

45:8-27,28,39

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LEGISLATIVE NOTES ON R.S. 45:8-27
45:8-28
45:8-39

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(Prohibits bringing any action in the courts for the practice of engineering or land surveying unless he was duly licensed)

Related bills introduced, 1965-1970:

1969 - S587 (Crabiel & Miller)
No statement.

L. 1970, Chapter 177 - S528
Introduced February 2 by Miller, Crabiel, Italiano.
Not amended during passage.
No statement.

No clippings located at:

V.F. - N.J. - Licenses & permits - 1970.

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177 70
APPROVED 8/13/70
SENATE, No. 528

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 2, 1970

By Senators MILLER, CRABIEL and ITALIANO

Referred to Committee on Commerce, Industry and Professions

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*
2 *of New Jersey:*

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

3 1. In order to safeguard life, health and property, and promote
3A the public welfare, any person practicing or offering to practice
4 professional engineering or *professional* land surveying in this
5 State shall hereafter be required to submit evidence that he is
6 qualified so to practice and shall be licensed as hereinafter pro-
7 vided. After the date upon which this chapter becomes effective,
8 it shall be unlawful for any person to practice or to offer to practice
9 **professional** engineering or land surveying in this State, or to
10 use the title professional engineer or land surveyor or any other
11 title, sign, card or device in such manner as to tend to convey the
12 impression that such person is practicing **professional** engineer-
13 ing or land surveying or is a professional engineer or land sur-
14 veyor, unless such person is duly licensed under the provisions of
15 this chapter. Every holder of a license shall display it in a con-
16 spicuous place in his principal office, place of business or employ-
17 ment.

18 No corporation, firm, partnership or association shall be granted
19 a license under this chapter. No corporation, firm, partnership or
20 association shall use or assume a name involving the word "engi-
21 neers" or "engineering" or any modification or derivative of such
22 terms, unless an executive officer, if a corporation, or a member, if

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

23 a firm, partnership or association, shall be a licensed professional
24 engineer of the State of New Jersey.

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

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

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

1 2. Section 2 of P. L. 1938, chapter 342 (C. 45:8-28) is amended
2 to read as follows: ~

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

11 (b) The terms "practice of engineering" or "professional en-
12 gineering" within the meaning and intent of this chapter shall
13 mean any professional service or creative work requiring engineer-
14 ing education, training, and experience and the application of
15 special knowledge of the mathematical, physical and engineering
16 sciences to such professional services or creative work as consulta-
17 tion, investigation, evaluation, planning, design or general super-
18 vision of construction or operation for the purpose of assuring
19 compliance with plans, specification and design in connection with

20 any public or private engineering or industrial project. The
21 practice of professional engineering shall not include the work
22 ordinarily performed by persons who operate or maintain ma-
23 chinery or equipment. The provisions of this chapter shall not be
24 construed to prevent or affect the employment of architects in
25 connection with engineering projects within the scope of the act
26 to regulate the practice of architecture and all the amendments
27 and supplements thereto.

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

38 (c) The term "engineer-in-training" as used in this chapter
39 shall mean a person who is a potential candidate for license as a
40 professional engineer who is a graduate in an approved engineering
41 curriculum of 4 years or more from a school or college accredited
42 by the board as of satisfactory standing, or a person who, in lieu of
43 such graduation has had 4 years or more of experience in en-
44 gineering work of a character satisfactory to the board; and who,
45 in addition, has successfully passed an examination in the funda-
46 mental engineering subjects, as defined elsewhere herein.

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

50 (e) The practice of land surveying within the meaning and in-
51 tent of this chapter includes surveying of areas for their correct
52 determination and description and for conveyancing, and for the
53 establishment or re-establishment of land boundaries and the
54 plotting of lands and subdivisions thereof, and such topographical
55 survey and land development as is incidental to the land survey.

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

58 (g) The term "responsible charge" as used in this chapter shall
59 mean a degree of competence and accountability acquired by tech-
60 nical education, engineering practice and experience of a profes-
61 sional character sufficient to qualify an individual to engage per-
62 sonally and independently in the control and direction of investiga-

63 tion, design, construction or operation of engineering works re-
64 quiring professional skill, initiative and independent judgment.

1 3. Section 13 of P. L. 1938, chapter 342 (C. 45:8-39) is amended
2 to read as follows:

3 13. a. Any person who, hereafter, is not legally authorized to
4 practice professional engineering or land surveying in this State
5 according to the provisions of this act, who shall so practice or offer
6 so to practice in this State, except as provided in section 14 of this
7 act, or any person presenting or attempting to file as his own the
8 certificate of license of another, or who shall give false or forged
9 evidence of any kind to the board, or to any member or representa-
10 tive thereof, in obtaining a certificate of license, or who shall falsely
11 impersonate another licensed practitioner of like or different name,
12 or who shall use or attempt to use an expired certificate of license,
13 or an unexpired and revoked certificate of license, or who shall use
14 the title "Engineer-in-Training" without holding a valid certificate
15 of registration issued by the board, or who shall otherwise violate
16 any of the provisions of this act, shall be subject to a penalty of not
17 more than \$200.00 for the first offense and not more than \$500.00
18 for each and every subsequent offense. The penalties provided for
19 by this section shall be sued for and recovered in civil actions by
20 the State Board of Professional Engineers and Land Surveyors.

21 *b. No person, firm, partnership, association or corporation shall*
22 *bring or maintain any action in the courts of this State for the*
23 *collection of compensation for services constituting the practice of*
24 *engineering or land surveying without alleging and proving that he*
25 *was duly licensed in accordance with this chapter at the time the*
26 *alleged cause of action arose.*

27 **[b.]** c. Every County Court and every county district court,
28 within their respective territorial jurisdictions, shall have jurisdic-
29 tion of actions for penalties under this act.

1 4. This act shall take effect immediately.