

- succeeding year of service, and such compensation shall be paid monthly by the collector of such counties; *provided*, that this act shall not be construed as reducing the annual compensation of any constable or constables or court attendants now engaged in any court affected by the terms of this act.
2. In all cases where any court attendant or constable has already been serving, the time served shall be considered in fixing the salary to be paid to each court attendant or constable respectively.
3. All acts and parts of acts inconsistent herewith are hereby repealed.
- Approved April 8, 1921.

Proviso.

Period of service.

Repealer.

## CHAPTER 224.

## An Act to regulate the practice of professional engineers and land surveyors.

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

Civil engineers licensed.

1. In order to safeguard life, health and property any person practicing or offering to practice professional engineering or land surveying in this State, shall hereafter be required to submit evidence that he or she is qualified so to practice and shall be licensed as herein-after provided and from and after two years after the date upon which this act becomes effective, it shall be unlawful for any person to practice or to offer to practice professional engineering or land surveying in this State, unless such person has been duly licensed under the provisions of this act.

Exception.

Nothing in this act shall be construed as requiring licensing for the purpose of practicing professional engineering or land surveying by any person, firm or corporation upon property owned or leased by such person, firm or corporation, unless the same involves the public safety or health.

2. To carry out the provisions of this act, there is hereby created an examining board for the licensing of professional engineers and land surveyors, which board shall consist of five (5) members who shall be appointed by the Governor of the State of New Jersey, with the advice and consent of the Senate, within sixty days after the passage of this act, or as soon as practicable thereafter. The first members of said board shall be appointed to serve for the following terms: One member for one (1) year, one member for two (2) years, one member for three (3) years, one member for four (4) years and one member for five (5) years. On the expiration of each of said terms, the term of office of each newly appointed or reappointed member shall be for a period of five (5) years. Each member shall hold office after the expiration of his term until his successor shall be duly appointed and qualified. The term of office of the members of said board shall commence on the first day of May, nineteen hundred and twenty-one. Vacancies in the membership of the board, however created, shall be filled by appointment of the Governor with the advice and consent of the Senate, for the unexpired term.

3. Said board, when so appointed, shall be designated and known as the "State Board of Professional Engineers and Land Surveyors."

No person shall be appointed upon said board who is not a citizen of the United States and a resident of this State at the time of his appointment, and who has not been engaged in the practice of professional engineering or land surveying at least ten (10) years, and who shall not have been in responsible charge of professional engineering or land surveying for at least five (5) years.

After this act shall become effective, no person shall be appointed as member of said examining board who shall not be a licensed professional engineer under the provisions of this act.

The members of said examining board shall receive no compensation for their services, but shall be reimbursed for all necessary travelling, hotel, incidental and clerical expenses incurred in carrying out the provisions of this act; *provided, however*, that the total of such

Board appointed by Governor.

Terms.

Vacancies.

Official name.

Qualifications of members.

Future members.

Expenses met.

Proviso.

expenses shall not exceed the total receipts from fees during any fiscal year.

Oath of office.

4. Each member of the examining board before entering upon the duties of his office, shall subscribe to an official oath of office as provided by an act entitled "An act prescribing the official oaths of all public officers," approved April twentieth, one thousand nine hundred and twenty, which oath shall be filed in the office of the Secretary of State.

Legal adviser,  
etc.

The examining board shall be entitled to the services of the Attorney General in connection with the affairs of the board and the board shall have power to compel the attendance of witnesses, and any member thereof may administer oaths and the board may take testimony and proofs concerning all matters within its jurisdiction.

Seal.

The examining board shall adopt and have an official seal and shall make all by-laws and rules, not inconsistent with law, necessary or desirable in performing its duty.

Organization.

5. Said examining board shall within thirty days after its members are appointed, meet and organize by electing a president, vice-president and a secretary and treasurer, who shall hold their respective offices for one (1) year from the date of election and until their successors have been elected and have qualified.

Treasurer  
bonded.

The treasurer shall give bond for the faithful performance of his duties, in such sum as the board shall determine.

Secretary.

Salary.

The secretary elected by the board need not be a member of said board and shall receive such salary, not exceeding five hundred dollars per year, as said board shall determine, subject, however, to the provisions of section three hereof.

Meetings.

Said board shall meet at least semi-annually and special meetings may be held at such times as the by-laws of the board may provide.

Notice of all meetings shall be given in the manner provided by the by-laws.

A quorum of the examining board shall consist of three (3) members.

Duties of  
treasurer.

6. The treasurer of the board shall receive and account for all moneys derived from the operation of

this act and shall pay therefrom, upon resolution of the board, all expenses incurred by the said board, including the salary of the secretary, in carrying out the provisions of this act.

An itemized account of all receipts and expenditures of the board shall be kept by the said treasurer and a detailed report thereof, verified by the affidavit of said treasurer, shall be filed with the Secretary of State within twenty days after the close of the board's fiscal year.

Accounts and reports.

The Secretary of State shall be paid such fees for filing the report as are now paid for filing similar papers in his office. All surplus in the hands of the board at the end of the fiscal year shall be paid to the State Treasurer.

Filing fee.

7. The examining board shall keep a record of its proceedings and a roster of all applicants for license, showing for each the date of application, name, age, education and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected or a certificate of license granted, and the date of such action.

Records and roster.

The books and register of the examining board shall be prima facie evidence of all matters recorded therein. The roster showing the names and places of business and of residences of all licensed professional engineers and land surveyors shall be prepared by the secretary of the board during the month of June of each year; such roster shall be printed and a copy mailed to each licensee and a copy mailed to the clerk of each city, town, township, village, borough, county and other municipal corporation of this State, which roster shall be placed on file in the office of said clerk.

Records in evidence.

8. The examining board, upon application therefor, on prescribed forms, and upon the payment of a fee of twenty-five (\$25) dollars, except in cases where the applicant applies for license to practice both professional engineering and land surveying, when the fee shall be thirty-five (\$35) dollars, and except as hereinafter provided, shall under the following conditions, issue a certificate of license:

License fees.

- Satisfactory evidence. (a) To any person who submits evidence satisfactory to the board, that he or she is fully qualified to practice professional engineering or land surveying.
- Holds license. (b) To any person who holds a like unexpired certificate of license issued to him or her by proper authority, in the District of Columbia or in any State or Territory of the United States in which the requirements for the license or registration of professional engineers or land surveyors are of a standard satisfactory to the board; *provided, however*, that no person shall be eligible for license as a professional engineer who is under twenty-one years of age or who is not of good character and repute or who has not been actively engaged for four (4) or more years in the practice of professional engineering of a grade satisfactory to the examining Board and who shall not have had responsible charge of work as assistant to a professional engineer for at least one (1) year.
- Proviso. *And provided, further*, that no person shall be eligible for license as a land surveyor who is under twenty-one years of age and who is not a citizen of the United States or who has not made declaration of his or her intention to become a citizen of the United States, or who does not speak and write the English language or who is not of good character and repute and who has not been actively engaged for three (3) or more years in the practice of land surveying of a grade satisfactory to the board; *provided, however*, each two (2) years of study satisfactorily completed, of engineering in a school of engineering of standing satisfactory to the board, shall be considered as equivalent to one (1) year of such active practice.
- Proviso. Unless disqualifying evidence be before the board, the following facts established in the application shall be regarded as prima facie "evidence satisfactory to the board" that the applicant has fully qualified to practice professional engineering or land surveying:
- Facts of evidence. I. Six or more years of active engagement in professional engineering work, one of which shall have been in responsible charge of work, or in the case of applicants for a license as land surveyors, four or more years
- Six years' experience.

of active engagement in land surveying work of a character satisfactory to the board.

II. Graduation after a course of not less than four (4) years in engineering, from a school or college approved by the board as of satisfactory standing and an additional four (4) years of active engagement in professional engineering, one year of which shall have been in responsible charge of work, or two (2) years of active engagement in professional land surveying satisfactory to the board.

Academic qualifications.

Applicants for license, in cases where the evidence originally presented in the application does not appear to the board to be conclusive, or to warrant the issuance of a certificate, may present further evidence for the consideration of the board which may include the results of a required examination.

Further evidence may be required.

In determining the qualifications of applicants for license as professional engineers or land surveyors, character shall be given predominant weight and a majority vote of the members of the board shall be required to pass upon the issuance of a license to any applicant.

Character of applicant.

9. The said board after examination or receiving other evidence of qualifications as provided by this act, shall issue a license to the applicant therefor, certifying said applicant to have passed such examination or as being otherwise qualified to practice professional engineering and land surveying.

Issue of license.

Any person receiving such license shall cause the same to be recorded in the office of the Secretary of State, in a book to be kept for that purpose, and shall pay such recording fee as may be provided by law for the recording of similar documents.

License recorded.

10. Such certificate of license shall expire on the thirtieth day of April following its issuance or renewal and shall become invalid on that day unless renewed.

Expiration of license.

It shall be the duty of the secretary of the board to notify by mail every person licensed hereunder, of the date of the expiration of his or her certificate and the amount of the fee required for its renewal for one (1) year, and such notice shall be mailed at least one (1) month in advance of the date of the expiration of said certificate.

Notice of expiration.

Renewal fee.	Renewal may be affected at any time during the month of April by payment of a fee of one (\$1) dollar to the secretary of the board. The failure on the part of any licensee to renew his certificate annually in the month of April, as required above, shall not deprive such person of the right of renewal thereafter, but the fee to be paid for the renewal of a certificate after the month of April shall be increased ten per centum (10%) for each month or a fraction of a month that payment for renewal is delayed; <i>provided, however,</i> that the maximum fee for a delayed renewal shall not exceed the sum of two (\$2) dollars.
Failure to renew.	
Proviso.	
Revocation of license.	11. The examining board shall have the power to revoke the certificate of license of any professional engineer or land surveyor licensed hereunder who is found guilty by said board of any fraud or deceit in obtaining a certificate of license, or of gross negligence, incompetency or misconduct in the practice of engineering or land surveying.
Charges of fraud, etc.	An person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any professional engineer or land surveyor hereunder.
Preferring Charges.	Such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within three (3) months after the date on which they are preferred. The time and place for such hearing shall be fixed by the board. A copy of the charges, together with a notice of the time and place of hearing shall be personally served on the accused at least thirty (30) days before they day fixed for the hearing, and in the event that such service cannot be effected thirty (30) days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross examine witnesses against him or her and to produce evidence and witnesses in his or her defense. If after said hearing three or more members of the board vote in favor of finding the accused guilty of any fraud or
Service of copy of charges.	
Hearing.	
Determination.	

deceit in obtaining a certificate, or of gross negligence, incompetency or misconduct in the practice of professional engineering or land surveying, the board shall revoke the certificate of license of the accused. The board may under circumstances which to it may seem proper, reissue a certificate of license to any person whose certificate has been revoked. The secretary of the board shall within thirty (30) days notify the clerk of each city, town, township, village, borough and other municipal corporation of this State of its revocation of a certificate of license or of the reissuance of a revoked certificate of license.

Reissue of license.

Municipal clerks notified of revocation.

A new certificate of license to replace any certificate lost, destroyed or mutilated, may be issued subject to the rules and regulations of the board. A charge of ten (\$10) dollars shall be made for such reissuance.

Fee for issuing lost certificates.

12. The issuance of a certificate of license by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed professional engineer or land surveyor while the said certificate remains unrevoked or unexpired.

Effect of license.

Each licensee hereunder may upon being licensed obtain a seal of a design authorized by the board bearing the licensee's name and the words "licensed professional engineer" or "licensed land surveyor", or both. Plans, specifications, plats and reports issued by a licensee may be stamped with said seal during the life of licensee's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the licensee named thereon has expired or has been revoked unless said certificate has been renewed or reissued.

Plans, etc., stamped by licensee.

13. Any person who after this act has been in effect two (2) years, is not legally authorized to practice professional engineering or land surveying in this State according to the provisions of this act, and shall so practice or offer so to practice in this State, except as provided in section fourteen of this act, and any person presenting or attempting to file as his own the certificate of license of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of license, or who shall

Penalty for acting without license.



falsely impersonate another licensed practitioner of like or different name, or who shall use or attempt to use an expired certificate of license or an unexpired and revoked certificate of license, shall be deemed guilty of a misdemeanor and punishable upon conviction thereof by a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars or by imprisonment for a term not exceeding three months, or by both fine and imprisonment.

Disposition  
of fines.

All fines collected for the violation of any of the provisions of this act shall be paid to the treasurer of this board to be held, disposed and accounted for by him as herein directed, and it shall be the duty of the county collector of each county, upon receipt by him of any such fine, to forthwith pay over same to the treasurer of said board; said board or any member or officer thereof may prefer a complaint for violation of this law before any court, tribunal or magistrate having jurisdiction and may by its officers, counsel and agents, aid in presenting the law or facts before said court, tribunal or magistrate in any proceeding taken thereon, and it shall be the duty of the prosecutor of the pleas of the counties in this State to prosecute all violations of the provisions of this act.

Preferring  
complaints.

Exemptions:

14. The following shall be exempted from the provisions of this act:

Non-residents;

(1) Practice as professional engineer or land surveyor in this State by any person not a resident of this State and having no established place of business in this State, when such practice does not aggregate more than thirty days in any calendar year; *provided*, that said person is legally qualified for such professional service in the State or country of his residence.

Proviso.

Not estab-  
lished;

(2) Practice as a professional engineer or land surveyor in this State by any person not a resident of and having no established place of business in this State, or any person who has resided in this State for less than three months; *provided, however*, such person shall have filed an application for license as a professional engineer or land surveyor and shall have paid the fee provided for in section eight of this act. Such exemp-

Proviso.

tion shall continue for only such time as the board requires to act upon the said application for license.

(3) Engaging in professional engineering or land surveying as an employee or pupil of, or under the direction of a licensed professional engineer or a licensed land surveyor, or as an employee or pupil of, or under the direction of a professional engineer or land surveyor authorized by paragraphs two and three of this section; *provided*, that said practice shall not include responsible charge of design or supervision as principal.

(4) Practice of professional engineering or land surveying solely as an officer or as an employee of the United States.

(5) Practice of professional engineering or land surveying solely as an employee of this State or any political subdivision thereof at the time this act becomes effective and thereafter only until the expiration of the then existing term of office of such employee.

(6) The practice of engineering or land surveying solely as an officer or employee of a corporation engaged in Interstate Commerce as defined in the act to regulate commerce, approved February fourth, one thousand eight hundred and eighty-seven, and as amended.

15. Two years after the date upon which this act becomes effective, no county, city, town, township, village, borough or other municipal corporations or other political subdivisions in the State shall engage in the construction or maintenance of any public work involving professional engineering or land surveying for which plans, specifications and estimates have not been made by, and the construction and maintenance supervised by a licensed professional engineer or land surveyor; *provided*, that nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the completed project does not exceed two thousand (\$2,000) dollars.

16. Land surveying as covered by this act refers to surveys for the determination of areas or for the establishment or re-establishment of land boundaries and the subdivision and platting of land. Nothing in this act shall be construed as prohibiting licensed professional

Pupils;

Proviso.

U. S. employees;

Official engineers of State, etc.

Interstate commerce employees.

When official surveyors licensed.

Proviso.

Meaning of land surveying.

engineers from making land surveys where such surveys are essential to engineering projects, nor as prohibiting any person from doing land surveying; *provided* he does not hold himself out to be a licensed land surveyor, and accept or receive compensation for such service.

17. Professional engineering as covered by this act means the practice of the professional engineer who through technical knowledge gained by education and experience in one or more branches of that profession initiates, investigates, plans and directs the application of the resources of nature to the use and convenience of man; and who represents himself or herself to be such an engineer, either through the use of the term engineer with or without qualifying adjectives, or through the use of some other title implying that he or she is such an engineer.

18. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect immediately.

Approved April 8, 1921.

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CHAPTER 225.

A Supplement to the act entitled "An act concerning corporations (Revision of 1896)."

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

1. Whenever a corporation of this State has been dissolved and is in process of being wound up either by a receiver or receivers appointed by the Court of Chancery or by the directors acting as trustees on dissolution under the provisions of the act to which this is a supplement, it shall be lawful for the Court of Chancery upon the petition of such receiver or receivers or of such trustees on dissolution to make an order fixing a time within which all creditors or others having claims

Time for  
creditors to  
present claims.