

45:1-21

LEGISLATIVE HISTORY CHECKLIST
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(DEP applications--failure
to file by members of
regulated professions)

NJSA: 45:1-21

LAWS OF: 1991 CHAPTER: 420

BILL NO: A4515

SPONSOR(S): Impreveduto and others

DATE INTRODUCED: March 4, 1991

COMMITTEE: ASSEMBLY: Energy & Environment
SENATE: Land Use

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: June 20, 1991
SENATE: January 6, 1992

DATE OF APPROVAL: January 17, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG/pp

[FIRST REPRINT]
ASSEMBLY, No. 4515

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1991

By Assemblymen IMPREVEDUTO, VILLAPIANO
and Assemblywoman Cooper

1 AN ACT concerning ¹[professional persons] regulated
2 professions¹, and amending and supplementing P.L.1978, c.73.

3
4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

6 1. Section 8 of P.L.1978, c.73 (C.45:1-21) is amended to read
7 as follows:

8 8. A board may refuse to admit a person to an examination or
9 may refuse to issue or may suspend or revoke any certificate,
10 registration or license issued by the board upon proof that the
11 applicant or holder of such certificate, registration or license

12 a. Has obtained a certificate, registration, license or
13 authorization to sit for an examination, as the case may be,
14 through fraud, deception, or misrepresentation;

15 b. Has engaged in the use or employment of dishonesty, fraud,
16 deception, misrepresentation, false promise or false pretense;

17 c. Has engaged in gross negligence, gross malpractice or gross
18 incompetence;

19 d. Has engaged in repeated acts of negligence, malpractice or
20 incompetence;

21 e. Has engaged in professional or occupational misconduct as
22 may be determined by the board;

23 f. Has been convicted of any crime involving moral turpitude
24 or any crime relating adversely to the activity regulated by the
25 board. For the purpose of this subsection a plea of guilty, non
26 vult, nolo contendere or any other such disposition of alleged
27 criminal activity shall be deemed a conviction;

28 g. Has had his authority to engage in the activity regulated by
29 the board revoked or suspended by any other state, agency or
30 authority for reasons consistent with this section;

31 h. Has violated or failed to comply with the provisions of any
32 act or regulation administered by the board;

33 i. Is incapable, for medical or any other good cause, of
34 discharging the functions of a licensee in a manner consistent
35 with the public's health, safety and welfare;

36 j. ¹[Consistently fails to meet the standards for completeness
37 established pursuant to P.L. , c. (C.) (pending in the
38 Legislature as Senate Bill No. of 1991 or Assembly Bill No. 4516

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AEE committee amendments adopted June 10, 1991.

1 of 1991).] Has repeatedly failed to submit completed
2 applications, or parts of, or documentation submitted in
3 conjunction with, such applications, required to be filed with the
4 Department of Environmental Protection.

5 For purposes of this act:

6 "Completed application" means the submission of all of the
7 information designated on the checklist, adopted pursuant to
8 section 1 of P.L. , C. (C.) (pending in the
9 Legislature as Assembly Bill No. 4516), for the class or category
10 of permit for which application is made.

11 "Permit" has the same meaning as defined in section 1 of
12 P.L. , c. (C.) (pending in the Legislature as
13 Assembly, No. 4516).¹

14 (cf: P.L.1978, c.73, s.8)

15 2. (New section) a. ¹[Any board subject to the provisions of
16 R.S.45:1-1 et seq. that licenses or certifies any person who
17 submits permit applications or other formal documentation in
18 connection therewith to the Department of Environmental
19 Protection] A board obtaining information from the Department
20 of Environmental Protection pursuant to section 1 of P.L. ,
21 c. (C.) (pending in the Legislature as Assembly Bill No.
22 4513) on the compliance of a member of a regulated profession
23 with the requirements for completed applications of the
24 department,¹ shall annually ¹[submit to the Legislature a detailed
25 written summary of the information received from the
26 department regarding compliance with completeness standards
27 for permit applications and supporting documentation ,] develop a
28 detailed written summary of the information gathered by the
29 department pursuant to P.L. , c. (C.) (pending in the
30 Legislature as Assembly Bill No. 4513) regarding compliance with
31 the department's requirements for completed applications and¹
32 attendance records for continuing education seminars ¹[, and any
33 disciplinary action taken by the board] required to be filed with
34 the department pursuant to section 2 of P.L. c. (C.)
35 (pending in the Legislature as Assembly Bill No. 4514)¹.

36 b. Any reasonable costs incurred in preparation of the report
37 required pursuant to this section may be included in the charges
38 authorized pursuant to P.L.1974, c.46 (C.45:1-3.2).

39 ¹c. Information required to be compiled by a board pursuant to
40 this section, shall be deemed to be public records subject to the
41 requirements of P.L.1963, c.73 (C.47:1A-1 et seq.).¹

42 ¹[3. (New section) A board shall take any disciplinary action it
43 deems appropriate and that is provided for pursuant to P.L.1978,
44 c.73 (C.45:1-14 et seq.) against a person licensed or certified by
45 the board who consistently fails to comply with standards for
46 completeness.]¹

47 ¹[4. (New section) A board shall make available to any
48 interested person, at a cost not to exceed that of duplication, the
49 information regarding the compliance of any person licensed or

1 certified by the board with the standards for completeness
2 established pursuant to P.L. , c. (C.) (pending in the
3 Legislature as Senate Bill No. of 1991 or Assembly Bill No. 4516
4 of 1991), and that person's record of attendance at continuing
5 education seminars required pursuant to P.L. , c. (C.)
6 (pending in the Legislature as Senate Bill No. of 1991 or
7 Assembly Bill No. 4514 of 1991), and a description of any
8 disciplinary action taken by the board against that person.]¹

9 '[5.] 3.¹ This act shall take effect 120 days after enactment
10 but shall remain inoperative pending the enactment of P.L. ,
11 c. (C.) (pending in the Legislature as Senate Bill No. of
12 1991 or Assembly Bill No. 4513 of 1991); P.L. , c. (C.)
13 (pending in the Legislature as Senate Bill No. of 1991 or
14 Assembly Bill No. 4514 of 1991); and P.L. , c. (C.) (pending
15 in the Legislature as Senate Bill No. of 1991 or Assembly Bill
16 No. 4516 of 1991).

17
18
19 ENVIRONMENT

20
21 Establishes penalties under Title 45 of Revised Statutes for
22 repeated failures by members of regulated professions to file
23 completed applications with DEP; and requires boards to compile
24 certain information.

ASSEMBLY, No. 4515
STATE OF NEW JERSEY

ORIGINAL COPY
DO NOT REMOVE

INTRODUCED MARCH 4, 1991

By Assemblymen IMPREVEDUTO and VILLAPIANO

1 AN ACT concerning professional persons, and amending and
2 supplementing P.L.1978, c.73.

3

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

6 1. Section 8 of P.L.1978, c.73 (C.45:1-21) is amended to read
7 as follows:

8 8. A board may refuse to admit a person to an examination or
9 may refuse to issue or may suspend or revoke any certificate,
10 registration or license issued by the board upon proof that the
11 applicant or holder of such certificate, registration or license

12 a. Has obtained a certificate, registration, license or
13 authorization to sit for an examination, as the case may be,
14 through fraud, deception, or misrepresentation;

15 b. Has engaged in the use or employment of dishonesty, fraud,
16 deception, misrepresentation, false promise or false pretense;

17 c. Has engaged in gross negligence, gross malpractice or gross
18 incompetence;

19 d. Has engaged in repeated acts of negligence, malpractice or
20 incompetence;

21 e. Has engaged in professional or occupational misconduct as
22 may be determined by the board;

23 f. Has been convicted of any crime involving moral turpitude
24 or any crime relating adversely to the activity regulated by the
25 board. For the purpose of this subsection a plea of guilty, non
26 vult, nolo contendere or any other such disposition of alleged
27 criminal activity shall be deemed a conviction;

28 g. Has had his authority to engage in the activity regulated by
29 the board revoked or suspended by any other state, agency or
30 authority for reasons consistent with this section;

31 h. Has violated or failed to comply with the provisions of any
32 act or regulation administered by the board;

33 i. Is incapable, for medical or any other good cause, of
34 discharging the functions of a licensee in a manner consistent
35 with the public's health, safety and welfare;

36 j. Consistently fails to meet the standards for completeness
37 established pursuant to P.L. , c. (C.) (pending in the
38 Legislature as Senate Bill No. of 1991 or Assembly Bill No. 4516
39 of 1991).

40 (cf: P.L.1978, c.73, s.8)

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

Matter underlined thus is new matter.

1 2. (New section) a. Any board subject to the provisions of
2 R.S.45:1-1 et seq. that licenses or certifies any person who
3 submits permit applications or other formal documentation in
4 connection therewith to the Department of Environmental
5 Protection shall annually submit to the Legislature a detailed
6 written summary of the information received from the
7 department regarding compliance with completeness standards
8 for permit applications and supporting documentation, attendance
9 records for continuing education seminars, and any disciplinary
10 action taken by the board.

11 b. Any reasonable costs incurred in preparation of the report
12 required pursuant to this section may be included in the charges
13 authorized pursuant to P.L.1974, c.46 (C.45:1-3.2).

14 3. (New section) A board shall take any disciplinary action it
15 deems appropriate and that is provided for pursuant to P.L.1978,
16 c.73 (C.45:1-14 et seq.) against a person licensed or certified by
17 the board who consistently fails to comply with standards for
18 completeness.

19 4. (New section) A board shall make available to any
20 interested person, at a cost not to exceed that of duplication, the
21 information regarding the compliance of any person licensed or
22 certified by the board with the standards for completeness
23 established pursuant to P.L. , c. (C.) (pending in the
24 Legislature as Senate Bill No. of 1991 or Assembly Bill No. 4516
25 of 1991), and that person's record of attendance at continuing
26 education seminars required pursuant to P.L. , c. (C.)
27 (pending in the Legislature as Senate Bill No. of 1991 or
28 Assembly Bill No. 4514 of 1991), and a description of any
29 disciplinary action taken by the board against that person.

30 5. This act shall take effect 120 days after enactment but
31 shall remain inoperative pending the enactment of P.L. , c.
32 (C.) (pending in the Legislature as Senate Bill No. of 1991 or
33 Assembly Bill No. 4513 of 1991); P.L. , c. (C.) (pending in
34 the Legislature as Senate Bill No. of 1991 or Assembly Bill No.
35 4514 of 1991); and P.L. , c. (C.) (pending in the Legislature
36 as Senate Bill No. of 1991 or Assembly Bill No. 4516 of 1991).

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38

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STATEMENT

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41 This bill would require a professional licensing board, such as
42 the State Board of Professional Engineers and Land Surveyors,
43 whose members routinely submit permit applications to the
44 Department of Environmental Protection, to submit annual
45 reports to the Legislature regarding the professional conduct of
46 their licensed members. Licensees who consistently fail to meet
47 the standards for completeness of permit applications or
48 supporting documentation, or who fail to attend continuing
49 education seminars would be subject to disciplinary action.

1 Information on a licensee's level of compliance with the
2 standards and attendance records would be available to any
3 person requesting it for the price of duplication. In addition, this
4 bill would authorize a board to assess additional civil penalties
5 for consistent failure to meet compliance standards or poor
6 attendance.

7

8

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ENVIRONMENT

10

11 Requires reports of professional conduct of certain persons
12 licensed by professional or occupational boards and authorizes
13 additional penalties for failure to meet certain standards.

ASSEMBLY ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4515

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 1991

Assembly Bill No. 4515, with committee amendments, is reported favorably by the Assembly Energy and Environment Committee.

This bill authorizes professional and occupational licensing boards established in accordance with Title 45 of the Revised Statutes, or the Attorney General, acting pursuant P.L.1978, c.73 (C.45:1-17), to take disciplinary actions against members of a designated regulated profession involved in the preparation of permit applications, parts thereof, or supportive documentation submitted in conjunction therewith, filed with the Department of Environmental Protection (DEP), if such members repeatedly fail to submit completed applications or supportive documentation in conjunction therewith as required by the department. The respective boards shall develop a detailed written summary of information compiled by DEP on noncompliance and attendance at educational seminars, which information is to be deemed a public record.

The Assembly committee amendments:

- (1) delete the annual report to the Legislature requirement;
- (2) require regulatory boards to prepare summaries of information obtained from DEP on permit deficiencies and seminar attendance, and declare such summaries to be public records; and delete the required reporting of any disciplinary action taken by a board against a member of a regulated profession for repeated permit application deficiencies.

SENATE LAND USE MANAGEMENT
AND REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 4515

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1991

The Senate Land Use Management and Regional Affairs Committee favorably reports Assembly Bill No. 4515 (1R).

This bill would authorize professional and occupational licensing boards established in accordance with Title 45 of the Revised Statutes, or the Attorney General, acting pursuant P.L.1978, c.73 (C.45:1-17), to take disciplinary actions against members of a designated regulated profession involved in the preparation of permit applications, parts thereof, or supportive documentation submitted in conjunction therewith, filed with the Department of Environmental Protection (DEP), if such members repeatedly fail to submit completed applications or supportive documentation in conjunction therewith as required by the department. The respective boards shall develop a detailed written summary of information compiled by DEP on noncompliance and attendance at educational seminars, which information is to be deemed a public record.

This bill is identical to Senate Bill No. 3630, as amended by the committee.