

45: 8-36

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Engineers & land surveyors--
Retired license)

NJSA: 45:8-36

LAWS OF: 1995 **CHAPTER:** 36

BILL NO: A511

SPONSOR(S): Wolfe and Haines

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Commerce
SENATE: Commerce

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** February 17, 1994
SENATE: January 19, 1995

DATE OF APPROVAL: March 7, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

REMOVED COPY

P.L.1995, CHAPTER 36, approved March 7, 1995
1994 Assembly No. 511

1 AN ACT concerning professional engineers and land surveyors,
2 and amending and supplementing P.L.1938, c.342.

3

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

6 1. Section 10 of P.L.1938, c.342 (C.45:8-36) is amended to
7 read as follows:

8 10. Certificates. The board shall issue a license certificate
9 upon payment of the application fee as provided in this chapter,
10 to any applicant who, in the opinion of the board, has
11 satisfactorily met all the requirements of this chapter, and who
12 has paid the license fee [of \$5.00] to cover licensure for the year
13 or fraction thereof in which such license is issued. In the case of
14 a licensed professional engineer the certificate shall authorize
15 the practice of the applicant as a "professional engineer" and in
16 the case of a licensed land surveyor as a "land surveyor," or as
17 "professional engineer and land surveyor" when the applicant
18 qualifies in both classifications. Certificates of license shall show
19 the full name of the licensee, shall have a license number and
20 shall be signed by the president and the secretary-director of the
21 board under the seal of the board. The issuance of a license
22 certificate by this board shall be evidence that the person named
23 therein is entitled to all the rights and privileges of a licensed
24 professional engineer or a licensed land surveyor, or as both as
25 the case may be, while said certificate remains unrevoked [or] ,
26 unexpired , or is not on a retired status list.

27 Each professional engineer or land surveyor shall upon receipt
28 of license certificate, obtain a seal of a design authorized by the
29 board, bearing his name, license number and the legend "Licensed
30 Professional Engineer," "Licensed Land Surveyor," or "Licensed
31 Professional Engineer and Land Surveyor," as the case may be.
32 Plans, specifications, plats, and reports issued by persons
33 authorized under this chapter shall be sealed with said seal,
34 during the life of the licensee's certificate, but it shall be
35 unlawful for anyone to stamp or seal any documents with said
36 seal after the certificate of the licensee named thereon has
37 expired [or] , has been revoked, or is on a retired status list,
38 unless said certificate shall have been renewed [or] , reissued or
39 reinstated from retirement status as provided pursuant to section
40 3 of P.L. , c. (C.) (pending before the Legislature as this
41 bill). The exact method of fulfilling the requirement as to the
42 sealing of documents shall be regulated by the board.

43 All professional engineers licensed by this board prior to the
44 passage of this chapter, shall continue to practice under the

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 various classifications heretofore granted and within the branches
2 of engineering indicated or may, upon application therefor, and
3 the payment of a fee of \$5.00 receive a new certificate under the
4 title "professional engineer"; provided, said professional engineer
5 presents evidence satisfactory to the board of his qualifications
6 to practice in the field of general engineering comprehended in
7 the title "professional engineer."

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

12 The examining board shall be empowered to issue a certificate
13 of registration as "Engineer-in-Training" or
14 "Surveyor-in-Training," as the case may be, to an applicant who
15 meets the qualifications outlined elsewhere herein.

16 An applicant who meets the requirements of this act shall
17 receive a certificate of registration as "Engineer-in-Training,"
18 or "Surveyor-in-Training," whichever is applicable, which
19 certificate may remain in effect for a period of 10 years from
20 the date of issuance.

21 (cf: P.L.1992, c.64, s.3)

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

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

45 2. Pursuant to the provisions of the "Building Design Services
46 Act," P.L.1989, c.277 (C.45:4B-1 et seq.) the board:

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

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

52 (3) Shall refer a request for a declaratory ruling to the joint
53 committee.

54 (4) Shall provide any and all documents in its possession

1 regarding any matter referred to the joint committee.

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

5 (6) Shall, consistent with that act, discipline any professional
6 engineer who, or business association authorized to offer
7 engineering services which, violates that act. Such a violation
8 shall be deemed professional misconduct. Any violation of that
9 act by an unlicensed individual or unauthorized business
10 association shall be disciplined by the New Jersey State Board of
11 Architects pursuant to the provisions of P.L.1978, c.73 (C.45:1-14
12 et seq.). Such a violation shall be deemed the unlicensed practice
13 of architecture. However, the design of an engineering work by
14 an unlicensed individual or unauthorized business association shall
15 be disciplined by the State Board of Professional Engineers and
16 Land Surveyors pursuant to the provisions of P.L.1978, c.73
17 (C.45:1-14 et seq.). Such a violation shall be deemed the
18 unlicensed practice of engineering.

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

25 d. The Superior Court shall have jurisdiction of actions for
26 penalties under this act.

27 (cf: P.L.1992, c.64, s.4)

28 3. (New section) A licensed professional engineer or land
29 surveyor who has been licensed for a minimum of 25 years and is
30 62 years of age or older may apply to the board for retirement
31 license status on a form furnished by the board. Upon receipt of
32 the completed retired status application form and the board's
33 determination that the licensee meets these requirements, the
34 board shall declare the licensee retired and shall place the
35 licensee on a retired status list. A person whose license is retired
36 shall not offer or practice professional engineering or land
37 surveying, or both, as the case may be, within the State.

38 A person on the retired status list who wants to resume the
39 practice of professional engineering or land surveying, or both, as
40 the case may be, shall make application in the manner
41 determined by the board for reinstatement of licensure to the
42 board as a professional engineer or land surveyor, as the case may
43 be, and pay the prescribed reinstatement fee as required by
44 regulation of the board. Any person who has been on the retired
45 status list for five or more years shall furnish the board with
46 satisfactory evidence of current knowledge, competency and skill
47 in the practice of professional engineering or land surveying as
48 required by law or any regulation of the board.

49 4. This act shall take effect immediately.

50

51

52

53

54 Establishes retired license status for professional engineers and
55 land surveyors.

STATEMENT

1
2
3 This bill provides that certain licensed professional engineers
4 or land surveyors may apply to the State Board of Professional
5 Engineers and Land Surveyors for retired license status. Only a
6 licensed professional engineer or land surveyor who has been
7 licensed for a minimum of 25 years and is 62 years of age or older
8 could apply for retired license status. Upon the completion of
9 the required application form, the board would place the person
10 on retired license status. While on retired license status, the
11 person is prohibited from practicing professional engineering or
12 land surveying within the State. When the person wishes to
13 resume the practice of professional engineering, land surveying,
14 or both, if so qualified, that person must make application for
15 reinstatement of licensure to the board and pay the
16 reinstatement fee as required by regulation of the board. The bill
17 removes the current inactive license renewal fee prescribed by
18 the board. If a person is on the retired status list for five or
19 more years, the person must furnish the board with satisfactory
20 evidence of current knowledge, competency and skill in the
21 practice of professional engineering or land surveying as required
22 by law or regulation of the board.

23

24

25

26

27 Establishes retired license status for professional engineers and
28 land surveyors.

ASSEMBLY COMMERCE AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 511

STATE OF NEW JERSEY

DATED: JANUARY 24, 1994

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Bill No. 511.

This bill provides that certain licensed professional engineers or land surveyors may apply to the State Board of Professional Engineers and Land Surveyors for retired license status. Only a licensed professional engineer or land surveyor who has been licensed for a minimum of 25 years and is 62 years of age or older could apply for retired license status. Upon the satisfactory completion of the required application form, the board would place the person on retired license status. While on retired license status, the person is prohibited from practicing professional engineering or land surveying within the State. When the person wishes to resume the practice of professional engineering, land surveying, or both, if so qualified, that person must make application for reinstatement of licensure to the board and pay the reinstatement fee as required by regulation of the board. If a person is on the retired status list for five or more years, the person must furnish the board with satisfactory evidence of current knowledge, competency and skill in the practice of professional engineering or land surveying as required by law or regulation of the board.

This bill was pre-filed for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE COMMERCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 511

STATE OF NEW JERSEY

DATED: SEPTEMBER 12, 1994

The Senate Commerce Committee reports favorably Assembly, No. 511.

This bill provides that certain licensed professional engineers or land surveyors may apply to the State Board of Professional Engineers and Land Surveyors for retired license status. Only a licensed professional engineer or land surveyor who has been licensed for a minimum of 25 years and is 62 years of age or older may apply for retired license status. Upon the satisfactory completion of the required application form, the board would place the person on retired license status. While on retired license status, the person is prohibited from practicing professional engineering or land surveying within the State. When the person wishes to resume the practice of professional engineering, land surveying, or both, if so qualified, that person must make application for reinstatement of licensure to the board and pay the reinstatement fee as required by regulation of the board. If a person is on the retired status list for five or more years, the person must furnish the board with satisfactory evidence of current knowledge, competency and skill in the practice of professional engineering or land surveying as required by law or regulation of the board.