

45:8-28

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Land surveying)

NJSA: 45:8-28

LAWS OF: 1992 CHAPTER: 64

BILL NO: A1125

SPONSOR(S): Singer & Impreveduto

DATE INTRODUCED: March 23, 1992

COMMITTEE: ASSEMBLY: Commerce
SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: June 11, 1992
SENATE: June 18, 1992

DATE OF APPROVAL: July 28, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]
ASSEMBLY, No. 1125
STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1992

By Assemblymen SINGER and IMPREVEDUTO

1 AN ACT concerning the practice of land surveying and amending
2 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 2 of P.L.1938, c.342 (C.45:8-28) is amended to read
7 as follows:

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
1 Assembly ACP committee amendments adopted June 1, 1992.

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

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

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

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

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

53 For purposes of this subsection, "land information systems"
54 means any computer coded spatial database designed for

1 multi-purpose public use developed from or based on ¹[the
2 cadastral parcel] property boundaries¹.

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

10 Nothing in this chapter shall preclude a person licensed by the
11 board as a professional engineer from performing those
12 measurements necessary for the design, ¹construction
13 stake-out,¹ construction and post-construction records of an
14 engineering project, provided that these measurements are not
15 related to property lines, lot lines, easement ¹lines¹, or
16 right-of-way lines, the establishment of which ¹[is] are¹ required
17 to be made by a land surveyor.

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

20 (g) The term "responsible charge" as used in this chapter shall
21 mean the rendering of regular and effective supervision by a
22 competent professional engineer or land surveyor to those
23 individuals performing services which directly and materially
24 affect the quality and competence of [engineering] the
25 professional services rendered by the licensee. A licensee
26 engaged in any of the following acts or practices shall be deemed
27 not to have rendered regular and effective supervision:

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

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
35 of plans or projects in lieu of an appropriate detailed review;

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

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

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

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

49 (k) The term "telecommunications" as used in this chapter,
50 shall mean, as it is applied to the practice of engineering,
51 subjects which deal with the generation, transmission, receiving,
52 and processing of information bearing signals for the purpose of
53 fulfilling a particular communication need. The most common
54 forms of signals are those encountered in voice, image and data

1 transmission. Subjects relevant to telecommunications include
2 but are not limited to: analog and digital circuits, propagation of
3 electromagnetic energy through guided media such as a
4 transmission line, fibers, wave guides, and unguided media such as
5 free space as in broadcast and mobile communication systems,
6 communication theory, including modulation, noise interference,
7 and the interface with computers.

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

16 (cf: P.L.1989, c.276, s.2)

17 2. Section 9 of P.L. 1938, c.342 (C.45:8-35) is amended to read
18 as follows:

19 9. Applications for license as professional engineers shall be on
20 forms prescribed and furnished by the board, shall contain
21 statements under oath, showing the applicant's education and
22 detailed statement of his engineering experience, and shall
23 contain not less than five references, of whom three or more
24 shall be licensed professional engineers having personal
25 knowledge of the applicant's engineering experience.

26 The application fee for professional engineers shall be set by
27 the board and shall accompany the application.

28 Applications for license as land surveyors shall be on forms
29 prescribed and furnished by the board, shall contain statements
30 under oath, showing the applicant's education and detailed
31 statement of his land surveying experience, and shall contain not
32 less than five references, of whom three or more shall be licensed
33 land surveyors having personal knowledge of the applicant's land
34 surveying experience.

35 The application fee for land surveyors shall be set by the board
36 and shall accompany the application.

37 Applications for a certificate of registration as
38 "engineer-in-training" shall be on forms prescribed and furnished
39 by the board, shall be accompanied by a fee set by the board and
40 shall contain the names of three references of whom at least one
41 shall be a professional engineer having personal knowledge of the
42 applicant's engineering education, experience or training.

43 Applications for a certificate of registration as
44 "surveyor-in-training" shall be on forms prescribed and furnished
45 by the board, shall be accompanied by a fee set by the board and
46 shall contain the names of three references of whom at least one
47 shall be a licensed land surveyor having personal knowledge of the
48 applicant's surveying education, experience or training.

49 All application fees shall be retained by the board.

50 The following shall be considered as minimum evidence
51 satisfactory to the board that the applicant is qualified for a
52 license as a professional engineer, or as a land surveyor, or for
53 certificate of registration as an engineer-in-training or a
54 surveyor-in-training, to wit:

1 (1) As a professional engineer:

2 a. Graduation from a board approved curriculum in engineering
3 of four years or more; a specific record of an additional four
4 years or more of experience in engineering work of a character
5 satisfactory to the board, and indicating that the applicant is
6 competent to be placed in responsible charge of such work; and
7 successfully passing all parts of the written examination; or

8 b. Graduation from a board approved curriculum in engineering
9 technology of four years or more; a specific record of an
10 additional six years or more of experience in engineering work of
11 a character satisfactory to the board, and indicating that the
12 applicant is competent to be placed in responsible charge of such
13 work; and successfully passing all parts of the written
14 examination; or

15 c. Graduation from a board approved curriculum in engineering
16 or engineering technology of four years or more; a specific record
17 of an additional 15 years or more of experience in engineering
18 work of a character satisfactory to the board and indicating that
19 the applicant is competent to be placed in responsible charge of
20 such work; and successfully passing the specialized portion of the
21 written examination which is designated as Part P; or

22 d. (Deleted by amendment, P.L.1989, c.276.)

23 e. A certificate of registration, issued by any state or
24 territory or possession of the United States, or of any country,
25 may, in the discretion of the board, be accepted as minimum
26 evidence satisfactory to the board that the applicant is qualified
27 for registration as a professional engineer; provided that the
28 requirements for license by the issuing agency are at least
29 comparable to the requirements of the board in effect at the
30 time of application.

31 (2) As a land surveyor:

32 a. (i) Until December 31, 1990, successful completion of a
33 board approved program in surveying in a school or college
34 approved by the board as of satisfactory standing; an additional
35 four years or more of experience in land surveying work of a
36 character satisfactory to the board and indicating that the
37 applicant is competent to be placed in responsible charge of such
38 work; and successfully passing a written examination; or

39 (ii) Effective January 1, 1991, graduation from a board
40 approved curriculum in surveying of four years or more; an
41 additional three years or more of experience in land surveying
42 work of a character satisfactory to the board and indicating that
43 the applicant is competent to be placed in responsible charge of
44 that work; and successfully passing all parts of the written
45 examination; or

46 b. Until December 31, 1990, successfully passing a written
47 examination in surveying prescribed by the board; and a specific
48 record of six years or more of experience in land surveying work
49 of a character satisfactory to the board and indicating that the
50 applicant is competent to be placed in responsible charge of such
51 work; or

52 c. (Deleted by amendment, P.L.1977, c.340.)

53 d. A certificate of registration, issued by any state or
54 territory or possession of the United States, or of any country,

1 may, in the discretion of the board, be accepted as minimum
2 evidence satisfactory to the board that the applicant is qualified
3 for registration as a land surveyor; provided that the
4 requirements for license by the issuing agency are at least
5 comparable to the requirements of the board in effect at the
6 time of application.

7 (3) As an engineer-in-training:

8 a. Graduation from a board approved curriculum in engineering
9 or engineering technology of four years or more; and successfully
10 passing the fundamentals portion of the written examination
11 which is designated as Part F.

12 b. (Deleted by amendment, P.L.1989, c.276.)

13 (4) As a surveyor-in-training: Graduation from a board
14 approved curriculum in land surveying of four years or more; and
15 successfully passing the fundamentals portion of a
16 board-approved written examination.

17 Qualifications for professional engineers.

18 An applicant for license as a professional engineer [or land
19 surveyor] shall be able to speak and write the English language.
20 All applicants shall be of good character and reputation.

21 Completion of a master's degree in engineering shall be
22 considered as equivalent to one year of engineering experience
23 and completion of a doctor's degree in engineering shall be
24 considered as equivalent to one additional year of engineering
25 experience.

26 In considering the qualifications of applicants, engineering
27 teaching experience may be considered as engineering experience
28 for a credit not to exceed two years.

29 The mere execution, as a contractor, of work designed by a
30 professional engineer, or the supervision of construction of such
31 work as a foreman or superintendent, or the observation of
32 construction as an inspector or witness shall not be deemed to be
33 experience in engineering work.

34 Any person having the necessary qualifications prescribed in
35 this chapter to entitle him to a license shall be eligible for such
36 license, although he may not be practicing his profession at the
37 time of making the application.

38 A quorum of the examining board shall not be required for the
39 purpose of passing upon the issuance of a license to any applicant;
40 provided that no action on any application shall be taken without
41 at least three votes in accord.

42 Engineering experience of a character satisfactory to the board
43 shall be determined by the board's evaluation of the applicant's
44 experience relative to the ability to design and supervise
45 engineering projects and works so as to insure the safety of life,
46 health and property.

47 The scope of the examination for professional engineering and
48 methods of procedure shall be prescribed by the board with
49 special reference to the applicant's ability to design and
50 supervise engineering projects and works so as to insure the
51 safety of life, health and property. ¹[Examinations] An
52 examination¹ shall be given for the purpose of determining the
53 qualifications of applicants for license ¹[separately]¹ in
54 professional engineering ¹[and in land surveying]¹. A candidate

1 failing an examination may apply for reexamination to the extent
2 permitted by regulations of the board. Subsequent examinations
3 will require the payment of fees set by the board. The board
4 [will] shall schedule at least two examinations per year, ¹with¹
5 dates and places to be determined by the board.

6 Examinations of applicants for license as professional engineers
7 will be divided into two parts, as follows:

8 Part F--Fundamentals of Engineering--This examination is
9 intended to assess the applicant's competency in the fundamental
10 engineering subjects and basic engineering sciences, such as
11 mathematics, chemistry, physics, statistics, dynamics, materials
12 science, mechanics of materials, structures, fluid mechanics,
13 hydraulics, thermodynamics, electrical theory, and economics. A
14 knowledge of P.L.1938, c.342 (C.45:8-27 et seq.) is also required.

15 Part P--Specialized Training--This examination is intended to
16 assess the extent of the applicant's more advanced and
17 specialized professional training and experience especially in his
18 chosen field of engineering.

19 Applicants for certificates of registration as
20 engineers-in-training shall qualify by satisfactorily passing the
21 fundamentals portion of the written examination.

22 The scope, time and place of the examinations for applicants
23 for certificates of registration as "engineers-in-training" shall be
24 prescribed by the board. A candidate failing an examination may
25 apply for reexamination to the extent permitted by the
26 regulations of the board. Subsequent examinations will require
27 the payment of fees set by the board.

28 Qualifications for land surveyors.

29 An applicant for license as a land surveyor shall be able to
30 speak and write the English language. All applicants shall be of
31 good character and reputation.

32 Completion of a master's degree in surveying shall be
33 considered as equivalent to one year of surveying experience and
34 completion of a doctor's degree in surveying shall be considered
35 as equivalent to one additional year of surveying experience.

36 In considering the qualifications of applicants, survey teaching
37 experience may be considered as surveying experience for a
38 credit not to exceed two years.

39 In determining whether an applicant's experience is
40 satisfactory for licensure, the board shall consider whether the
41 applicant has demonstrated the ability to perform, manage and
42 supervise field and office surveying activities and works so as to
43 insure the safety of life, health and property.

44 ¹An examination shall be given for the purpose of determining
45 the qualifications of applicants for license in land surveying.¹
46 The content of the examination for land surveying and methods
47 of procedure shall be prescribed by the board with emphasis upon
48 the applicant's ability to supervise land surveying projects and
49 works. A candidate failing an examination may apply for
50 reexamination to the extent permitted by regulations of the
51 board. Subsequent examinations will require the payment of fees
52 set by the board. The board shall schedule at least two
53 examinations per year, ¹with¹ dates and places to be determined
54 by the board.

1 Examinations of applicants for license as land surveyors shall
2 be divided into two parts, as follows:

3 Part F--Fundamentals of Land Surveying--This examination is
4 intended to assess the applicant's competency in the fundamental
5 surveying subjects and basic surveying sciences, including, but not
6 limited to, mathematics, chemistry, physics, statistics, dynamics,
7 boundary law, real estate law, and economics. A knowledge of
8 P.L.1938, c.342 (C.45:8-27 et seq.) is also required.

9 Part P--Specialized Training--This examination is intended to
10 assess the extent of the applicant's more advanced and
11 specialized professional training and experience in the field of
12 land surveying.

13 Applicants for certificates of registration as
14 surveyors-in-training shall qualify by satisfactorily passing the
15 fundamentals portion of the written examination.

16 The scope, time and place of the examinations for applicants
17 for certificates of registration as "surveyors-in-training" shall be
18 prescribed by the board. A candidate failing an examination may
19 apply for reexamination to the extent permitted by the
20 regulations of the board. Subsequent examinations will require
21 the payment of fees set by the board.

22 (cf: P.L.1989, c.276, s.3)

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

25 10. Certificates. The board shall issue a license certificate
26 upon payment of the application fee as provided in this chapter,
27 to any applicant who, in the opinion of the board, has
28 satisfactorily met all the requirements of this chapter, and who
29 has paid the license fee of \$5.00 to cover licensure for the year
30 or fraction thereof in which such license is issued. In the case of
31 a licensed professional engineer the certificate shall authorize
32 the practice of the applicant as a "professional engineer" and in
33 the case of a licensed land surveyor as a "land surveyor," or as
34 "professional engineer and land surveyor" when the applicant
35 qualifies in both classifications. Certificates of license shall
36 show the full name of the licensee, shall have a license number
37 and shall be signed by the president and the secretary-director of
38 the board under the seal of the board. The issuance of a license
39 certificate by this board shall be evidence that the person named
40 therein is entitled to all the rights and privileges of a licensed
41 professional engineer or a licensed land surveyor, or as both as
42 the case may be, while said certificate remains unrevoked or
43 unexpired.

44 Each professional engineer or land surveyor shall upon receipt
45 of license certificate, obtain a seal of a design authorized by the
46 board, bearing his name, license number and the legend "Licensed
47 Professional Engineer," "Licensed Land Surveyor," or "Licensed
48 Professional Engineer and Land Surveyor," as the case may be.
49 Plans, specification, plats, and reports issued by persons
50 authorized under this chapter shall be sealed with said seal,
51 during the life of the licensee's certificate, but it shall be
52 unlawful for anyone to stamp or seal any documents with said
53 seal after the certificate of the licensee named thereon has
54 expired or has been revoked, unless said certificate shall have

1 been renewed or reissued. The exact method of fulfilling the
2 requirement as to the sealing of documents shall be regulated by
3 the board.

4 All professional engineers licensed by this board prior to the
5 passage of this chapter, shall continue to practice under the
6 various classifications heretofore granted and within the branches
7 of engineering indicated or may, upon application therefor, and
8 the payment of a fee of \$5.00 receive a new certificate under the
9 title "professional engineer"; provided, said professional engineer
10 presents evidence satisfactory to the board of his qualifications
11 to practice in the field of general engineering comprehended in
12 the title "professional engineer."

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

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

21 An applicant who meets the requirements of this act shall
22 receive a certificate of registration as "Engineer-in-Training,"
23 or "Surveyor-in-Training," whichever is applicable, which
24 certificate may remain in effect for a period of 10 years from
25 the date of issuance.

26 (cf: P.L.1977, c.340, s.3)

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

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

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

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

53 (2) Shall take no disciplinary action against any licensed
54 architect alleged to have engaged in a violation of that act or the

1 unlicensed practice of engineering.

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

4 (4) Shall provide any and all documents in its possession
5 regarding any matter referred to the joint committee.

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

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

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

29 d. The Superior Court shall have jurisdiction of actions for
30 penalties under this act.

31 (cf: P.L.1989, c.276, s.4)

32 5. (New section) Any person licensed as a land surveyor
33 pursuant to the provisions of P.L.1938, c.342 (C.45:8-27 et seq.)
34 may use the title "professional land surveyor" in the scope of the
35 practice of land surveying.

36 6. This act shall take effect immediately.

37

38

39

40

41 Revises the statutory requirements for the regulation of the
42 practice of land surveying.

1 (3) Shall refer a request for a declaratory ruling to the joint
2 committee.

3 (4) Shall provide any and all documents in its possession
4 regarding any matter referred to the joint committee.

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

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

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

28 d. The Superior Court shall have jurisdiction of actions for
29 penalties under this act.

30 (cf: P.L.1989, c.276, s.4)

31 5. (New section) Any person licensed as a land surveyor
32 pursuant to the provisions of P.L.1938, c.342 (C.45:8-27 et seq.)
33 may use the title "professional land surveyor" in the scope of the
34 practice of land surveying.

35 6. This act shall take effect immediately.

36

37

38

STATEMENT

39

40 This bill revises certain parts of law regarding the practice of
41 land surveying. The bill expands the definition of the phrase
42 "practice of land surveying" to mean "any service or work the
43 adequate performance of which involves the application of
44 special knowledge of the principles of mathematics, the related
45 physical and applied sciences and the relevant requirements of
46 law to the act of measuring and locating distances, directions,
47 elevations, natural and man-made topographical features in the
48 air, on the surface of the earth, within underground workings, and
49 on beds of bodies of water for the purpose of determining areas
50 and volumes, and for the establishing of horizontal and vertical
51 control as it relates to construction stake-out, for the
52 monumentation of property boundaries and for the platting and
53 layout of lands and subdivisions thereof, and for the preparation
54 and perpetuation of maps, record plats, field notes, records and

1 property descriptions in manual and computer coded form, that
2 represent these surveys. The practice of land surveying shall
3 include the establishment and maintenance of the base mapping
4 and related control for land information systems that are
5 developed from the above referenced definition of the practice of
6 land surveying."

7 The provisions of this bill are not intended to regulate the
8 physical act of entry or installation of land information systems
9 into a computer system. Modification of the cadastral base map
10 land information system shall only be done by a professional land
11 surveyor, but nothing shall prohibit others from using this data
12 for illustrative or other purposes.

13 The bill clarifies that a licensed professional engineer may take
14 measurements necessary for the design, construction and
15 post-construction records of an engineering project, so long as
16 these measurements are not related to property lines, lot lines,
17 easement, or right-of-way lines, the establishment of which is
18 required to be made by a professional land surveyor. It also
19 provides that a person who engages in surveying; or who, by
20 verbal claim, sign, advertisement, letterhead, card or in any
21 other way represents himself to be a land surveyor or professional
22 land surveyor; or who represents himself as able to perform any
23 land surveying service or work or any service which is recognized
24 as professional land surveying would be deemed to practice or
25 offer to practice land surveying.

26 The bill also establishes a new category of
27 "surveyor-in-training," which pertains to a person who is a
28 potential candidate for licensure as a land surveyor, who is a
29 graduate of an approved land surveying curriculum of four years
30 or more from a school or college accredited by the State Board of
31 Professional Engineers and Land Surveyors as being of
32 satisfactory standing, and who, in addition, has successfully
33 passed a board-approved written examination in fundamental
34 surveying subjects. In addition, the bill authorizes the board to
35 issue a certificate of registration to a "Surveyor-in-Training"
36 and to invoke penalties if an individual uses the title
37 "Surveyor-in-Training" without holding a valid certificate of
38 registration issued by the board. A person would be subject to a
39 penalty of not more than \$200 for the first offense and not more
40 than \$500 for each and every subsequent offense.

41 In addition, the bill permits persons licensed as land surveyors
42 to use the title "professional land surveyor" in the practice of
43 land surveying.

44 The bill also contains language that is intended to delineate
45 various provisions of the law that apply to land surveyors from
46 those applying to engineers.

47

48

49

50

51 Revises the statutory requirements for the regulation of the
52 practice of land surveying.

ASSEMBLY COMMERCE AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1125

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 1992

LAW LIBRARY COPY
UNIVERSITY OF NEW JERSEY

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly, No. 1125 with amendments.

As amended, this bill revises certain parts of law regarding the practice of land surveying. The bill expands the definition of the phrase "practice of land surveying" to mean "any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law to the act of measuring and locating distances, directions, elevations, natural and man-made topographical features in the air, on the surface of the earth, within underground workings, and on beds of bodies of water for the purpose of determining areas and volumes, and for the establishing of horizontal and vertical control as it relates to construction stake-out, for the monumentation of property boundaries and for the platting and layout of lands and subdivisions thereof, and for the preparation and perpetuation of maps, record plats, field notes, records and property descriptions in manual and computer coded form, that represent these surveys. The practice of land surveying shall include the establishment and maintenance of the base mapping and related control for land information systems that are developed from the above referenced definition of the "practice of land surveying."

The provisions of this bill are not intended to regulate the physical act of entry or installation of land information systems into a computer system. Modification of the property boundaries map land information system, however, shall only be done by a professional land surveyor, but nothing shall prohibit others from using this data for illustrative or other purposes.

The bill clarifies that a licensed professional engineer may take measurements necessary for the design, construction and post-construction records of an engineering project, so long as these measurements are not related to property lines, lot lines, easement lines, or right-of-way lines, the establishment of which are required to be made by a professional land surveyor. The bill also provides that a person who engages in surveying; or who, by verbal claim, sign, advertisement, letterhead, card or in any other way represents himself to be a land surveyor or professional land surveyor; or who represents himself as able to perform any land surveying service or work or any service which is recognized as professional land surveying would be deemed to practice or offer to practice land surveying.

The bill also establishes a new category of "surveyor-in-training," which pertains to a person who is a potential candidate for licensure as a land surveyor, who is a

graduate of an approved land surveying curriculum of four years or more from a school or college accredited by the State Board of Professional Engineers and Land Surveyors as being of satisfactory standing, and who, in addition, has successfully passed a board-approved written examination in fundamental surveying subjects. In addition, the bill authorizes the board to issue a certificate of registration to a "Surveyor-in-Training" and to invoke penalties if an individual uses the title "Surveyor-in-Training" without holding a valid certificate of registration issued by the board. A person would be subject to a penalty of not more than \$200 for the first offense and not more than \$500 for each and every subsequent offense.

In addition, the bill permits persons licensed as land surveyors to use the title "professional land surveyor" in the practice of land surveying.

The bill also delineates the qualifications that apply to land surveyors from those applying to engineers.

The amendments clarify that professional engineers would not be prohibited from performing construction stake-outs and also further clarify the delineations in qualifications for land surveyors and engineers.