receipt by him of any such fine, to forthwith pay
 28 over same to the secretary-director of the board. The board or any mem-
 29 ber or officer thereof may prefer a complaint for violation of this chapter be-
 30 fore any court, tribunal or magistrate having jurisdiction and may by its
 31 officers, counsel and agents, aid in presenting the law or facts before said
 32 court, tribunal or magistrate in any proceeding taken thereon, and it shall
 33 be the duty of the prosecutor of the pleas of the counties in this State to
 34 prosecute all violations of the provisions of this chapter.

1 14. Section fourteen of the act of which this act is amendatory is
 2 amended to read as follows:

3 14. The following shall be exempted from the provisions of this chap-
 4 ter:

5 (1) A person not a resident of and having no established place of
 6 business in this State, practicing or offering to practice herein professional
 7 engineering or land surveying within the meaning and intent of this chap-
 8 ter, when such practice does not exceed in the aggregate thirty days in any
 9 calendar year; *provided*, such person is legally qualified by license to prac-
 10 tice said professional engineering or land surveying in any State or country
 11 in which the requirements and qualifications for a certificate of license are
 12 at least comparable to those specified in this chapter.

13-15 (2) A person not a resident of and having no established place of busi-
 16 ness in this State, or who has recently become a resident thereof, practicing
 17 or offering to practice herein for more than thirty days in any calendar year
 18 professional engineering or land surveying, if he shall have filed with the
 19 board an application for a certificate of license and shall have paid the fee
 20 required by this chapter; *provided*, that such a person is legally qualified to
 21 practice said professional engineering or land surveying in any State or
 22 country in which the requirements and qualifications for obtaining a license
 23 are at least comparable to those specified in this chapter. Such exemption
 24 shall continue only for such time as the board requires for the consideration
 25 of the application for license certificate.

26-27 (3) An employee or a subordinate of a person holding a license under
 28 this chapter or an employee of a person exempted from license by subsec-
 29 tions (1) and (2) of this section; provided, this practice does not include re-
 30 sponsible charge of design or supervision.

31 (4) Officers and employees of the Government of the United States while
 32 engaged within this State in the practice of professional engineering or land
 33 surveying, for said Government.

34 (5) The practice of engineering or land surveying solely as an officer or
 35 employee of a corporation engaged in interstate commerce as defined in an
 36 act of Congress entitled "Act to regulate commerce," approved February
 37 fourth, one thousand eight hundred and eighty-seven, and as amended,
 38 unless the same affects public safety or health.

1 15. Section fifteen of the act of which this act is amendatory is amended
 2 to read as follows:

3 15. Hereafter no county, city, town, township, village, borough or other
 4 municipal corporations or other political subdivisions in the State shall
 5 engage in the design, construction or maintenance of any public work involv-
 6 ing professional engineering for which plans, specifications and estimates
 7 have not been made by and the construction and maintenance supervised by
 8 a licensed professional engineer or a registered architect, nor shall any
 9 county, city, town, township, village, borough or other municipal corpora-
 10 tion or other political subdivision in the State employ any person or to
 11 perform work involving land surveying except a licensed land surveyor.

1 16. Section sixteen of the act of which this act is amendatory is amended
 2 to read as follows:

3 16. No department, institution, commission, board or body of the State
 4 Government, or of any political subdivision thereof shall designate, appoint
 5 or employ an engineer or any person to be in responsible charge of pro-
 6 fessional engineering work other than a duly qualified professional engineer
 7 who has been licensed by the State of New Jersey, prior to the designation,
 8 appointment or employment by such department, institution, commission,

9 board or body of the State Government, or any political subdivision thereof.

10 Notwithstanding anything in this chapter to the contrary no professional
11 engineer licensed in this State prior to the passage of this chapter and hold-
12 ing an appointment by the State or by any department, institution, com-
13 mission, board or body of the State Government, or any political subdivision
14 thereof, shall be deprived of the right of reappointment to the same office or
15 position or appointment to any other office or position requiring similar
16 qualifications.

1 17. Section seventeen of the act of which this act is amendatory is
2 amended to read as follows:

3 17. The clerk of such department, institution, commission, board or body
4 of the State Government or of any political subdivision thereof shall file with
5 the secretary-director of the State Board of Professional Engineers and
6 Land Surveyors the name of any engineer designated, appointed or em-
7 ployed, within thirty days after appointment. Where professional engineers
8 or land surveyors are employed, subject to the provisions of the civil service
9 law, the appointment of any such person shall be understood to mean and
10 include appointment after such person has been certified as having satisfac-
11 torily passed a civil service examination. No person, firm, association or
12 corporation engaged in engineering or land surveying, shall employ an engi-
13 neer or land surveyor, in responsible charge of any work, within the mean-
14 ing and intent of this act, other than a duly qualified professional engineer
15 or land surveyor, who has been licensed pursuant to the provisions of this
16 chapter, prior to such employment by the person, firm, association or cor-
17 poration so engaged in engineering or land surveying; *provided, however,*
18 that nothing in this chapter shall apply to any public utility as defined in
19 chapter two of Title 48 of the Revised Statutes, or any employee thereof or
20 to any improvement or proposed improvement made by any such public
21 utility or by any employee of or any contractor or agent for said public
22 utility.

1 18. Section nineteen of the act of which this act is amendatory is
2 amended to read as follows:

3 19. No department, institution, commission, board or body of the State
4 Government, or any political subdivision thereof, being the depository or
5 having the custody of any plan or specification involving professional engi-
6 neering, shall receive or file any such plan or specification unless there is
7 affixed thereto the seal of a professional engineer licensed pursuant to the
8 provisions of this chapter, or the seal of a registered architect thereon nor
9 receive or file any plan involving land surveying unless there is affixed thereto
10 the seal of a land surveyor licensed pursuant to this chapter.

1 19. Chapter 90 of the Laws of 1943 is hereby repealed.

1 20. Chapter 59 of the Laws of 1947 is hereby repealed.

1 21. This act shall take effect immediately.

Mr. Cavinato, Chairman of the Committee on Revision and Amendment of Laws, reported

Assembly Bill o. 272,

With the following committee amendments, which were read by the Clerk.

Assembly committee amendments proposed to Assembly Bill No. 272:

Amend page 5, section 3, line 13, before “.” add “, except that the present members of the board shall be eligible to succeed themselves once hereafter”.

Amend page 6, section 3, line 48, omit “the detailed office routine and”.

Amend page 6, section 3, line 49a, after secretary in both places add “-director”.

Amend page 6, section 3, line 50, omit “at the pleasure of the board” add “for a term of five years”.

Amend page 6, section 3, line 51, omit “to” add “-director of”.

Amend page 6, section 3, line 52, omit “to” add “-director of”.

Amend page 8, section 6, line 4, omit “,” add “and”.

Amend page 8, section 6, line 5, omit “and secretary-treasurer”.

Amend page 9, section 6, line 6, omit [“ ”] enclosing “director and”.

Amend page 9, section 6, line 6, omit “treasurer”.

Amend page 9, section 6, lines 7 and 8, omit “the board shall determine” add “required by law”.

Amend page 9, section 7, line 4, omit “[“ ”]”, omit “treasurer”.

Amend page 9, section 7, line 5, omit “[“ ”]”, omit “treasurer”.

Amend page 10, section 8, line 14, omit “treasurer” add “director”.

Amend page 10, section 8, lines 18 and 19, omit last sentence.

Committee on Revision

Amendments, which were

Proposed to Assembly

Before “.” add “, ex-board shall be eligible”.

omit “the detailed office

after secretary in both

omit “at the pleasure of the years”.

omit “to” add “-director”.

omit “to” add “-director”.

omit “,” add “and”.

omit “and secretary”.

omit [“ ”] enclosing

omit “treasurer”.

and 8, omit “the board of law”.

omit [“ ”], omit

omit [“ ”], omit

omit “treasurer” add

s 18 and 19, omit last

Amend page 11, section 9, lines 32 and 33, omit entire lines add “Applications for a certificate of registration as ‘engineer-in-training’ shall be on forms prescribed and furnished by the board, shall be accompanied by a”.

Amend page 12, section 9, lines 61-65, omit “[“ ”]”.

Amend page 12, section 9, line 61, omit “twelve” add “fifteen”.

Amend page 12, section 9, line 66, omit “[“ ”]”, omit “c.”.

Amend page 12, section 9, line 72, omit “d.” add “e.”.

Amend page 13, section 9, lines 91 and 93, omit “[“ ”]”.

Amend page 13, section 9, line 91, omit “twelve” add “fifteen”.

Amend page 15, section 9, line 150, after “examination” add “for professional engineering”.

Amend page 15, section 9, line 160, omit “three” add “two”.

Amend page 15, section 9, lines 164-169, reverse order of paragraphs and number accordingly.

Amend page 16, section 10, line 4, omit “license”.

Amend page 16, section 10, line 15, omit “treasurer” add “director”.

Amend page 18, section 11, line 6, omit “treasurer”.

Amend page 18, section 11, line 7, omit “[“ ”]”.

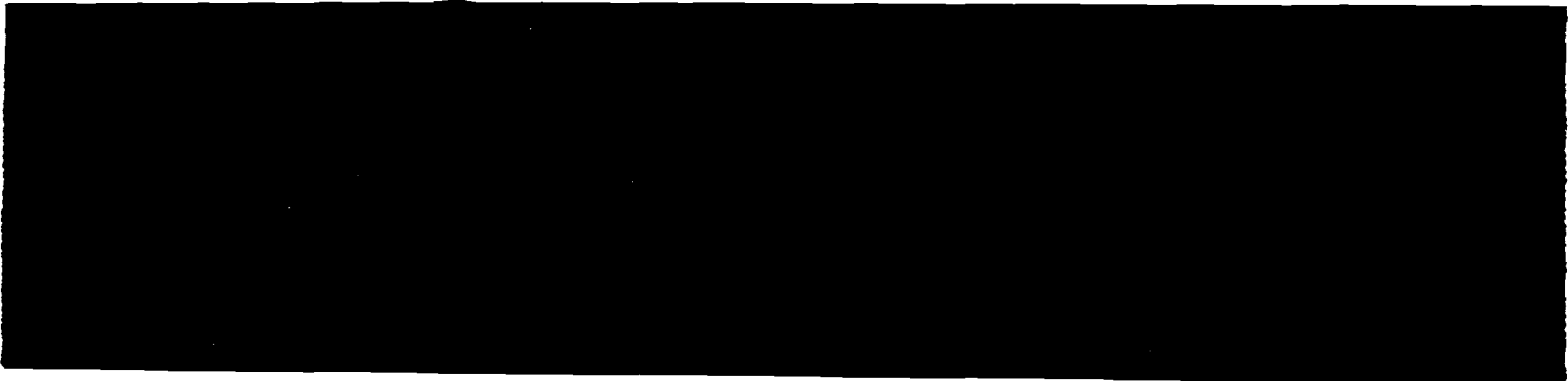
Amend page 18, section 11, line 10, omit “registrant” add “licensee”.

Amend page 18, section 11, lines 29 and 30, omit “place of residence” add “post-office address”.

Amend page 20, section 13, line 24, omit “treasurer” add “director”.

Amend page 21, section 13, line 28, omit “treasurer” add “director”.

Amend page 23, section 17, line 5, omit “treasurer” add “director”.



Mr. Curtis moved the adoption of the committee amendments to Assembly Bill No. 272.

Which motion was adopted.

Mr. Field, Chairman of the Committee on Municipalities, reported

Assembly Bill No. 480,

With the following committee amendments, which were read by the Clerk.

Assembly amendments proposed to Assembly Bill No. 480.

Amend page 1, section 1, line 6, after "shall" insert "if the board of chosen freeholders of the county shall, by resolution, so provide,".

Amend page 1, section 1, line 9, after "shall" insert "if the board of chosen freeholders of the county shall, by resolution, so provide,".

Mr. Field moved the adoption of the committee amendments to Assembly Bill No. 480.

Which motion was adopted.

Mr. Fraser, Chairman of the Committee on Judiciary, reported

Senate Joint Resolution No. 4,

And

Assembly Joint Resolution No. 17,

Both favorably, without amendment.

Mr. Cavinato, Chairman of the Committee on Revision and Amendment of Laws, reported

Senate Bill No. 34,

Favorably, without amendment.

Mr. Shershin, Chairman of the Committee on Labor and Industries, reported

Senate Bill No. 90,

Favorably, without amendment.

ASSEMBLY, No. 192

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1959

By Assemblyman CRABIEL

Referred to Committee on Revision and Amendment of Laws

AN ACT to amend "An act concerning the practice of professional engineering and land surveying (Revision of 1938), and repealing chapter 8, Title 45, of the Revised Statutes," approved June 14, 1938 (P. L. 1938, c. 342).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 9 of the act of which this act is amendatory is amended to
2 read as follows:

3 9. Applications for license as professional engineers shall be on forms
4 prescribed and furnished by the board, shall contain statements under oath,
5 showing the applicant's education and detailed statement of his engineering
6 experience, and shall contain not less than 5 references, of whom 3 or more
7 shall be licensed professional engineers having personal knowledge of the
8 applicant's engineering experience.

9 The application fee for professional engineers shall be **[\$20.00]** ~~\$40.00~~
10 or when the applicant applies for license to practice both professional engi-
11 neering and land surveying, the fee shall be **[\$30.00]** ~~\$50.00~~, and in either
12 case shall accompany the application.

13 Applications for license as land surveyors shall be on forms prescribed
14 and furnished by the board, shall contain statements under oath, showing
15 the applicant's education and detailed statement of his land surveying ex-

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

16 perience, and shall contain not less than 5 references, of whom 3 or more shall
17 be licensed professional engineers or land surveyors having personal knowl-
18 edge of the applicant's land surveying experience.

19 The application fee for land surveyors shall be ~~[\$20.00]~~ \$40.00 and
20 shall accompany the application.

21 Applications for a certificate of registration as "engineer-in-training"
22 shall be on forms prescribed and furnished by the board, shall be accom-
23 panied by a fee of ~~[\$5.00]~~ \$10.00 and shall contain the names of 3 references
24 of whom at least 1 shall be a licensed professional engineer having personal
25 knowledge of the applicant's engineering experience or training.

26 All application fees shall be retained by the board.

27 The following shall be considered as minimum evidence satisfactory to
28 the board that the applicant is qualified for a license as a professional engi-
29 neer, or as a land surveyor, or for certificate of registration as engineer-in-
30 training, to wit:

31 (1) As a professional engineer:

32 a. Graduation from an approved course in engineering of 4 years or
33 more in a school or college approved by the board as of satisfactory
34 standing; a specific record of an additional 4 years or more of active
35 practice in engineering work of a character satisfactory to the board, and
36 indicating that the applicant is competent to be placed in respon-
37 sible charge of such work; and successfully passing a written or written
38 and oral examination; or

39 b. Successfully passing a written, or written and oral examination
40 designed to show knowledge and skill approximating that attained
41 through graduation from an approved 4-year engineering course; and a
42 specific record of 8 years or more of active practice in engineering work
43 of a character satisfactory to the board and indicating that the applicant
44 is competent to be placed in responsible charge of such work; or

45 c. A specific record of 15 years or more of lawful practice in profes-
46 sional engineering work of a character satisfactory to the board and in-

dicating that the applicant is qualified to design or supervise construction of engineering works and provided applicant is not less than 35 years of age; or

d. A certificate of qualification or registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for license as a professional engineer; or

e. A certificate of qualification of registration, issued by any State or territory or possession of the United States, or of any country, may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer; provided, requirements for license by issuing agency are at least comparable to those of the board.

(2) As a land surveyor:

a. Graduation from an approved course in surveying in a school or college approved by the board as of satisfactory standing; an additional 3 years or more of actual practice in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work, and successfully passing a written or written and oral examination; or

b. Successfully passing a written, or written and oral, examination in surveying prescribed by the board; and a specific record of 6 years or more of active practice in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; or

c. A specific record of 15 years or more lawful practice in land surveying work of a character satisfactory to the board and provided applicant is not less than 33 years of age.

(3) As an engineer-in-training:

78 a. Is a citizen of the United States or has made declaration of his
79 intention to become a citizen of the United States of America; and

80 b. Has graduated with a scholastic record satisfactory to the board
81 in an approved course in engineering of 4 or more years from a school
82 or college approved by the board; and has satisfactorily passed a written
83 examination in the fundamental engineering subjects; or

84 c. Has a specific record of 4 years or more of active practice in en-
85 gineering work of a character satisfactory to the board, and who, in ad-
86 dition has passed a written examination in the fundamental engineering
87 subjects.

88 Qualifications.

89 To be eligible for license as a professional engineer, a person shall be
90 at least 25 years of age. To be eligible for license as a land surveyor, a per-
91 son shall be at least 21 years of age. To be eligible for license as a profes-
92 sional engineer or land surveyor an applicant shall be a citizen of the United
93 States of America or shall have made declaration of his intention to become
94 a citizen of the United States of America. An applicant for license as a
95 professional engineer or land surveyor shall be able to speak and write the
96 English language. All applicants shall be of good character and reputation.

97 The satisfactory completion of each year of an approved course in engi-
98 neering in a school or college approved by the board as of satisfactory
99 standing, without graduation, shall be considered as equivalent to $\frac{1}{2}$ year of
100 active practice.

101 Graduation in a course of 4 years or more, other than engineering, from a
102 college or university of recognized standing shall be considered as equivalent
103 to 2 years of active practice.

104 In considering the qualifications of applicants, engineering teaching may
105 be construed as engineering experience.

106 The mere execution, as a contractor, of work designed by a professional
107 engineer, or the supervision of construction of such work as a foreman or
108 superintendent shall not be deemed to be active practice of engineering work.

109 Any person having the necessary qualifications prescribed in this
110 chapter to entitle him to license shall be eligible for such license though he
111 may not be practicing his profession at the time of making the application.

112 A quorum of the examining board for the purpose of passing upon the
113 issuance of a license to any applicant shall consist of 3 members; provided,
114 that no action on any application shall be taken without at least 3 votes in
115 accord.

116 The scope of the examination for professional engineering and methods
117 of procedure shall be prescribed by the board with special reference to the
118 applicant's ability to design and supervise engineering projects and works so
119 as to insure the safety of life, health and property. Examinations shall be
120 given for the purpose of determining the qualifications of applicants for
121 license separately in professional engineering and in land surveying. A
122 candidate failing on examination may apply for re-examination [at the next
123 subsequent examination and will be re-examined without payment of ad-
124 ditional fee]. Subsequent examinations will be granted upon the payment
125 of a fee [to be determined by the board and not to exceed \$10.00.] of \$15.00.
126 The board will schedule 2 examinations per year, dates and places to be de-
127 termined by the board.

128 Examinations of applicants for license as professional engineer will be
129 divided into 3 parts, as follows:

130 Part I—Basic engineering sciences—This examination is intended
131 to cover the practical application of the basic engineering sciences, such as
132 hydraulics, thermodynamics, chemistry and electricity.

133 Part II—Structural design—This examination is intended to establish
134 the applicant's competency to plan, structurally design and supervise the con-
135 struction of buildings and similar structures.

136 Part III—Specialized training of engineers—This examination is in-
137 tended to cover the more advanced and specialized professional training and
138 experience of engineers in their chosen field of engineering.

139 Applicants for certificate of registration as engineer-in-training shall
140 qualify by satisfactorily passing Parts I and II of the examination.

141 The scope, time and place of the examinations for applicants for
142 certificates of registration as "engineer-in-training" shall be prescribed by
143 the board. A candidate failing on first examination may apply for [1]
144 re-examination. [at the next subsequent examinations after the expiration of
145 6 months and will be re-examined without payment of an additional fee. All]
146 Subsequent examinations will be granted upon the payment of a fee of
147 [\$5.00.] \$10.00.

1 2. This act shall take effect July 1, 1959.

STATEMENT

This bill would provide for an increase in the fees to be charged to applicants for examinations and licenses to practice professional engineering and land survey.

Because of the increased costs of operating the State Board of Engineers and the increased cost of giving examinations, the board has recommended these revisions in the fees charged for applications and examinations.

The amendments contained in this bill approach the situation in a realistic manner and the new fees charged are not inconsistent with those charged by comparable professional boards such as the board of medical examiners and the board of architects.

The changes contained in this bill are also approved by the Society of Professional Engineers of the State of New Jersey.

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LEGISLATIVE MEMORANDUM

TO: Governor Robert B. Meyner

FROM: Attorney General David D. Furman

SUBJECT: Assembly Bill No. 192
Introduced by Assemblyman Crabiel
of Middlesex County.

I. Subject Matter of Act:

An Act to amend "An act concerning the practice of professional engineering and land surveying (Revision of 1938), and repealing chapter 8, Title 45, of the Revised Statutes," approved June 14, 1938 (P.L. 1938, c. 342).

II. Legal Effect of Bill:

This bill increases the fees for licensure and examination for professional engineers, land surveyors and engineers in training. The bill specifically provides as follows:

- A. The application fee for professional engineers shall be increased from \$20.00 to \$40.00.
- B. The application fee for licensure to practice both professional engineering and land surveying shall be increased from \$30.00 to \$50.00.
- C. The application fee for land surveyors shall be increased from \$20.00 to \$40.00.
- D. The application fee for certificate of registration as "engineers-in-training" shall be increased from \$5.00 to \$10.00.
- E. The re-examination fee previously was left to the Board to determine but not to exceed \$10.00. The present bill calls for a definite payment of \$15.00 per re-examination. This section applies to professional engineers and land surveyors.
- F. The re-examination fee for "engineers-in-training" is increased from \$5.00 to \$10.00.

III. Constitutional Defects or Questions, if any:

None.

IV. Does Bill Involve Any State, County or Municipal Expenditures:

None.

V. Does Bill Make Any Appropriations:

None.

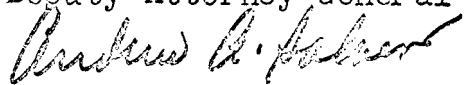
VI. Other Notes and Comments:

This bill is designed to provide the State Board of Professional Engineers and Land Surveyors with additional revenue. In recent years the rising costs of operation and increased costs of giving the examinations and all other general costs have increased to such an extent that it has become apparent that the Board would require additional revenues in order to operate. This bill has the endorsement of the State Board of Professional Engineers and Land Surveyors and the State Society of Professional Engineers and Land Surveyors.

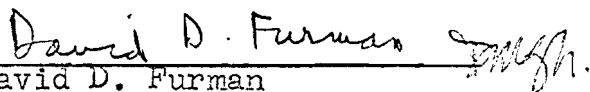
VII. Recommendation:

Approval

DAVID D. FURMAN
Attorney General
By: Andrew A. Salvest
Deputy Attorney General



APPROVED:


David D. Furman
Attorney General

DATED: June 8, 1959