

45:3-10

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Builders & home improvement
contractors-exempt from architect
licensing)

NJSA: 45:3-10

LAWS OF: 1993 **CHAPTER:** 35

BILL NO: S1071

SPONSOR(S) Ciesla

DATE INTRODUCED: July 23, 1992

COMMITTEE: **ASSEMBLY:** ---

SENATE: Commerce

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: **ASSEMBLY:** December 21, 1992

SENATE: December 7, 1992

DATE OF APPROVAL: February 3, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]

SENATE, No. 1071

STATE OF NEW JERSEY

INTRODUCED JULY 23, 1992

By Senators CIESLA, Adler, Dorsey, Rand and Bennett

1 AN ACT concerning the practice of architecture and amending
2 R.S.45:3-10.

3

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

6 1. R.S.45:3-10 is amended to read as follows:

7 45:3-10. No person except an architect licensed in the State of
8 New Jersey shall engage in the practice of architecture, use the
9 title "architect" or its substantial equivalent or otherwise
10 represent to the public that that person is licensed to practice
11 architecture in this State.

12 Any single act or transaction shall constitute engaging in
13 business or in the practice of architecture within the meaning of
14 this chapter.

15 Nothing herein contained shall prohibit students or employees
16 of licensed architects from acting upon the authority of such
17 licensed architects, whose certificates have not been revoked,
18 suspended or forfeited, where said students or employees are
19 under the immediate supervision of such licensed architect, or to
20 prohibit any person in this State from acting as designer of a
21 dwelling and all appurtenances thereto that are to be constructed
22 by himself solely as a residence for himself or for a member or
23 members of his immediate family.

24 Nothing herein contained shall prohibit: any builder registered
25 pursuant to "The New Home Warranty and Builders' Registration
26 Act," P.L.1977, c.467 (C.46:3B-1 et seq.), from advertising,
27 offering or performing design services in the construction of one
28 or two family detached homes; or any home improvement
29 contractor from advertising, offering or performing design
30 services to the owner occupants of one or two family detached
31 dwellings in connection with demolitions, enlargements or
32 alterations made thereto, until a time that it becomes necessary
33 for either such a registered builder or a home improvement
34 contractor to make application for a construction permit
35 pursuant to the "State Uniform Construction Code Act,"
36 P.L.1975, c.217 (C.52:27D-119 et seq.).

37 ¹[Nothing herein contained shall prohibit any builder registered
38 pursuant to "The New Home Warranty and Builders' Registration
39 Act," P.L.1977, c.467 (C.46:3B-1 et seq.) or home improvement
40 contractor from entering into an agreement to provide
41 architectural services so long as the services are provided by a
42 person licensed to practice architecture in this State and the
43 architect is clearly identified as the provider of the architectural

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted November 23, 1992.

1 services in any agreement to provide these services.]¹

2 No licensed architect shall permit his name to be used in
3 connection with the name of any other person not licensed to
4 practice architecture in this State in any advertisement, sign,
5 card or device in such a manner as to indicate that such other
6 person is a licensed architect.

7 Nothing herein contained shall prohibit professional engineers
8 from designing buildings consistent with section 7 of the
9 "Building Design Services Act," P.L.1989, c.277 (C.45:4B-7).

10 Nothing herein contained shall prohibit professional engineers
11 from offering building design services consistent with section 7 or
12 8 of the "Building Design Services Act," P.L.1989, c.277
13 (C.45:4B-7 or 45:4B-8).

14 (cf: P.L.1989, c.275, s.3)

15 2. This act shall take effect immediately.

16

17

18

19

20 Exempts certain activities of builders and home improvement
21 contractors from the practice of architecture.

1 architect is clearly identified as the provider of the architectural
2 services in any agreement to provide these services.

3 No licensed architect shall permit his name to be used in
4 connection with the name of any other person not licensed to
5 practice architecture in this State in any advertisement, sign,
6 card or device in such a manner as to indicate that such other
7 person is a licensed architect.

8 Nothing herein contained shall prohibit professional engineers
9 from designing buildings consistent with section 7 of the
10 "Building Design Services Act," P.L.1989, c.277 (C.45:4B-7).

11 Nothing herein contained shall prohibit professional engineers
12 from offering building design services consistent with section 7 or
13 8 of the "Building Design Services Act," P.L.1989, c.277
14 (C.45:4B-7 or 45:4B-8).
15 (cf: P.L.1989, c.275, s.3)

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 The provisions of R.S.45:3-10 specify that no person except an
22 architect licensed in the State of New Jersey shall engage in the
23 practice of architecture. This bill amends R.S.45:3-10 by
24 providing that nothing shall prohibit: a builder registered pursuant
25 to the "The New Home Warranty and Builders' Registration
26 Act," from advertising, offering or performing design services in
27 the construction of new one or two family detached homes; or
28 any home improvement contractor from advertising, offering or
29 performing design services to the owner occupants of one or two
30 family detached dwellings in connection with demolitions,
31 enlargements or alterations made thereto, until a time that it
32 becomes necessary for either a builder or a home contractor to
33 make application for a construction permit pursuant to the "State
34 Uniform Construction Code Act." The bill further provides that
35 nothing shall prohibit a registered builder or a home improvement
36 contractor from entering into an agreement to provide
37 architectural services so long as the services are provided by a
38 person licensed to practice architecture in this State and the
39 architect is clearly identified as the provider of the architectural
40 services in any agreement to provide these services.

41

42

43

44

45 Exempts certain activities of builders and home improvement
46 contractors from the practice of architecture.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1071

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1992

The Senate Commerce Committee reports favorably and with committee amendments Senate, No. 1071.

The provisions of R.S.45:3-10 specify that no person except an architect licensed in the State of New Jersey shall engage in the practice of architecture. This bill, as amended, amends R.S.45:3-10 by providing that nothing shall prohibit: a builder registered pursuant to "The New Home Warranty and Builders' Registration Act" from advertising, offering or performing design services in the construction of new one or two family detached homes; or any home improvement contractor from advertising, offering or performing design services to the owner occupants of one or two family detached dwellings in connection with demolitions, enlargements or alterations made thereto, until a time that it becomes necessary for either a registered builder or a home improvement contractor to make application for a construction permit pursuant to the "State Uniform Construction Code Act."

The committee deleted the provisions of the bill that provide that nothing shall prohibit a registered builder or a home improvement contractor from entering into an agreement to provide architectural services so long as the services are provided by a person licensed to practice architecture in this State and the architect is clearly identified as the provider of the architectural services in any agreement to provide these services.