

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

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P.L.2015, CHAPTER 200, *approved January 11, 2016*
Assembly, No. 2023 (*Second Reprint*)

1 AN ACT concerning the practice of professional engineering and
2 ¹**land surveying** architecture,¹ and amending P.L.1938, c.342
3 ¹, P.L.1989, c.275, and P.L.1989, c.277¹.
4

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

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

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

17 (b) The terms "practice of engineering" or "professional
18 engineering" within the meaning and intent of this chapter shall
19 mean any service or creative work the adequate performance of
20 which requires engineering education, training, and experience and
21 the application of special knowledge of the mathematical, physical
22 and engineering sciences to such services or creative work as
23 consultation, investigation, evaluation, planning and design of
24 engineering works and systems, planning the use of land and water,
25 engineering studies, and the administration of construction for the
26 purpose of determining compliance with drawings and
27 specifications; any of which embraces such services or work, either
28 public or private, in connection with any engineering project
29 including: utilities, structures, buildings, machines, equipment,
30 processes, work systems, projects, telecommunications, or
31 equipment of a mechanical, electrical, hydraulic, pneumatic or
32 thermal nature, insofar as they involve safeguarding life, health or
33 property, and including such other professional services as may be
34 necessary to the planning, progress and completion of any
35 engineering services. The design of buildings by professional
36 engineers shall be consistent with section 7 of the "Building Design
37 Services Act," P.L.1989, c.277 (C.45:4B-7).

38 The practice of professional engineering shall not include the
39 work ordinarily performed by persons who operate or maintain
40 machinery or equipment. The provisions of this chapter shall not be
41 construed to prevent or affect the employment of architects in

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:

¹Assembly ARP committee amendments adopted December 4, 2014.

²Senate SCM committee amendments adopted December 10, 2015.

1 connection with engineering projects within the scope of the act to
2 regulate the practice of architecture and all the amendments and
3 supplements thereto.

4 A person shall be construed to practice or offer to practice
5 engineering, within the meaning and intent of this chapter, who
6 practices any branch of the profession of engineering; or who, by
7 verbal claim, sign, advertisement, letterhead, card, or in any other
8 way represents himself to be a professional engineer, or through the
9 use of some other title utilizing or including the word engineer,
10 implies that he is a professional engineer; or who represents himself
11 as able to perform, or who does perform any engineering service or
12 work or any other professional service recognized by the board as
13 professional engineering.

14 Nothing herein shall prohibit licensed architects from providing
15 or offering services consistent with the "Building Design Services
16 Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

17 (c) The term "engineer-in-training" as used in this chapter shall
18 mean a person who is a potential candidate for license as a
19 professional engineer who is a graduate in an approved engineering
20 curriculum of four years or more from a school or college
21 accredited by the board as of satisfactory standing, and who, in
22 addition, has successfully passed an examination in the fundamental
23 engineering subjects, as defined elsewhere herein.

24 (d) The term "land surveyor" as used in this chapter shall mean
25 a person who is a professional specialist in the technique of
26 measuring land, educated in the principles of mathematics, the
27 related physical and applied sciences, and the relevant requirements
28 of law, all requisite to the practice of land surveying as attested by
29 his license as a land surveyor.

30 (e) The term "practice of land surveying" within the meaning
31 and intent of this chapter shall mean any service or work the
32 adequate performance of which involves the application of special
33 knowledge of the principles of mathematics, the related physical
34 and applied sciences and the relevant requirements of law to the act
35 of measuring and locating distances, directions, elevations, natural
36 and man-made topographical features in the air, on the surface of
37 the earth, within underground workings, and on beds of bodies of
38 water for the purpose of determining areas and volumes, and for the
39 establishing of horizontal and vertical control as it relates to
40 construction stake-out, for the monumentation of property
41 boundaries and for the platting and layout of lands and subdivisions
42 thereof and for the preparation and perpetuation of maps, record
43 plats, field notes, records and property descriptions in manual and
44 computer coded form that represent these surveys. The practice of
45 land surveying shall include the establishment and maintenance of
46 the base mapping and related control for land information systems

1 that are developed from the above referenced definition of the
2 practice of land surveying.

3 For purposes of this subsection, "land information systems"
4 means any computer coded spatial database designed for multi-
5 purpose public use developed from or based on property
6 boundaries.

7 A person who engages in the practice of land surveying; or who,
8 by verbal claim, sign, advertisement, letterhead, card or in any other
9 way represents himself to be a land surveyor or professional
10 surveyor; or who represents himself as able to perform any land
11 surveying service or work or any service which is recognized as
12 within the practice of land surveying shall be deemed to practice or
13 offer to practice land surveying.

14 Nothing in this chapter shall preclude a person licensed by the
15 board as a professional engineer from performing those
16 measurements necessary for the design, construction stake-out,
17 construction and post-construction records of an engineering
18 project, provided that these measurements are not related to
19 property lines, lot lines, easement lines, or right-of-way lines, the
20 establishment of which are required to be made by a land surveyor.

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

23 (g) The term "responsible charge" as used in this chapter ¹for
24 professional engineers¹ shall mean the **rendering of regular and**
25 **effective supervision by a competent professional engineer or land**
26 **surveyor to those individuals performing services** ¹**providing of**
27 **oversight by a competent professional engineer or land surveyor**
28 ²**rendering** provision² of regular and effective supervision by a
29 competent professional engineer¹ ²**by means calculated to** **who**
30 **shall**² provide personal direction to, and quality control over, the
31 efforts of subordinates of the licensee which directly and materially
32 **render** affects the quality and competence of the professional
33 services rendered by the licensee. A licensee engaged in any of the
34 following acts or practices shall be deemed not to have **rendered**
35 **regular and effective** ¹**direct control and personal** **rendered**
36 regular and effective¹ supervision:

37 (1) **render** **The regular and continuous absence from principal office**
38 **premises from which professional services are rendered, except for**
39 **performance of field work or presence in a field office maintained**
40 **exclusively for a specific project** **(Deleted by amendment, P.L. ,**
41 **c.) (pending before the Legislature as this bill) ;**

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

44 (3) The rendering of a limited, cursory or perfunctory review of
45 plans or projects in lieu of **an appropriate detailed review**

1 providing ²[necessary and appropriate] sufficient² direction to, and
2 quality control over, the efforts of subordinates of the licensee;

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

6 (h) The term "certificate of authorization" shall mean a
7 certificate issued by the board pursuant to this amendatory and
8 supplementary act.

9 (i) The term "joint committee" shall mean the Joint Committee
10 of Architects and Engineers established pursuant to the "Building
11 Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

12 (j) The term "closely allied professional" as used in this chapter
13 shall mean and is limited to licensed architects, professional
14 engineers, land surveyors, ²licensed landscape architects,² and
15 professional planners.

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

28 (l) The term "surveyor-in-training" as used in this chapter shall
29 mean a person who is a potential candidate for licensure as a land
30 surveyor, who is a graduate in an approved surveying curriculum of
31 four years or more from a school or college accredited by the board
32 as of satisfactory standing, and who, in addition, has successfully
33 passed an examination in the fundamental surveying subjects,
34 approved by the board pursuant to section 9 of P.L. 1938, c.342
35 (C.45:8-35).

36 ¹(m) The term "responsible charge" as used in this chapter for
37 land surveyors shall mean the rendering of regular and effective
38 supervision by a competent land surveyor to those individuals
39 performing services which directly and materially affect the quality
40 and competence of the professional services rendered by the
41 licensee. A licensee engaged in any of the following acts or
42 practices shall be deemed not to have rendered regular and effective
43 supervision:

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

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

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

5 (4) The failure to personally be available on a reasonable basis
6 or with adequate advance notice for consultation and inspection
7 where circumstances require personal availability.¹

8 (cf: P.L.1992, c.64, s.1)

9

10 ¹2. Section 1 of P.L.1989, c.275 (C.45:3-1.1) is amended to read
11 as follows:

12 1. For the purposes of this act:

13 a. "Aesthetic principles" means the concepts of order, balance,
14 proportion, scale, rhythm, color, texture, mass and form as used in
15 the design process.

16 b. "Architect" means an individual who through education,
17 training, and experience is skilled in the art and science of building
18 design and has been licensed by the New Jersey State Board of
19 Architects to practice architecture in the State of New Jersey.

20 c. "Architecture" means the art and science of building design
21 and particularly the design of any structure for human use or
22 habitation. Architecture, further, is the art of applying human values
23 and aesthetic principles to the science and technology of building
24 methods, materials and engineering systems, required to comprise a
25 total building project with a coherent and comprehensive unity of
26 structure and site.

27 d. "Board" means the New Jersey State Board of Architects.

28 e. "Certificate of authorization" means a certificate issued by
29 the board pursuant to this amendatory and supplementary act.

30 f. "Closely allied professional" means and is limited to
31 licensed architects, professional engineers, land surveyors,
32 professional planners, and ²**[certified]** licensed² landscape
33 architects, and persons that provide space planning services, interior
34 design services, or the substantial equivalent thereof.

35 g. "Engineering systems" means those systems necessary for
36 the proper function of a building and the surrounding site, the
37 proper design of which requires engineering knowledge acquired
38 through engineering or architectural education, training, or
39 experience. These systems include but are not limited to structural,
40 electrical, heating, lighting, acoustical, ventilation, air conditioning,
41 grading, plumbing, and drainage. Drainage facilities for sites of ten
42 acres or more or involving stormwater detention facilities or
43 traversed by a water course shall only be designed by a professional
44 engineer.

45 h. "Joint committee" means the Joint Committee of Architects
46 and Engineers established pursuant to the "Building Design
47 Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

1 i. "Human use or habitation" means the activities of living,
2 including, but not limited to fulfilling domestic, religious,
3 educational, recreational, employment, assembly, health care,
4 institutional, memorial, financial, commercial, industrial and
5 governmental needs.

6 j. "Human values" means the social, cultural, historical,
7 economic and environmental influences that have an impact on the
8 quality of life.

9 k. "Practice of architecture" or "architectural services" means
10 the rendering of services in connection with the design,
11 construction, enlargement, or alteration of a building or a group of
12 buildings and the space within or surrounding those buildings,
13 which have as their principal purpose human use or habitation.
14 These services include site planning, providing preliminary studies,
15 architectural designs, drawings, specifications, other technical
16 documentation, and administration of construction for the purpose
17 of determining compliance with drawings and specifications.

18 l. "Responsible charge" means the rendering of regular and
19 effective supervision by a competent licensed architect **【to those**
20 **individuals performing services】** ²**【by means calculated to】** who
21 shall² provide personal direction to, and quality control over, the
22 efforts of subordinates of the licensee which directly and materially
23 **【affect】** affects the quality and competence of architectural services
24 rendered by the licensee. A licensee engaged in any of the
25 following acts or practices shall be deemed not to have rendered
26 regular and effective supervision:

27 (1) **【The regular and continuous absence from principal office**
28 **premises from which professional services are rendered, except for**
29 **performance of field work or presence in a field office maintained**
30 **exclusively for a specific project】** (Deleted by amendment, P.L. . ,
31 c.) (pending before the Legislature as this bill);

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

34 (3) The rendering of a limited, cursory or perfunctory review of
35 plans for a building or structure in lieu of **【an appropriate detailed**
36 **review】** providing ²**【necessary and appropriate】** sufficient²
37 direction to, and quality control over, the efforts of subordinates of
38 the licensee;

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

42 m. "Interior design services" means rendering or offering to
43 render services, for a fee or other valuable consideration, in the
44 preparation and administration of interior design documents,
45 including, but not limited to, drawings, schedules and specifications
46 which pertain to the design intent and planning of interior spaces,
47 including furnishings, layouts, non-load bearing partitions, fixtures,

1 cabinetry, lighting location and type, outlet location and type,
2 switch location and type, finishes, materials and interior
3 construction not materially related to or materially affecting the
4 building systems, in accordance with applicable laws, codes,
5 regulations and standards.¹

6 (cf: P.L.2001, c.378, s.1)

7

8 ¹3. Section 3 of P.L.1989, c.277 (C.45:4B-3) is amended to read
9 as follows:

10 3. For the purposes of this act:

11 a. "Architectural project" means any building or structure the
12 plans for which may be prepared, designed, signed, and sealed by a
13 licensed architect pursuant to section 7 of this act.

14 b. "Boards" means the New Jersey State Board of Architects
15 and the State Board of Professional Engineers and Land Surveyors.

16 c. "Closely allied professional" means and is limited to
17 licensed architects, professional engineers, land surveyors,
18 professional planners, and ²**[certified]** licensed² landscape
19 architects.

20 d. "Engineering project" means a building or structure the plans
21 for which may be prepared, designed, signed, and sealed by a
22 professional engineer pursuant to section 7 of this act.

23 e. "Engineering systems" means those systems necessary for
24 the proper function of a building and surrounding site, the proper
25 design of which requires engineering knowledge acquired through
26 engineering or architectural training and experience. These systems
27 include but are not limited to structural, electrical, heating, lighting,
28 acoustical, ventilation, air conditioning, grading, plumbing and
29 drainage. Drainage facilities for sites of 10 acres or more or
30 involving storm water detention facilities or traversed by a water
31 course shall only be designed by a professional engineer.

32 f. "Joint committee" means the Joint Committee of Architects
33 and Engineers created pursuant to section 4 of this act.

34 g. "Owner" means any person, agent, firm, partnership or
35 corporation having a legal or equitable interest in the property or
36 any agent acting on behalf of such individuals or entities.

37 h. "Practice of architecture" or "architectural services" means
38 the rendering of services in connection with the design,
39 construction, enlargement, or alteration of a building or a group of
40 buildings and the space within or surrounding those buildings,
41 which have as their principal purpose human use or habitation.
42 These services include site planning, providing preliminary studies,
43 architectural designs, drawings, specifications, other technical
44 documentation, and administration of construction for the purpose
45 of determining compliance with drawings and specifications.

46 i. "Practice of engineering" or "engineering services" means
47 any service or creative work the adequate performance of which

1 requires engineering education, training, and experience and the
2 application of special knowledge of the mathematical, physical and
3 engineering sciences to such services or creative work as
4 consultation, investigation, evaluation, planning and design of
5 engineering works and systems, planning the use of land and water,
6 engineering studies, and the administration of construction for the
7 purpose of determining compliance with drawings and
8 specifications; any of which embraces such services or work, either
9 public or private, in connection with any engineering project
10 including: utilities, structures, buildings, machines, equipment,
11 processes, work systems, projects, telecommunications, and
12 industrial or consumer products or equipment of a mechanical,
13 electrical, hydraulic, pneumatic or thermal nature, insofar as they
14 involve safeguarding life, health or property, and including such
15 other professional services as may be necessary to the planning,
16 progress and completion of any engineering services. The design of
17 buildings by professional engineers shall be consistent with section
18 7 of this act. The practice of professional engineering shall not
19 include the work ordinarily performed by persons who operate or
20 maintain machinery or equipment.

21 j. "Responsible charge" means the rendering of regular and
22 effective supervision by a competent licensed architect or
23 professional engineer as appropriate **【to those individuals**
24 **performing services】** ²**【by means calculated to】** who shall² provide
25 personal direction to, and quality control over, the efforts of
26 subordinates of the licensee which directly and materially **【affect】**
27 affects the quality and competence of professional work rendered
28 by the licensee. A licensee engaged in any of the following acts or
29 practices shall be deemed not to have rendered regular and effective
30 supervision:

31 (1) **【The regular and continuous absence from principal office**
32 **premises from which professional services are rendered, except for**
33 **the performance of field work or presence in a field office**
34 **maintained exclusively for a specific project】** (Deleted by
35 amendment, P.L. , c.) (pending before the Legislature as this
36 bill);

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

39 (3) The rendering of a limited, cursory or perfunctory review of
40 plans for a building or structure in lieu of **【an appropriate detailed**
41 **review】** providing ²**【necessary and appropriate】** sufficient²
42 direction to, and quality control over, the efforts of subordinates of
43 the licensee; and

44 (4) The failure to personally be available on a reasonable basis
45 or with adequate advanced notice for consultation and inspection
46 where circumstances require availability.¹

47 (cf: P.L.2001, c.378, s.2)

1 ¹**[2.]** 4.¹ This act shall take effect immediately.

2

3

4

5

6 Revises definition of “responsible charge” as it pertains to
7 licensed professional engineers and licensed architects.

ASSEMBLY, No. 2023

STATE OF NEW JERSEY
216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

SYNOPSIS

Revises the definition of “responsible charge” as it pertains to licensed professional engineers and land surveyors.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the practice of professional engineering and
2 land surveying and amending P.L.1938, c.342.

3

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

6

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

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

16 (b) The terms "practice of engineering" or "professional
17 engineering" within the meaning and intent of this chapter shall
18 mean any service or creative work the adequate performance of
19 which requires engineering education, training, and experience and
20 the application of special knowledge of the mathematical, physical
21 and engineering sciences to such services or creative work as
22 consultation, investigation, evaluation, planning and design of
23 engineering works and systems, planning the use of land and water,
24 engineering studies, and the administration of construction for the
25 purpose of determining compliance with drawings and
26 specifications; any of which embraces such services or work, either
27 public or private, in connection with any engineering project
28 including: utilities, structures, buildings, machines, equipment,
29 processes, work systems, projects, telecommunications, or
30 equipment of a mechanical, electrical, hydraulic, pneumatic or
31 thermal nature, insofar as they involve safeguarding life, health or
32 property, and including such other professional services as may be
33 necessary to the planning, progress and completion of any
34 engineering services. The design of buildings by professional
35 engineers shall be consistent with section 7 of the "Building Design
36 Services Act," P.L.1989, c.277 (C.45:4B-7).

37 The practice of professional engineering shall not include the
38 work ordinarily performed by persons who operate or maintain
39 machinery or equipment. The provisions of this chapter shall not be
40 construed to prevent or affect the employment of architects in
41 connection with engineering projects within the scope of the act to
42 regulate the practice of architecture and all the amendments and
43 supplements thereto.

44 A person shall be construed to practice or offer to practice
45 engineering, within the meaning and intent of this chapter, who

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 practices any branch of the profession of engineering; or who, by
2 verbal claim, sign, advertisement, letterhead, card, or in any other
3 way represents himself to be a professional engineer, or through the
4 use of some other title utilizing or including the word engineer,
5 implies that he is a professional engineer; or who represents himself
6 as able to perform, or who does perform any engineering service or
7 work or any other professional service recognized by the board as
8 professional engineering.

9 Nothing herein shall prohibit licensed architects from providing
10 or offering services consistent with the "Building Design Services
11 Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

12 (c) The term "engineer-in-training" as used in this chapter shall
13 mean a person who is a potential candidate for license as a
14 professional engineer who is a graduate in an approved engineering
15 curriculum of four years or more from a school or college
16 accredited by the board as of satisfactory standing, and who, in
17 addition, has successfully passed an examination in the fundamental
18 engineering subjects, as defined elsewhere herein.

19 (d) The term "land surveyor" as used in this chapter shall mean
20 a person who is a professional specialist in the technique of
21 measuring land, educated in the principles of mathematics, the
22 related physical and applied sciences, and the relevant requirements
23 of law, all requisite to the practice of land surveying as attested by
24 his license as a land surveyor.

25 (e) The term "practice of land surveying" within the meaning
26 and intent of this chapter shall mean any service or work the
27 adequate performance of which involves the application of special
28 knowledge of the principles of mathematics, the related physical
29 and applied sciences and the relevant requirements of law to the act
30 of measuring and locating distances, directions, elevations, natural
31 and man-made topographical features in the air, on the surface of
32 the earth, within underground workings, and on beds of bodies of
33 water for the purpose of determining areas and volumes, and for the
34 establishing of horizontal and vertical control as it relates to
35 construction stake-out, for the monumentation of property
36 boundaries and for the platting and layout of lands and subdivisions
37 thereof and for the preparation and perpetuation of maps, record
38 plats, field notes, records and property descriptions in manual and
39 computer coded form that represent these surveys. The practice of
40 land surveying shall include the establishment and maintenance of
41 the base mapping and related control for land information systems
42 that are developed from the above referenced definition of the
43 practice of land surveying.

44 For purposes of this subsection, "land information systems"
45 means any computer coded spatial database designed for multi-
46 purpose public use developed from or based on property
47 boundaries.

1 A person who engages in the practice of land surveying; or who,
2 by verbal claim, sign, advertisement, letterhead, card or in any other
3 way represents himself to be a land surveyor or professional
4 surveyor; or who represents himself as able to perform any land
5 surveying service or work or any service which is recognized as
6 within the practice of land surveying shall be deemed to practice or
7 offer to practice land surveying.

8 Nothing in this chapter shall preclude a person licensed by the
9 board as a professional engineer from performing those
10 measurements necessary for the design, construction stake-out,
11 construction and post-construction records of an engineering
12 project, provided that these measurements are not related to
13 property lines, lot lines, easement lines, or right-of-way lines, the
14 establishment of which are required to be made by a land surveyor.

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

17 (g) The term "responsible charge" as used in this chapter shall
18 mean the **rendering of regular and effective supervision by a**
19 **competent professional engineer or land surveyor to those**
20 **individuals performing services** providing of oversight by a
21 competent professional engineer or land surveyor by means
22 calculated to provide personal direction to, and quality control over,
23 the efforts of subordinates of the licensee which directly and
24 materially **affect** affects the quality and competence of the
25 professional services rendered by the licensee. A licensee engaged
26 in any of the following acts or practices shall be deemed not to have
27 **rendered regular and effective** direct control and personal
28 supervision:

29 (1) **The regular and continuous absence from principal office**
30 **premises from which professional services are rendered, except for**
31 **performance of field work or presence in a field office maintained**
32 **exclusively for a specific project** (Deleted by amendment, P.L. ,
33 c.) (pending before the Legislature as this bill) ;

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

36 (3) The rendering of a limited, cursory or perfunctory review of
37 plans or projects in lieu of **an appropriate detailed review**
38 providing necessary and appropriate direction to, and quality
39 control over, the efforts of subordinates of the licensee;

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

43 (h) The term "certificate of authorization" shall mean a
44 certificate issued by the board pursuant to this amendatory and
45 supplementary act.

1 (i) The term "joint committee" shall mean the Joint Committee
2 of Architects and Engineers established pursuant to the "Building
3 Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

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

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

19 (l) The term "surveyor-in-training" as used in this chapter shall
20 mean a person who is a potential candidate for licensure as a land
21 surveyor, who is a graduate in an approved surveying curriculum of
22 four years or more from a school or college accredited by the board
23 as of satisfactory standing, and who, in addition, has successfully
24 passed an examination in the fundamental surveying subjects,
25 approved by the board pursuant to section 9 of P.L. 1938, c.342
26 (C.45:8-35).

27 (cf: P.L.1992, c.64, s.1)

28

29 2. This act shall take effect immediately.

30

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STATEMENT

33

34 This bill revises the standard of supervision a professional
35 engineer or land surveyor must give to individuals whose work
36 affects the quality and competence of the professional services of
37 the engineer or land surveyor. More specifically, the bill changes
38 the definition of "responsible charge" as it pertains to engineering
39 or land surveying work. The bill defines "responsible charge" to
40 mean the providing of oversight by a competent engineer or land
41 surveyor by means calculated to provide personal direction to, and
42 quality control over, the efforts of subordinates of the licensee
43 which directly and materially affects the quality and competence of
44 the professional services rendered by the licensee.

45 The bill amends a section of law that currently lists various acts
46 or practices engaged in by a licensed professional engineer or land
47 surveyor that are deemed to be acts or practices in which that

A2023 GREENWALD, BENSON

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1 licensee has not rendered proper supervision. The bill removes
2 from this enumerated list of acts or practices contained in current
3 law reference to the regular and continuous absence from principal
4 office premises from which professional services are rendered,
5 except for performance of field work or presence in a field office
6 maintained exclusively for a specific project.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2023

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 2014

The Assembly Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 2023.

As amended, this bill revises the standard of supervision a professional engineer or architect must give to individuals whose work affects the quality and competence of the professional services of the engineer or architect. More specifically, the bill changes the definition of “responsible charge” as it pertains to engineering work or architectural work. The bill defines “responsible charge” as it pertains to engineers or architects to mean the rendering of regular and effective supervision by a competent engineer or architect, as the case may be, by means calculated to provide personal direction to, and quality control over, the efforts of subordinates of the licensee which directly and materially affects the quality and competence of the professional services rendered by the licensee.

The bill amends sections of law that currently list various acts or practices engaged in by a licensed professional engineer or architect that are deemed to be acts or practices in which that licensee has not rendered proper supervision. The bill removes from this enumerated list of acts or practices contained in current law reference to the regular and continuous absence from principal office premises from which professional services are rendered, except for performance of field work or presence in a field office maintained exclusively for a specific project.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been preformed.

COMMITTEE AMENDMENTS:

The original bill revised the standard of supervision a professional engineer or land surveyor must give to individuals whose work affects the quality and competence of the professional engineer or land surveyor. As amended, the bill, as it pertains to land surveyors, restores the current provisions of law that define the standard of supervision a land surveyor must give to individuals whose work affects the quality and competence of the professional services of the

land surveyor. The committee also amended the bill to include the revision of standards of supervision an architect must give to individuals whose work affects the quality and competence of the professional services of the architect.

More specifically, the bill changes the definition of “responsible charge” as it pertains to engineering work or architectural work. As defined in the original bill, which pertained to engineers and land surveyors, “responsible charge” meant the providing of oversight by a competent professional engineer or land surveyor by means calculated to provide personal direction to, and quality control over, the efforts of subordinates of the licensee, which directly and materially affect the quality and competence of the professional services rendered by the licensee. The bill, as amended, defines “responsible charge” for engineers or architects, as the case may be, as the rendering of regular and effective supervision by the appropriate licensee by means calculated to provide personal direction to, and quality control over, the efforts of subordinates of the licensee, which directly and materially affects the quality and competence of the professional services rendered by the licensee.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2023

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2015

The Senate Commerce Committee reports favorably, and with committee amendments, Assembly Bill No. 2023 (1R).

This amended bill revises the standard of supervision a professional engineer or architect must give to individuals whose work affects the quality and competence of the professional services of the engineer or architect. More specifically, the bill changes the definition of “responsible charge” as it pertains to engineering work or architectural work. The bill defines “responsible charge” as it pertains to engineers or architects to mean the provision of regular and effective supervision by a competent professional engineer or architect, as the case may be, who shall provide personal direction to, and quality control over, the efforts of subordinates of the licensee which directly and materially affects the quality and competence of the professional services rendered by the licensee.

As it relates to engineers, the current law defining “responsible charge” includes land surveyors in that definition. Since the bill is intended to revise this definition as it relates to engineers, but not to land surveyors, reference to land surveyors is removed from the existing definition. The definition of “responsible charge” as it relates to land surveyors is reproduced in a new definition identical to current law.

The bill amends sections of law that currently list various acts or practices engaged in by a licensed professional engineer or architect that are deemed to be acts or practices in which that licensee has not rendered proper supervision. The bill removes from this enumerated list of acts or practices contained in current law reference to the regular and continuous absence from principal office premises from which professional services are rendered, except for performance of field work or presence in a field office maintained exclusively for a specific project. Additionally, the bill specifies that a licensee engaged in the rendering of a limited, cursory or perfunctory review of plans or projects in lieu of providing sufficient direction to, and quality control over, the efforts of subordinates of the licensee shall be deemed not to have rendered regular and effective supervision.

As amended and reported, this bill is identical to Senate Bill No. 2675, as also amended and reported by the committee.

Committee Amendments

The committee amendments revise the definition of “responsible charge,” as it relates to engineers and architects, to mean the provision of regular and effective supervision by a competent professional engineer or architect, as the case may be, who shall provide personal direction to, and quality control over, the efforts of subordinates of the licensee which directly and materially affects the quality and competence of the professional services rendered by the licensee. The amendments specify that a licensee engaged in the rendering of a limited, cursory or perfunctory review of plans or projects in lieu of providing sufficient direction to, and quality control over, the efforts of subordinates of the licensee shall be deemed not to have rendered regular and effective supervision.

The amendments also make a technical correction to the definition of “closely allied professional” in each section of law so that: (1) the definition consistently includes licensed landscape architects; and (2) correctly identifies landscape architects as licensed instead of certified.

SENATE, No. 2675

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 22, 2014

Sponsored by:

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Revises definition of “responsible charge” as it pertains to licensed professional engineers and licensed architects.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the practice of professional engineering and
2 architecture, and amending P.L.1938, c.342, P.L.1989, c.275,
3 and P.L.1989, c.277.

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

7
8 1. Section 2 of P.L.1938, c.342 (C.45:8-28) is amended to read
9 as follows:

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

17 (b) The terms "practice of engineering" or "professional
18 engineering" within the meaning and intent of this chapter shall
19 mean any service or creative work the adequate performance of
20 which requires engineering education, training, and experience and
21 the application of special knowledge of the mathematical, physical
22 and engineering sciences to such services or creative work as
23 consultation, investigation, evaluation, planning and design of
24 engineering works and systems, planning the use of land and water,
25 engineering studies, and the administration of construction for the
26 purpose of determining compliance with drawings and
27 specifications; any of which embraces such services or work, either
28 public or private, in connection with any engineering project
29 including: utilities, structures, buildings, machines, equipment,
30 processes, work systems, projects, telecommunications, or
31 equipment of a mechanical, electrical, hydraulic, pneumatic or
32 thermal nature, insofar as they involve safeguarding life, health or
33 property, and including such other professional services as may be
34 necessary to the planning, progress and completion of any
35 engineering services. The design of buildings by professional
36 engineers shall be consistent with section 7 of the "Building Design
37 Services Act," P.L.1989, c.277 (C.45:4B-7).

38 The practice of professional engineering shall not include the
39 work ordinarily performed by persons who operate or maintain
40 machinery or equipment. The provisions of this chapter shall not be
41 construed to prevent or affect the employment of architects in
42 connection with engineering projects within the scope of the act to
43 regulate the practice of architecture and all the amendments and
44 supplements thereto.

45 A person shall be construed to practice or offer to practice
46 engineering, within the meaning and intent of this chapter, who

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 practices any branch of the profession of engineering; or who, by
2 verbal claim, sign, advertisement, letterhead, card, or in any other
3 way represents himself to be a professional engineer, or through the
4 use of some other title utilizing or including the word engineer,
5 implies that he is a professional engineer; or who represents himself
6 as able to perform, or who does perform any engineering service or
7 work or any other professional service recognized by the board as
8 professional engineering.

9 Nothing herein shall prohibit licensed architects from providing
10 or offering services consistent with the "Building Design Services
11 Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

12 (c) The term "engineer-in-training" as used in this chapter shall
13 mean a person who is a potential candidate for license as a
14 professional engineer who is a graduate in an approved engineering
15 curriculum of four years or more from a school or college
16 accredited by the board as of satisfactory standing, and who, in
17 addition, has successfully passed an examination in the fundamental
18 engineering subjects, as defined elsewhere herein.

19 (d) The term "land surveyor" as used in this chapter shall mean
20 a person who is a professional specialist in the technique of
21 measuring land, educated in the principles of mathematics, the
22 related physical and applied sciences, and the relevant requirements
23 of law, all requisite to the practice of land surveying as attested by
24 his license as a land surveyor.

25 (e) The term "practice of land surveying" within the meaning
26 and intent of this chapter shall mean any service or work the
27 adequate performance of which involves the application of special
28 knowledge of the principles of mathematics, the related physical
29 and applied sciences and the relevant requirements of law to the act
30 of measuring and locating distances, directions, elevations, natural
31 and man-made topographical features in the air, on the surface of
32 the earth, within underground workings, and on beds of bodies of
33 water for the purpose of determining areas and volumes, and for the
34 establishing of horizontal and vertical control as it relates to
35 construction stake-out, for the monumentation of property
36 boundaries and for the platting and layout of lands and subdivisions
37 thereof and for the preparation and perpetuation of maps, record
38 plats, field notes, records and property descriptions in manual and
39 computer coded form that represent these surveys. The practice of
40 land surveying shall include the establishment and maintenance of
41 the base mapping and related control for land information systems
42 that are developed from the above referenced definition of the
43 practice of land surveying.

44 For purposes of this subsection, "land information systems"
45 means any computer coded spatial database designed for multi-
46 purpose public use developed from or based on property
47 boundaries.

1 A person who engages in the practice of land surveying; or who,
2 by verbal claim, sign, advertisement, letterhead, card or in any other
3 way represents himself to be a land surveyor or professional
4 surveyor; or who represents himself as able to perform any land
5 surveying service or work or any service which is recognized as
6 within the practice of land surveying shall be deemed to practice or
7 offer to practice land surveying.

8 Nothing in this chapter shall preclude a person licensed by the
9 board as a professional engineer from performing those
10 measurements necessary for the design, construction stake-out,
11 construction and post-construction records of an engineering
12 project, provided that these measurements are not related to
13 property lines, lot lines, easement lines, or right-of-way lines, the
14 establishment of which are required to be made by a land surveyor.

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

17 (g) The term "responsible charge" as used in this chapter for
18 professional engineers shall mean the rendering of regular and
19 effective supervision by a competent professional engineer **[or land**
20 **surveyor to those individuals performing services]** by means
21 calculated to provide personal direction to, and quality control over,
22 the efforts of subordinates of the licensee which directly and
23 materially **[affect]** affects the quality and competence of the
24 professional services rendered by the licensee. A licensee engaged
25 in any of the following acts or practices shall be deemed not to have
26 rendered regular and effective supervision:

27 (1) **[The regular and continuous absence from principal office**
28 **premises from which professional services are rendered, except for**
29 **performance of field work or presence in a field office maintained**
30 **exclusively for a specific project]** (Deleted by amendment, P.L. __,
31 c.) (pending before the Legislature as this bill) ;

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

34 (3) The rendering of a limited, cursory or perfunctory review of
35 plans or projects in lieu of **[an appropriate detailed review]**
36 providing necessary and appropriate direction to, and quality
37 control over, the efforts of subordinates of the licensee;

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

41 (h) The term "certificate of authorization" shall mean a
42 certificate issued by the board pursuant to this amendatory and
43 supplementary act.

44 (i) The term "joint committee" shall mean the Joint Committee
45 of Architects and Engineers established pursuant to the "Building
46 Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

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

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

16 (l) The term "surveyor-in-training" as used in this chapter shall
17 mean a person who is a potential candidate for licensure as a land
18 surveyor, who is a graduate in an approved surveying curriculum of
19 four years or more from a school or college accredited by the board
20 as of satisfactory standing, and who, in addition, has successfully
21 passed an examination in the fundamental surveying subjects,
22 approved by the board pursuant to section 9 of P.L.1938,
23 c.342 (C.45:8-35).

24 (m) The term "responsible charge" as used in this chapter for
25 land surveyors shall mean the rendering of regular and effective
26 supervision by a competent land surveyor to those individuals
27 performing services which directly and materially affect the quality
28 and competence of the professional services rendered by the
29 licensee. A licensee engaged in any of the following acts or
30 practices shall be deemed not to have rendered regular and effective
31 supervision:

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

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

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

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

43 (cf: P.L.1992, c.64, s.1)

44

45 2. Section 1 of P.L.1989, c.275 (C.45:3-1.1) is amended to read
46 as follows:

47 1. For the purposes of this act:

- 1 a. "Aesthetic principles" means the concepts of order, balance,
2 proportion, scale, rhythm, color, texture, mass and form as used in
3 the design process.
- 4 b. "Architect" means an individual who through education,
5 training, and experience is skilled in the art and science of building
6 design and has been licensed by the New Jersey State Board of
7 Architects to practice architecture in the State of New Jersey.
- 8 c. "Architecture" means the art and science of building design
9 and particularly the design of any structure for human use or
10 habitation. Architecture, further, is the art of applying human values
11 and aesthetic principles to the science and technology of building
12 methods, materials and engineering systems, required to comprise a
13 total building project with a coherent and comprehensive unity of
14 structure and site.
- 15 d. "Board" means the New Jersey State Board of Architects.
- 16 e. "Certificate of authorization" means a certificate issued by
17 the board pursuant to this amendatory and supplementary act.
- 18 f. "Closely allied professional" means and is limited to
19 licensed architects, professional engineers, land surveyors,
20 professional planners, and certified landscape architects, and
21 persons that provide space planning services, interior design
22 services, or the substantial equivalent thereof.
- 23 g. "Engineering systems" means those systems necessary for
24 the proper function of a building and the surrounding site, the
25 proper design of which requires engineering knowledge acquired
26 through engineering or architectural education, training, or
27 experience. These systems include but are not limited to structural,
28 electrical, heating, lighting, acoustical, ventilation, air conditioning,
29 grading, plumbing, and drainage. Drainage facilities for sites of ten
30 acres or more or involving stormwater detention facilities or
31 traversed by a water course shall only be designed by a professional
32 engineer.
- 33 h. "Joint committee" means the Joint Committee of Architects
34 and Engineers established pursuant to the "Building Design
35 Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).
- 36 i. "Human use or habitation" means the activities of living,
37 including, but not limited to fulfilling domestic, religious,
38 educational, recreational, employment, assembly, health care,
39 institutional, memorial, financial, commercial, industrial and
40 governmental needs.
- 41 j. "Human values" means the social, cultural, historical,
42 economic and environmental influences that have an impact on the
43 quality of life.
- 44 k. "Practice of architecture" or "architectural services" means
45 the rendering of services in connection with the design,
46 construction, enlargement, or alteration of a building or a group of
47 buildings and the space within or surrounding those buildings,
48 which have as their principal purpose human use or habitation.

1 These services include site planning, providing preliminary studies,
2 architectural designs, drawings, specifications, other technical
3 documentation, and administration of construction for the purpose
4 of determining compliance with drawings and specifications.

5 1. "Responsible charge" means the rendering of regular and
6 effective supervision by a competent licensed architect **【to those**
7 **individuals performing services】** by means calculated to provide
8 personal direction to, and quality control over, the efforts of
9 subordinates of the licensee which directly and materially **【affect】**
10 affects the quality and competence of architectural services
11 rendered by the licensee. A licensee engaged in any of the
12 following acts or practices shall be deemed not to have rendered
13 regular and effective supervision:

14 (1) **【The regular and continuous absence from principal office**
15 **premises from which professional services are rendered, except for**
16 **performance of field work or presence in a field office maintained**
17 **exclusively for a specific project】** (Deleted by amendment, P.L. __,
18 c.) (pending before the Legislature as this bill);

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

21 (3) The rendering of a limited, cursory or perfunctory review of
22 plans for a building or structure in lieu of **【an appropriate detailed**
23 **review】** providing necessary and appropriate direction to, and
24 quality control over, the efforts of subordinates of the licensee;

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

28 m. "Interior design services" means rendering or offering to
29 render services, for a fee or other valuable consideration, in the
30 preparation and administration of interior design documents,
31 including, but not limited to, drawings, schedules and specifications
32 which pertain to the design intent and planning of interior spaces,
33 including furnishings, layouts, non-load bearing partitions, fixtures,
34 cabinetry, lighting location and type, outlet location and type,
35 switch location and type, finishes, materials and interior
36 construction not materially related to or materially affecting the
37 building systems, in accordance with applicable laws, codes,
38 regulations and standards.

39 (cf: P.L.2001, c.378, s.1)

40

41 3. Section 3 of P.L.1989, c.277 (C.45:4B-3) is amended to read
42 as follows:

43 3. For the purposes of this act:

44 a. "Architectural project" means any building or structure the
45 plans for which may be prepared, designed, signed, and sealed by a
46 licensed architect pursuant to section 7 of this act.

- 1 b. "Boards" means the New Jersey State Board of Architects
2 and the State Board of Professional Engineers and Land Surveyors.
- 3 c. "Closely allied professional" means and is limited to
4 licensed architects, professional engineers, land surveyors,
5 professional planners, and certified landscape architects.
- 6 d. "Engineering project" means a building or structure the plans
7 for which may be prepared, designed, signed, and sealed by a
8 professional engineer pursuant to section 7 of this act.
- 9 e. "Engineering systems" means those systems necessary for
10 the proper function of a building and surrounding site, the proper
11 design of which requires engineering knowledge acquired through
12 engineering or architectural training and experience. These systems
13 include but are not limited to structural, electrical, heating, lighting,
14 acoustical, ventilation, air conditioning, grading, plumbing and
15 drainage. Drainage facilities for sites of 10 acres or more or
16 involving storm water detention facilities or traversed by a water
17 course shall only be designed by a professional engineer.
- 18 f. "Joint committee" means the Joint Committee of Architects
19 and Engineers created pursuant to section 4 of this act.
- 20 g. "Owner" means any person, agent, firm, partnership or
21 corporation having a legal or equitable interest in the property or
22 any agent acting on behalf of such individuals or entities.
- 23 h. "Practice of architecture" or "architectural services" means
24 the rendering of services in connection with the design,
25 construction, enlargement, or alteration of a building or a group of
26 buildings and the space within or surrounding those buildings,
27 which have as their principal purpose human use or habitation.
28 These services include site planning, providing preliminary studies,
29 architectural designs, drawings, specifications, other technical
30 documentation, and administration of construction for the purpose
31 of determining compliance with drawings and specifications.
- 32 i. "Practice of engineering" or "engineering services" means
33 any service or creative work the adequate performance of which
34 requires engineering education, training, and experience and the
35 application of special knowledge of the mathematical, physical and
36 engineering sciences to such services or creative work as
37 consultation, investigation, evaluation, planning and design of
38 engineering works and systems, planning the use of land and water,
39 engineering studies, and the administration of construction for the
40 purpose of determining compliance with drawings and
41 specifications; any of which embraces such services or work, either
42 public or private, in connection with any engineering project
43 including: utilities, structures, buildings, machines, equipment,
44 processes, work systems, projects, telecommunications, and
45 industrial or consumer products or equipment of a mechanical,
46 electrical, hydraulic, pneumatic or thermal nature, insofar as they
47 involve safeguarding life, health or property, and including such
48 other professional services as may be necessary to the planning,

1 progress and completion of any engineering services. The design of
2 buildings by professional engineers shall be consistent with section
3 7 of this act. The practice of professional engineering shall not
4 include the work ordinarily performed by persons who operate or
5 maintain machinery or equipment.

6 j. "Responsible charge" means the rendering of regular and
7 effective supervision by a competent licensed architect or
8 professional engineer as appropriate **【to those individuals**
9 **performing services】** by means calculated to provide personal
10 direction to, and quality control over, the efforts of subordinates of
11 the licensee which directly and materially **【affect】** affects the
12 quality and competence of professional work rendered by the
13 licensee. A licensee engaged in any of the following acts or
14 practices shall be deemed not to have rendered regular and effective
15 supervision:

16 (1) **【The regular and continuous absence from principal office**
17 **premises from which professional services are rendered, except for**
18 **the performance of field work or presence in a field office**
19 **maintained exclusively for a specific project】** (Deleted by
20 amendment, P.L. , c.) (pending before the Legislature as this
21 bill);

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

24 (3) The rendering of a limited, cursory or perfunctory review of
25 plans for a building or structure in lieu of **【an appropriate detailed**
26 **review】** providing necessary and appropriate direction to, and
27 quality control over, the efforts of subordinates of the licensee; and

28 (4) The failure to personally be available on a reasonable basis
29 or with adequate advanced notice for consultation and inspection
30 where circumstances require availability.

31 (cf: P.L.2001, c.378, s.2)

32

33 4. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill revises the standard of supervision a professional
39 engineer or architect must give to individuals whose work affects
40 the quality and competence of the professional services of the
41 engineer or architect. More specifically, the bill changes the
42 definition of "responsible charge" as it pertains to engineering work
43 or architectural work. The bill defines "responsible charge" as it
44 pertains to engineers or architects to mean the rendering of regular
45 and effective supervision by a competent engineer or architect, as
46 the case may be, by means calculated to provide personal direction
47 to, and quality control over, the efforts of subordinates of the

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1 licensee which directly and materially affects the quality and
2 competence of the professional services rendered by the licensee.

3 The bill amends sections of law that currently list various acts or
4 practices engaged in by a licensed professional engineer or architect
5 that are deemed to be acts or practices in which that licensee has not
6 rendered proper supervision. The bill removes from this enumerated
7 list of acts or practices contained in current law reference to the
8 regular and continuous absence from principal office premises from
9 which professional services are rendered, except for performance of
10 field work or presence in a field office maintained exclusively for a
11 specific project.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2675

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 2015

The Senate Commerce Committee reports favorably, and with committee amendments, Senate Bill No. 2675.

This amended bill revises the standard of supervision a professional engineer or architect must give to individuals whose work affects the quality and competence of the professional services of the engineer or architect. More specifically, the bill changes the definition of “responsible charge” as it pertains to engineering work or architectural work. The bill defines “responsible charge” as it pertains to engineers or architects to mean the provision of regular and effective supervision by a competent professional engineer or architect, as the case may be, who shall provide personal direction to, and quality control over, the efforts of subordinates of the licensee which directly and materially affects the quality and competence of the professional services rendered by the licensee.

As it relates to engineers, the current law defining “responsible charge” includes land surveyors in that definition. Since the bill is intended to revise this definition as it relates to engineers, but not to land surveyors, reference to land surveyors is removed from the existing definition. The definition of “responsible charge” as it relates to land surveyors is reproduced in a new definition identical to current law.

The bill amends sections of law that currently list various acts or practices engaged in by a licensed professional engineer or architect that are deemed to be acts or practices in which that licensee has not rendered proper supervision. The bill removes from this enumerated list of acts or practices contained in current law reference to the regular and continuous absence from principal office premises from which professional services are rendered, except for performance of field work or presence in a field office maintained exclusively for a specific project. Additionally, the bill specifies that a licensee engaged in the rendering of a limited, cursory or perfunctory review of plans or projects in lieu of providing sufficient direction to, and quality control over, the efforts of subordinates of the licensee shall be deemed not to have rendered regular and effective supervision.

As amended and reported, this bill is identical to Assembly Bill No. 2023 (1R), as also amended and reported by the committee.

Committee Amendments

The committee amendments revise the definition of “responsible charge,” as it relates to engineers and architects, to mean the provision of regular and effective supervision by a competent professional engineer or architect, as the case may be, who shall provide personal direction to, and quality control over, the efforts of subordinates of the licensee which directly and materially affects the quality and competence of the professional services rendered by the licensee. The amendments specify that a licensee engaged in the rendering of a limited, cursory or perfunctory review of plans or projects in lieu of providing sufficient direction to, and quality control over, the efforts of subordinates of the licensee shall be deemed not to have rendered regular and effective supervision.

The amendments also make a technical correction to the definition of “closely allied professional” in each section of law so that: (1) the definition consistently includes licensed landscape architects; and (2) correctly identifies landscape architects as licensed instead of certified.

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Governor Christie Takes Action On Pending Legislation

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Trenton, NJ – Governor Chris Christie today took action on legislation, including a bill aimed at helping inmates who were victims of domestic violence and a second bill designed to help non-violent drug offenders reclaim their lives by streamlining the process for expungement of their criminal records.

The Governor suggested minor changes to strengthen Senate Bill No. 995, which seeks to help domestic violence victims who have been convicted of crimes against their abusers by establishing a community reentry program to assist victim-offenders assimilate into society upon release from custody and prevent further victimization.

Governor Christie conditionally vetoed the bill, proposing that the program be established solely in the Department of Corrections.

"The goal of this bill is commendable and I sincerely support its objective," Governor Christie said. "Domestic violence is tragic, and victims deserve support and counseling. However, the bill conflates the statutory and regulatory responsibilities of the Department of Corrections and the State Parole Board, combining the agencies' separate residential program functions. Accordingly, I suggest minor amendments, in accordance with the intent of the legislation to establish this program within the Department of Corrections, consistent with its existing reintegration programming and tailored to the specific needs of this limited inmate population."

The bill as written also called for an automatic early release program for this specific subset of inmates upon successful completion of the reentry program, an element of the bill that Governor Christie does not support.

"I cannot support the creation of early release programs because they would begin to chisel away at the long-standing function of the State Parole Board," Governor Christie said. "For decades, the State Parole Board has faithfully fulfilled its charge to carefully review and consider the underlying facts and circumstances of each applicant for parole. While I continue to encourage the Legislature to explore reforms that will create efficiencies in State government, I remain grounded in my belief that the review of parole applications is best accomplished through the reasoned, compassionate, experienced and individualized judgment of the State Parole Board and not through an automatic process based upon one factor."

Governor Christie similarly took action to strengthen the Assembly Committee Substitute for Assembly Bills Nos. 206, 471, 1663, 2879, 3060 and 3108, and urged quick approval from the Legislature.

The bill proposes to allow those who have successfully completed the Drug Court program to expunge the related criminal charges, and it further aims to make the expungement process more efficient.

Seeking to balance the needs of non-violent ex-offenders with public safety, Governor Christie conditionally vetoed the bill, retaining the current waiting period for expungements for indictable offenses, currently 10 years, or five years if a court determines that expungement is in the public's interest.

"While I support breaking down barriers to employment and education for non-violent ex-offenders, I cannot endorse a bill that compromises public safety," Governor Christie said. "As written, this bill would cut in half the presumptive waiting period to expunge indictable offenses, often felonies, from ten years to five years, and eliminate an important safeguard which allows a judge to consider whether granting an expungement is in the public's interest. The current public interest exception to the presumptive waiting period is an effective and efficient way to help ex-offenders combat the collateral consequences of their offense, while also ensuring that public safety is not compromised."

Governor Christie further suggested retaining the five-year waiting period for disorderly persons offenses, while adopting the bill's provision to lower this waiting period to three years, if a court determines that expungement is in the public interest.

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

S-475/A-3223 (Madden, Sweeney/Mosquera, Webber, Moriarty, Mukherji, Garcia, Munoz, Lampitt) - Requires certain information regarding Down syndrome be provided to certain parents and families

S-650 (Doherty, Beach/DiMaio, Andrzejczak, Peterson, DeAngelo) - Designates State Route 173 between Clinton and Phillipsburg as "173rd Airborne Brigade Highway"

S-835/A-1972 (Bateman/Garcia, Danielson) - Enhances penalties for false incrimination and making fictitious reports

S-939/A-2913 (Bateman, A.R. Bucco/Caride, Dancer, A.M. Bucco) - Designates Black Swallowtail butterfly as State Butterfly

S-1940/A-2893 (Oroho, Van Drew/Burzichelli, Space) - Exempts board of education and local government payments to entities under BPU jurisdiction from certain certification requirements

S-2145/A-631 (Van Drew, Madden/Moriarty, Burzichelli, Tucker, DeAngelo, Danielson, Mukherji) - Authorizes hiring preference for veterans in non-civil service jurisdictions

S-2301/A-3522 (Greenstein, Stack/Stender, Mukherji, Lagana, Diegnan) - Regulates pharmacy benefits managers and requires certain disclosures concerning multiple source generic drug pricing

S-2432/A-4720 (Madden/Moriarty, Mosquera) - Requires notification of member or retiree of State-administered retirement system under certain circumstances when member or retiree requests change in beneficiary for group life insurance

S-2453/A-3805 (Weinberg, Allen/Burzichelli, Singleton) - Requires earlier mandatory polling hours for school elections; requires discretionary additional polling hours be consistent with current primary and general elections

S-2523/A-3917 (Gill, Greenstein, Benson/DeAngelo, Johnson) - Permits municipalities and municipal parking authorities to create Senior Citizen Priority Parking Program

SCS for S-2586, 2587, A-3217, and 3218 (Stack, Cunningham, Mukherji, Pintor Marin, Garcia) - Requires certain sanitary and protective procedures for used mattresses

SCS for S-2668/A-4270 (Beach, Madden/Lampitt, Vainieri Huttie, Benson, Spencer, Wimberly, Mosquera) - Establishes "MVP Emergency Alert System" for missing persons with mental, intellectual, or developmental disabilities

SS for S-2770/AS for A-3956 (Sweeney, Addiego/Lampitt, Greenwald, Vainieri Huttie, Benson, Mazzeo) - Authorizes establishment of Achieving a Better Life Experience accounts for persons with certain disabilities

S-2940/A-4531 (Singer, Sweeney/Spencer, Benson, Casagrande, Muoio) - Creates new criminal offenses concerning endangering another person; repeals N.J.S.2C:12-2 and N.J.S.2C:24-7

S-2961/A-4188 (Codey, Vitale/Garcia, Lagana, Taliaferro, Vainieri Huttie, Danielsens, Holley, Benson, Jimenez) - Clarifies that Alzheimer's disease and related disorders may be listed as secondary cause of death on death certificate when appropriate

S-2978/A-4194 (Van Drew, Oroho/Burzichelli, Spencer, Rumana, Webber, Benson) - Authorizes mobile electronic waste destruction units to operate without DEP permit

S-3004/A-4685 (Cunningham, Van Drew/Andrzejczak, Johnson, Muoio, Wimberly) - Permits municipality with UEZ to participate in Downtown Business Improvements Zone Loan Fund

S-3076/A-4621 (Weinberg, Bateman/Johnson, Caride) - Increases maximum legal fee to represent victims from \$1,000 to \$3,000

S-3110/A-4617 (Scutari/Johnson, Webber) - Permits certain health clubs to offer swimming lessons and otherwise remain exempt from first aid personnel and lifeguarding requirements

S-3117/A-4781 (Gordon, Bateman, Sweeney, T. Kean/Vainieri Huttie, Eustace, Gusciora, Lampitt, Angelini, Moriarty) - Prohibits Division of Developmental Disabilities from compelling transfers of individuals with developmental disabilities from out-of-State to in-State facilities unless certain exceptions apply

S-3220/A-4790 (Sweeney, O'Toole, Vitale/Greenwald, Conaway, Vainieri Huttie, Handlin, Garcia) - Establishes a process to integrate certain health data and other data from publicly supported programs for population health research

S-3232/A-4834 (Sarlo, Oroho/Lagana, Burzichelli, Schaer, DeAngelo, Phoebus) - Allows businesses due to receive grant under Business Employment Incentive Program to receive tax credit instead of grant

S-3270/A-4705 (Gill, Bateman/Schaer, Coughlin, Lagana, S. Kean, Ciattarelli) - "Certificates of Insurance Act;" governs use of certificates of insurance; provides DOBI with enforcement authority

SJR-81/AJR-122 (Barnes/Vainieri Huttle, Schaer, Lampitt) - Condemns Boycott, Divestment, and Sanctions movement against Israel

A-308/S-2203 (Russo, Rumana/O'Toole, Smith) - Prohibits escrow agent evaluation services from charging escrow agents fees

A-1098/S-671 (Vainieri Huttle, Eustace, Diegnan, Giblin/Pou, Sarlo, Weinberg) - Requires DHS and DMVA to conduct or contract for follow-up studies of former residents transitioning to community from their facilities

A-1355/S-2963 (Stender, Lampitt, Holley, Moriarty/T. Kean, Vitale) - Requires DOH to provide information about crib safety on its Internet website

A-1783/S-2020 (McKeon, Rible, Sumter, Moriarty/Vitale, Cunningham) - "Art Therapist Licensing Act"

A-2023/S-2675 (Greenwald, Benson/Cruz-Perez) - Revises definition of "responsible charge" as it pertains to licensed professional engineers and licensed architects

A-2229 (Wisniewski, Diegnan) - Concerns contracts for asphalt work under the "Local Public Contracts Law"

A-2301/S-1481 (Andrzejczak/Van Drew) - Designates certain interchanges of Garden State Parkway in honor of Melvin M. Loftus and Christopher Meyer

A-3052/S-1090 (Mazzeo, Pinkin, Mukherji, Wimberly/A.R. Bucco, Whelan) - Concerns property taxes due and owing on real property damaged or destroyed during, or as the result of, a natural disaster when a state of emergency is declared by the Governor

A-3246/S-3069 (Dancer, Burzichelli, Vainieri Huttle/Oroho, Sarlo) - Requires timeframe of standardbred mare residing in New Jersey breeding farm be inclusive of foaling instead of between foal's conception and birth

A-3293/S-2146 (Mazzeo, Andrzejczak, Pinkin, Webber, Simon, Mukherji/Van Drew, Doherty) - Allows military personnel and veterans to present certain identifying documents in lieu of municipal beach tags to gain admission to certain beaches

A-3331/S-3111 (Benson, Rodriguez-Gregg, Coughlin/Gill, Beach) - Requires health benefits coverage for synchronization of prescribed medications under certain circumstances

A-3390/S-2309 (Coughlin, Pinkin, Webber, Diegnan/Vitale) - Permits transmittal of certain land use documents via email

A-3395/S-2294 (Wisniewski/Sacco) - Allows insurer to obtain certificates of ownership or salvage certificates of title for motor vehicles under certain circumstances

A-3499/S-2256 (Andrzejczak, Mazzeo, Johnson, Pinkin, DeAngelo/Van Drew) - Requires DMVA to encourage and facilitate returning service members' registration with VA

A-3507/S-2677 (Eustace, Webber, Munoz, Schepisi, Rumana/Gordon, Sarlo) - Amends law concerning county and municipal stream cleaning activities

A-3749/S-2568 (Lampitt, Mazzeo, Andrzejczak, Mukherji, Pinkin/Beach, Allen) - Establishes program to provide assistance to qualified veterans in in-patient and out-patient treatment programs to travel to medical counseling in State

A-3849/SCS for S-2466 (DeAngelo, Eustace, Mazzeo, Pintor Marin, Benson/Turner, Singer) - Requires BPU to provide links to pricing information to customers from electric and gas public utilities, and third-party electric power and gas suppliers

A-3950/S-2832 (Prieto, Jimenez, Quijano/Greenstein, Turner) - Permits correctional facilities to utilize body imaging scanning equipment

A-4079/S-2819 (Eustace, Andrzejczak, Taliaferro, Benson, Dancer/Van Drew, Beach) - Directs Department of Agriculture to publish on its website "New Jersey Gleaning Week" and "Farmers Against Hunger Day" page

A-4094/S-2884 (Conaway, Singleton, Wimberly, Lampitt, Benson/Whelan, Madden) - Permits administration of epinephrine auto-injector device by persons who complete approved educational program

A-4438/S-3202 (Mukherji, Burzichelli/Scutari, Madden) - Raises maximum workers' compensation fees for evaluating physicians

A-4518/S-3010 (Schaer, Eustace, Benson, Pintor Marin/Sarlo) - Modifies and clarifies provisions of certain economic incentive programs

AJR-57/SJR-42 (Space/Oroho) - Designates April of each year as "Sarcoidosis Awareness Month"

AJR-93/SJR-73 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates third week of September as "New Jersey Gleaning Week"

AJR-94/SJR-74 (Eustace, Andrzejczak, Taliaferro, Benson/Van Drew, Beach) - Designates Wednesday of third week of September as "Farmers Against Hunger Day"

AJR-100/SJR-70 (Andrzejczak, Tucker, DeAngelo, Mazzeo/Van Drew, Whelan) - Designates first week in August of each year as "Coast Guard Week" and honors Cape May as U.S. Coast Guard's enlisted accession point and recruit training center

BILLS VETOED:

S-264/A-1347 (Greenstein, Cunningham/Stender, Egan, O'Donnell, Wimberly) – **ABSOLUTE** - "Thomas P. Canzanella Twenty First Century First Responders Protection Act"; concerns workers compensation for public safety workers

S-374/A-3403 (Scutari, Beck/Rible, DeAngelo, Mukherji) - **ABSOLUTE** - Concerns attorney fees for workers' compensation awards

SCS for S-779, 1952/ACS for A-2474 (Weinberg, Sarlo, Lesniak/Johnson, Garcia, Vainieri Huttie, Lagana, Mukherji, Moriarty) - **ABSOLUTE** - "Garden State Film and Digital Media Jobs Act" expands existing film and digital media production tax credit programs

S-995/A-1677 (Weinberg, Allen/Johnson, Vainieri Huttie, Lampitt, Mosquera) – **CONDITIONAL** - Establishes in DOC, supervised community reintegration program for certain victims of domestic abuse

S-1346/A-3837 (Rice/Coughlin, Garcia, Rodriguez-Gregg, Pintor Marin, Jasey) - **CONDITIONAL** - Concerns the recording of mortgages

S-2260/A-688 (Scutari, Cardinale/Schaer) - **CONDITIONAL** - Modifies certain fees charged by, and requirements imposed on, check casher licensees

S-2524/A-4067 (Gill, Allen/Lagana, Singleton, Moriarty) - **CONDITIONAL** - The "Municipal Volunteer Property Tax Reduction Act"; permits certain municipal property owners to perform volunteer services in return for property tax vouchers

S-2577/ACS for A-4139 (Stack, Schaer/Mazzeo, Andrzejczak, Mukherji, Quijano) - **CONDITIONAL** - Establishes temporary mortgage relief programs for certain owners of real property impacted by "Superstorm Sandy"

S-2867/A-4248 (Ruiz, Pou/Jasey, Sumter, Vainieri Huttie, Green, Holley, Wimberly) - **ABSOLUTE** - Permits municipal land banking in conjunction with online property database development

S-3024/A-4463 (Scutari/Giblin, Diegnan, Jimenez, Caputo, Vainieri Huttie) – **CONDITIONAL** - Revises laws concerning real estate licensees

S-3282/A-4850 (Rice, Cunningham/Wimberly, Mainor, Johnson) - **CONDITIONAL** - Expands Police Training Commission membership to include representative from Northern New Jersey and South Jersey Chapters of National Organization of Black Law Enforcement Executives

ACS for A-206, 471, 1663, 2879, 3060, and 3108/S-2663 (Green, Spencer, Gusciora, Johnson, McKeon, Giblin, Wimberly, Mainor, Quijano/Turner, Lesniak, Pou) - **CONDITIONAL** - Shortens waiting periods for expungement of criminal and other records and information; makes various changes to other expungement procedures and requirements

A-3257/S-2125 (Andrzejczak, Mazzeo, Burzichelli/Van Drew) - **CONDITIONAL** - Provides that determination by county agriculture development board or State Agriculture Development Committee as to what qualifies as farm-based recreational activity in pinelands protection area is binding on Pinelands Commission

A-4103/S-2840 (Mazzeo, Andrzejczak, Giblin/Allen, Whelan) - **ABSOLUTE** - Creates workforce training program for former casino workers

A-4233/S-2435 (Jasey, McKeon, Vainieri Huttie, Mukherji, Lampitt/Codey, Vitale) - **ABSOLUTE** - Provides Medicaid coverage for advance care planning

A-4275/S2831 (Prieto, Eustace, Lagana, Greewald, Quijano, Daniels, Mukherji/Sweeney, Turner, Sarlo) – **CONDITIONAL** - "New Jersey Secure Choice Savings Program Act"; establishes retirement savings program for certain workers

A-4326/S-2942 (Schaer, Lagana, Eustace, Prieto/Gordon, Barnes) - **ABSOLUTE** - Reforms annual State revenue estimating and reporting, and executive State budget presentation and revenue certification processes

A-4386/S-3042 (Coughlin, Pinkin/Vitale, Singer) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots; provides for study of impact of changes

A-4638/S-3118 (Vainieri Huttie, Singleton, Holley, Mosquera, Tucker, Benson/Sweeney, Madden) - **ABSOLUTE** - Requires DCPP to implement policies and procedures to ensure caseworker safety; "Leah's Law"

A-4703/S-3172 (Spencer, Tucker, Pintor Marin, Egan, Muoio, Gusciora/Rice, Smith) - **ABSOLUTE** - Increases tax credit cap by \$165 million for certain qualified residential projects under Economic Redevelopment and Growth Grant program and restricts increase to certain projects

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