

CHAPTER 27

NEW JERSEY STATE BOARD OF ARCHITECTS

Authority

N.J.S.A. 45:3-1 et seq., specifically 45:3-3.

Source and Effective Date

R.2011 d.081, effective February 7, 2011.
See: 42 N.J.R. 2202(a), 43 N.J.R. 640(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 27, New Jersey State Board of Architects, expires on February 7, 2018. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 27, New Jersey State Board of Architects, was adopted and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 27, New Jersey State Board of Architects, was readopted as R.1990 d.165, effective February 20, 1990. See: 22 N.J.R. 18(a), 22 N.J.R. 974(a).

Subchapter 3, Scope of Architectural Services, was adopted as R.1994 d.169, effective April 4, 1994. See: 25 N.J.R. 5439(a), 26 N.J.R. 1517(a).

Chapter 27, New Jersey State Board of Architects, was repealed and Chapter 27, New Jersey State Board of Architects, was adopted as new rules by R.1995 d.101, effective February 21, 1995. See: 26 N.J.R. 4952(a), 27 N.J.R. 716(a).

Pursuant to Executive Order No. 66(1978), Chapter 27, New Jersey State Board of Architects, was readopted as R.2000 d.103, effective February 18, 2000. See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Subchapter 4A, Continuing Education, was adopted as new rules by R.2000 d.135, effective April 3, 2000. See: 31 N.J.R. 1893(a), 32 N.J.R. 1217(a).

Subchapter 7A, Design Build Contracts, was adopted as new rules by R.2001 d.305, effective August 20, 2001. See: 33 N.J.R. 1858(a), 33 N.J.R. 2815(a).

Chapter 27, New Jersey State Board of Architects, was readopted as R.2005 d.303, effective August 17, 2005. See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Subchapter 9, Interior Design Examination and Evaluation Committee; Certification of Interior Designers; Certified Interior Designer Standards of Practice, was adopted as new rules by R.2006 d.172, effective May 15, 2006. See: 37 N.J.R. 3548(a), 38 N.J.R. 2167(a).

Chapter 27, New Jersey State Board of Architects, was readopted as R.2011 d.081, effective February 7, 2011. As a part of R.2011 d.081, Subchapter 6, Seals; Title Blocks, was renamed General Requirements for a Title Block, effective March 7, 2011. See: Source and Effective Date. See, also, section annotations.

Subchapter 8, Certified Landscape Architects, was renamed Licensed Landscape Architects, by R.2011, d.197, effective August 1, 2011. See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

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SUBCHAPTER 1. PURPOSE AND SCOPE

13:27-1.1 Purpose

The purpose of this chapter is to regulate the practice of architecture, landscape architecture and interior design in the State of New Jersey pursuant to N.J.S.A. 45:3-1 et seq. and 45:3A-1 et seq.

Amended by R.2000 d.103, effective March 20, 2000.
See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Rewrote the section.
Amended by R.2011 d.197, effective August 1, 2011.
See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Inserted “, landscape architecture and interior design” and “et seq. and 45:3A-1 et seq”.

13:27-1.2 Scope

This chapter shall apply to all applicants seeking licensure as an architect or landscape architect or seeking certification as an interior designer and all licensees practicing architecture or landscape architecture and all certificate holders practicing interior design in the State of New Jersey.

Amended by R.2000 d.103, effective March 20, 2000.
See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Rewrote the section.
Amended by R.2011 d.197, effective August 1, 2011.
See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Inserted “or landscape architect or seeking certification as an interior designer” and “or landscape architecture and all certificate holders practicing interior design”.

SUBCHAPTER 2. ADMINISTRATION

13:27-2.1 Establishing Board name

In accordance with P.L. 1902, c.29, p. 54 as amended and supplemented (N.J.S.A. 45:3-1 et seq.) the name of this Board shall be the New Jersey State Board of Architects.

13:27-2.2 Office location

The offices of the Board are located at 124 Halsey Street, PO Box 45001, Newark, New Jersey 07101.

Case Notes

Engineer’s designing of duplex held not an “engineering project” within exception to architect’s licensing statute. State Bd. of Architects v. North, 197 N.J.Super 349, 484 A.2d 1297 (Ch.Div.1984).

13:27-2.3 Meetings of Board; quorum

(a) The Board shall hold an annual meeting at the Board office in July of each year.

(b) The meetings of the Board shall be held as scheduled and notice thereof shall be filed in accordance with the Open Public Meetings Act (P.L. 1975, c.231).

(c) A majority of the appointed membership of the Board shall constitute a quorum (N.J.S.A. 45:1-2.2(d)).

(d) Chronic absence and/or lack of participation by a member in Board activities, as documented by Board records, may be the basis for the submission of a request for replacement to the appropriate authority, as determined by a majority vote of the Board.

13:27-2.4 Election of officers; term; vacancies

(a) At its annual meeting, the Board shall elect from its members a President and a Vice President. These officers shall be elected by a quorum of the Board.

(b) The term of each officer so elected shall be for one year, but shall continue until a successor has been elected and qualified, unless such officer is removed for cause by vote of a quorum of the Board. In the event of a vacancy in an office, an officer shall be elected by a quorum of the Board to fill the unexpired term.

13:27-2.5 Duties of officers; committee appointments

(a) The President of the Board shall preside at all meetings, appoint all committees and chairpersons and shall perform all other duties ordinarily pertaining to the Office of the President or as may be directed by the Board.

(b) The Vice President shall perform the duties of the President during the absence or incapacity of the President. In the absence of both the President and Vice President, the Board member with seniority shall preside.

13:27-2.6 Executive Director; duties

(a) An Executive Director shall serve as chief administrative officer and official custodian of the records of the Board.

(b) The Executive Director shall, in a thorough and efficient manner, fulfill administrative duties, including, but not limited to, duties in connection with the keeping of minutes of meetings, examinations, correspondence, staff and records.

13:27-2.7 (Reserved)

Repealed by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Section was "Roster; dissemination of statutes, rules and code data".

SUBCHAPTER 3. ARCHITECTURAL PRACTICE AND RESPONSIBILITY

13:27-3.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Advertisement" means any communication to the public including, but not limited to, newspaper, periodical, journal,

flyer, professional stationery, brochure, telephone directory, billboard, sign (other than a sign used only for identification purposes at the business premises), radio, telephone for the purpose of solicitation, television, Internet, or any other print or electronic media in which architectural services are offered or by which the availability of architectural services is made known.

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

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

"Architectural business association" or "architectural business entity" means a sole proprietorship of a licensed architect; a partnership, including a limited liability partnership, of licensed architects; a partnership, including a limited liability partnership, of closely allied professionals as defined by N.J.S.A. 45:3-1.1(f), including at least one licensed architect; a professional service corporation of persons providing closely allied professional services as defined by N.J.S.A. 14A:17-3, including at least one licensed architect, established pursuant to the "Professional Service Corporation Act" (N.J.S.A. 14A:17-1 et seq.); or a limited liability company established pursuant to the "Limited Liability Company Act" (N.J.S.A. 42:2B-1 et seq.) or a corporation either of which is required to hold a Certificate of Authorization from the New Jersey State Board of Architects pursuant to N.J.A.C. 13:27-4.8.

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

"Architecture" means the art and science of building design and particularly the design of any structure for human use or habitation. Architecture, further, is the art of applying human values and aesthetic principals to the science and technology of building methods, materials and engineering systems as required to comprise a total building project with a coherent and comprehensive unit of structure and site.

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

"Boards" means the New Jersey State Board of Architects, State Board of Professional Engineers and Land Surveyors and the State Board of Professional Planners.

“Certificate of Authorization” means a certificate issued by the Board to a general business corporation or a limited liability company to permit the practice of architecture pursuant to N.J.S.A. 45:3-18 or the practice of landscape architecture pursuant to N.J.S.A. 45:3A-16.

“Certificate of Registration” or “license” means official documents attesting to the fact that the individual has met the minimum requirements to practice architecture or landscape architecture in the State of New Jersey. For the purposes of this chapter, the terms “licensed” and “registered” are used interchangeably.

“Closely allied professional” means, and is limited to, licensed architects, professional engineers, land surveyors, professional planners, licensed landscape architects and persons that provide space planning services, interior design services or the substantial equivalent thereof.

“Construction documents” means the plans and specifications required to make application for a construction permit pursuant to N.J.A.C. 5:23-2.15(f).

“Construction permit” means an authorization to begin work on a specific project in accordance with N.J.A.C. 5:23-1.4.

“Continuing education” means professional development activities whose purpose is academic and professional instruction in order to advance the professional knowledge and skill of an architect or landscape architect.

“Continuing education (‘CE’) hour” means one 60-minute clock hour of an educational activity with no less than 50 minutes of instructional content within the hour.

“Design services” as provided by a builder or home improvement contractor, means conceptual drawings or sketches of floor plans or elevations and the rendering of price quotations or estimates all of which may be necessary to develop the scope, character and potential cost of a one- or two-family detached home or improvement thereto. Design services do not include the preparation of construction documents.

“Diversified experience in architecture” means a wide spectrum of professional experience consistent with the elements defined by the National Council of Architecture Registration Boards (NCARB) through its Intern Development Program (IDP).

“Health, safety and welfare programs or courses” means relevant technical and professional architectural continuing education subjects related to safeguarding life, health, and property and promoting the public welfare. The term includes the application of human values and aesthetic principles to the science and technology of structural design or evaluation; building methods, materials, and engineering systems; construction codes; construction-related standards; fire protection; means of egress; and barrier-free accessibility.

“Human use or habitation” means the activities of living, including, but not limited to, fulfilling domestic, religious, education, recreational, employment, assembly, health care, institutional, memorial, financial, commercial, industrial and governmental needs.

“Human values” means the social, cultural, historical, economic and environmental influences that have an impact on the quality of life.

“Immediate family” means a person’s spouse and children, the person’s siblings and parents and the spouses of the person’s children.

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

“Landscape Architect Continuing Education System” or “(LA CES)” means a collaboration of the American Society of Landscape Architects, Canadian Society of Landscape Architects, Council of Educators in Landscape Architecture, Council of Landscape Architectural Registration Boards (CLARB), Landscape Architectural Accreditation Board and the Landscape Architecture Foundation, which establishes, maintains and enforces standards for evaluating professional development and continuing education programs for landscape architects.

“Licensed landscape architect” or “landscape architect” means an individual who, by reason of his or her knowledge of natural, physical, mathematical and social sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and is licensed by the Board as a landscape architect.

“Licensee” means a person who has been granted licensure by the New Jersey State Board of Architects.

“Limited liability company” or “(LLC)” means a business entity organized in compliance with the Limited Liability Company Act, N.J.S.A. 42:2B-1 et seq., to engage in and carry on any lawful business, purpose or activity which combines the attributes of both corporation and partnership, and provides the limited liability generally associated with a corporation and the Federal tax treatment of a partnership.

“Limited liability partnership (LLP)” means an association of two or more persons to carry on as owners of a business

for profit, which partnership is formed pursuant to an agreement governed by the laws of this State, registered pursuant to N.J.S.A. 42:1-44 and in compliance with N.J.S.A. 42:1-45.

“Office of a registered architect in private practice” means an organization which offers architectural service, is in the responsible charge of a registered architect(s) who is/are the principal owner or owners of the organization, and has no affiliate engaged in construction activities.

“Organization or affiliate engaged in construction” means one which undertakes to provide labor and/or material for all or any portion of a construction project, whether on lump sum, cost plus or other basis of compensation; and agrees to guarantee to a property owner the maximum construction cost for all or any significant portion of a construction project.

“Person” means any individual, partnership, corporation or any other business entity.

“Practice of landscape architecture” means any service in which the principles and methodology of landscape architecture are applied in consultation, evaluation, planning and design, including the preparation and filing of sketches, drawings, plans and specifications for review and approval by governmental agencies, and responsible administration of contracts to the extent that the primary purpose of the contractual services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches or environment for structures or other improvements, the grading of land and water forms, natural drainage and determination of related impacts, assessments and problems of land disturbance, including erosion and sedimentation, blight or other hazards. This practice includes the proposed location and arrangement of those tangible objects and features as are incidental and necessary for any government approval and as may be prescribed by State or local authorities, but does not include the design of structures or facilities ordinarily included in the practice of engineering or architecture and does not include the making of land surveys, or land plats for official approval or recording or other services as set forth in N.J.S.A. 45:8-28(e).

“Principal” means a registered architect who is an owner in whole or in part of any business entity authorized by law to offer or render architectural services.

“Responsible charge” means the rendering of regular and effective supervision by a competent licensed architect or a competent licensed landscape architect to those individuals performing services that directly and materially affect the quality and competence of architectural services or landscape architectural services, as appropriate, rendered by the licensee.

Administrative Correction.

See: 27 N.J.R. 2009(a).

Amended by R.1998 d.417, effective August 17, 1998.

See: 30 N.J.R. 1511(a), 30 N.J.R. 3061(a).

In “Certificate of Authorization”, added “or a limited liability company” preceding “to permit”; and added new “Limited liability company (LLC)” and “Limited liability partnership (LLP)” definitions.

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

In “Advertisement” substituted “telephone, television, Internet, or other electronic media” for “telephonic or communication” following “radio,”; and in “Limited liability company (LLC)”, substituted “which” for “. The LLC is considered a hybrid entity that” following “activity”.

Amended by R.2000 d.135, effective April 3, 2000.

See: 31 N.J.R. 1893(a), 32 N.J.R. 1217(a).

Inserted “Continuing education”, “Continuing education (‘CE’) hour”, “Health, safety and welfare programs or courses” and “Licensee”.

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Rewrote definitions “Advertisement”, “Architectural services”, “Closely allied professional” and “Person”; deleted definition “Advertiser”; added definitions “Architectural business association” and “Interior design services”.

Petition for Rulemaking.

See: 39 N.J.R. 4454(a), 5132(b).

Petition for Rulemaking.

See: 40 N.J.R. 1712(a).

Amended by R.2011 d.081, effective March 7, 2011.

See: 42 N.J.R. 2202(a), 43 N.J.R. 640(a).

In definition “Closely allied professional”, inserted “certified interior designers,” and deleted a comma following the second occurrence of “architects”; rewrote definition “Construction documents”; added definitions “Construction permit” and “Immediate family”; and in definition “Design services”, substituted “one-” for “one”, deleted a comma following “two-family”, and inserted the last sentence.

Amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Added definitions “Boards”, “Landscape Architect Continuing Education System”, “Licensed landscape architect” and “Practice of landscape architecture”; in definition “Certificate of Authorization”, inserted “or the practice of landscape architecture pursuant to N.J.S.A. 45:3A-16”; in definition “Certificate of Registration”, inserted “or landscape architecture”; in definition “Closely allied professional”, substituted the second occurrence of “licensed” for “certified” and deleted a comma following the second occurrence of “architects” and the second occurrence of “services”; in definition “Continuing education”, substituted “the professional knowledge and skill of an architect or landscape architect” for “an architect’s professional knowledge and skill”; substituted definition “ ‘Limited liability company’ or ‘(LLC)’ ” for definition “Limited liability company (LLC)”; in definition “ ‘Limited liability company’ or ‘(LLC)’ ”, substituted “entity” for the first occurrence of “corporation”; and in definition “Responsible charge”, inserted “or a competent licensed landscape architect” and “or landscape architectural services, as appropriate,” and substituted “that” for “which”.

13:27-3.2 Advertising by architects

(a) Architects shall meet the following requirements concerning advertisements:

1. An advertisement shall include a term which is descriptive of the professional services to be rendered, such as “architect,” “architectural,” “architectural services,” or the substantial equivalent thereof and may be made only by an architectural business entity authorized to render architectural services pursuant to N.J.S.A. 45:3-17 or 45:3-18.
2. An advertisement shall include the name and license number of an architect and, if applicable, the name of the architect’s architectural business entity.
3. Each architect, who is a principal, partner, or officer of an architectural business entity, shall be responsible for

the form and content of any advertisement which offers to provide architectural services.

4. A copy of each advertisement shall be retained by each architect, who is a principal, partner or officer of an architectural business entity, for a period of three years from the date of the last authorized publication or dissemination of the advertisement and shall be made available for review upon request by the Board.

5. Any architect or architectural business entity which uses an advertisement containing false or misleading information or which fails to meet the requirements set forth in this subsection shall be deemed to be engaged in professional misconduct.

Amended by R.1998 d.417, effective August 17, 1998.

See: 30 N.J.R. 1511(a), 30 N.J.R. 3061(a).

Rewrote (b).

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Rewrote (b); in (c), substituted "46:3B-1 et seq." for "46B-1"; added (g); recodified former (g) as (h).

Amended by R.2011 d.081, effective March 7, 2011.

See: 42 N.J.R. 2202(a), 43 N.J.R. 640(a).

Section was "Scope of architectural service; advertising". Deleted former (a) and (c) through (h); and recodified former (b) as (a).

13:27-3.3 Advertising of design services by others; unlicensed practice of architecture

(a) A builder registered pursuant to the "New Home Warranty and Builder's Registration Act" (N.J.S.A. 46:3B-1 et seq.) or a home improvement contractor may advertise or offer to perform "design services" either in the construction of one- or two-family homes or in connection with the demolition, enlargement or alteration thereto. A builder or home improvement contractor shall render such services only to the owner-occupant of such dwellings.

(b) An advertisement for design services by a builder or home improvement contractor pursuant to (a) above shall not in any way be limited except as set forth in (c) below, and may contain the following terms or their substantial equivalent:

1. Construction design services;
2. Design;
3. Design services;
4. Design/build;
5. Design/build services; and/or
6. Building design services.

(c) Builders and home improvement contractors shall not advertise, offer or perform design services that involve the preparation of construction documents, including, but not limited to, those that consist of drawings or specifications necessary to support an application for building or other construction permits. Any documents prepared by builders or home improvement contractors shall not contain a title block.

(d) A person not authorized to render architectural service may utilize the terms "space planning," "interior design," "interior design service" or the substantial equivalent thereof, provided that the design services advertised, offered or performed:

1. Are limited to the function of the interior space within an existing or proposed building;
2. Do not affect the means of egress and life safety of the building, nor involve any alteration or modifications of the buildings existing or proposed structure, seismic integrity or partitions that affect the means of egress and life safety, or its electrical, mechanical, HVAC (heating, ventilation and air conditioning) or plumbing systems;
3. Do not require or involve skill, training or expertise of a licensed architect; and
4. Do not include the production of construction documents necessary to support an application for any construction permit.

(e) Nothing in this section shall prohibit any individual or entity authorized by law to render professional engineering services from utilizing the terms set forth in (b) above in connection with the advertising of professional engineering services.

(f) No person, except an architect licensed in the State of New Jersey, shall use the title "architect" or its substantial equivalent or otherwise represent to the public that the person is licensed to practice architecture in this State.

New Rule, R.2011 d.081, effective March 7, 2011.

See: 42 N.J.R. 2202(a), 43 N.J.R. 640(a).

Former N.J.A.C. 13:27-3.3, Single family exemption, recodified to N.J.A.C. 13:27-3.4.

13:27-3.4 Single family dwelling exemption

(a) In accordance with N.J.S.A. 45:3-10, any person in this State may act as a designer of a detached single family dwelling and appurtenances thereto to be constructed by that person solely as a residence for that person or member of that person's immediate family.

(b) A person may design the dwelling and all appurtenances thereto, prepare the construction documents and file the construction documents with an affidavit indicating the name of the person who drew the construction documents.

(c) In lieu of personally preparing the construction documents, a person may utilize pre-prepared (commercially published, available to the public) construction documents that include a certification that they were originally prepared by an architect licensed in any United States' jurisdiction, provided that the construction documents are reviewed, signed, sealed and adapted to the specific site by a New Jersey licensed architect. By signing and sealing these construction documents, the New Jersey licensed architect assumes full responsibility for said construction documents,

just as if the construction documents, were prepared under the direct supervision of the architect.

The following annotation applies to N.J.A.C. 13:27-3.4 subsequent to its repeal by R.2005 d.305:

Repealed by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Section was "Impersonal names".

The following annotation applies to N.J.A.C. 13:27-3.4 subsequent to its recodification from N.J.A.C. 13:27-3.3 by R.2011 d.081:

Recodified from N.J.A.C. 13:27-3.3 and amended by R.2011 d.081, effective March 7, 2011.

See: 42 N.J.R. 2202(a), 43 N.J.R. 640(a).

Section was "Single family exemption". In (b), substituted "documents" for "drawings" three times; in (c), substituted the first occurrence of "documents" for the first occurrence of "drawings", "documents that include" for "drawings which bear" and "that the" for "these"; and deleted (d). Former N.J.A.C. 13:27-3.4 was reserved.

13:27-3.5 Restrictions in titles

(a) A sole proprietorship shall not be conducted under a title which designates or suggests the existence of more than a single principal.

(b) The term "Associates," when used officially in the title of a firm, shall refer only to more than one individual licensed in this State as architects or in a closely allied licensed profession.

(c) When any partner, associate, member or other licensed professional whose name is used in the title ceases to be a member of a firm or partnership for any reason including death or disability, then the title of the firm shall be changed within two years of the disassociation. This requirement does not apply to an organization established as a professional service corporation pursuant to N.J.S.A. 14:17-1 et seq., or a corporation or a limited liability company authorized to practice architecture following issuance of a Certificate of Authorization pursuant to N.J.A.C. 13:27-4.8.

Amended by R.1998 d.417, effective August 17, 1998.

See: 30 N.J.R. 1511(a), 30 N.J.R. 3061(a).

In (c), added "member" following "associate" in the first sentence and rewrote the last sentence.

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

In (c), deleted "general business" preceding "corporation" and substituted "N.J.A.C. 13:27-4.8" for "N.J.S.A. 45:3-18".

Amended by R.2011 d.081, effective March 7, 2011.

See: 42 N.J.R. 2202(a), 43 N.J.R. 640(a).

In (c), deleted "shareholder," following "partner," and updated the N.J.S.A. reference.

13:27-3.6 Notification of change of address; service of process

(a) A licensed architect shall notify the Board in writing of any change from the address currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, no later than 30 days following the change of address. Failure to notify the Board of any change of address may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

(b) Service of an administrative complaint or other Board-initiated action at a licensee's address which is currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

SUBCHAPTER 4. LICENSING REQUIREMENTS; BIENNIAL RENEWAL; CERTIFICATES OF AUTHORIZATION

13:27-4.1 Requirements for admission to examination

(a) No applicant shall be entitled to consideration for admission to the examination for licensure, or shall be permitted to take the examination, while a formal complaint is pending in which the individual is charged with the illegal practice of architecture or while penalties for violations of the Board's statutes and regulations remain unsatisfied.

(b) No later than 60 days prior to the examination, an applicant shall present evidence to the satisfaction of the Board that:

1. The applicant is 18 or more years of age and of good moral character, as established by references from individuals, schools and other sources acceptable to the Board which attest to the applicant's good moral character;

2. Except as set forth in N.J.A.C. 13:27-4.2, the applicant holds a professional degree in architecture from a college or university whose degree program has been accredited by the National Architectural Accrediting Board (NAAB) not later than two years after graduation; and

3. The applicant has completed at least three years in the Intern Development Program (IDP) administered by the National Council of Architect Registration Boards (NCARB) or, at his or her expense, has had his or her experience evaluated by NCARB or any other Board designee and such experience is found to be equivalent. In the event that the Board's designees are unable to evaluate the applicant's experience, the Board shall evaluate the experience. The three years of experience cannot be attained in less than 36 calendar months.

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

In (b), substituted "sources" for "records" following "and other" and added "which attest to the applicant's good moral character" at the end of 1, and rewrote 3; and added new (c).

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

In (b), rewrote 3; deleted (c).

13:27-4.2 Applicant with a degree from a college or university not accredited by NAAB

(a) An applicant with a degree from a college or university that is not accredited by the National Architectural Accrediting Board (NAAB) shall obtain, at his or her own expense, and submit to the Board, either:

1. A “Detailed” evaluation by Education Credential Evaluators, Inc., or other evaluation services recognized by the Board certifying that the degree is the equivalent in level, scope and intent of a bachelor or a master degree of architecture that would be accredited in the United States; or

2. If the “Detailed” evaluation does not certify equivalency, a “Comprehensive” evaluation outlining specific academic deficiencies shall be required. The application will not be considered until those academic requirements are completed.

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

In rule heading, deleted “foreign” preceding “college” and added “not accredited by NAAB” following “university”; in (a), rewrote introductory paragraph.

Amended by R.2011 d.081, effective March 7, 2011.

See: 42 N.J.R. 2202(a), 43 N.J.R. 640(a).

In (a)2, inserted “shall be required”.

13:27-4.3 Architect Registration Examination (ARE) administered by the National Council of Architectural Registration Boards (NCARB)

(a) Applicants are required to successfully complete all divisions of the ARE administered by the NCARB.

(b) A professional engineer licensed in the State of New Jersey in good standing, holding an accredited degree in engineering, and without restriction, complaint or charge of illegal practice of architecture, shall be eligible for licensure as a registered architect upon successful completion of the ARE.

Amended by R.1999 d.142, effective May 3, 1999.

See: 31 N.J.R. 111(a), 31 N.J.R. 1200(b).

Rewrote (a).

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

In (a), deleted “written” following “covered in the”.

Recodified from N.J.A.C. 13:27-4.8 and amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Former N.J.A.C. 13:27-4.3, Training requirements; prerequisites for applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998, repealed.

Amended by R.2009 d.116, effective April 20, 2009.

See: 40 N.J.R. 2209(a), 41 N.J.R. 1875(b).

Section was “Architect Registration Examination”. Rewrote the section.

Amended by R.2011 d.081, effective March 7, 2011.

See: 42 N.J.R. 2202(a), 43 N.J.R. 640(a).

Section was “Architect Registration Examination administered by the National Council of Architectural Registration Boards: subjects covered”. Deleted former (a) and (b); added new (a); recodified former (c) as (b); in (b), substituted a comma for “of” following “restriction”, and deleted “as set forth in (a) and (b) above” following “ARE”; and deleted (d).

13:27-4.4 (Reserved)

Administrative correction.

See: 27 N.J.R. 2009(a).

Amended by R.1999 d.142, effective May 3, 1999.

See: 31 N.J.R. 111(a), 31 N.J.R. 1200(b).

Changed Division references at the end.

Recodified from N.J.A.C. 13:27-4.9 and amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Former N.J.A.C. 13:27-4.4, Training requirements prior to January 1, 1998, repealed.

Repealed by R.2009 d.116, effective April 20, 2009.

See: 40 N.J.R. 2209(a), 41 N.J.R. 1875(b).

Section was “Eligibility of licensed professional engineer for licensure as an architect by limited examination”.

13:27-4.5 Licensure by credentials

(a) Any person registered or licensed to practice architecture in another jurisdiction of the United States or one of its territories or possessions may be granted registration if:

1. The applicant is 18 or more years of age and of good moral character, as established by references from individuals, schools and other sources acceptable to the Board which attest to the applicant’s good moral character;

2. The applicant is not charged by the New Jersey State Board of Architects or any other jurisdiction with a violation of any statute or regulation relating to the practice of architecture or any violation which would indicate a lack of good moral character as required by statute or regulation; or having been found guilty of a violation, has not satisfied the penalty imposed;

3. The education, training and examination requirements in such other jurisdiction are substantially equal to those required in this State, under current law; and

4. The applicant has provided satisfactory evidence of competency as the Board, in its discretion, may require, including, but not limited to:

i. Exhibits of three architectural projects illustrated in construction documents and photographs;

ii. Oral examination by the Board; and/or

iii. Satisfactory completion of such portions(s) of the Architect Registration Examination as the Board may deem necessary.

(b) In cases where the applicant has been granted a registration or a license in another United States jurisdiction on the basis of education, training and examination requirements that are not substantially equal to those required in this State, the applicant may be granted a license if the applicant can demonstrate that he or she possesses the education, training and examination requirements as set forth in N.J.A.C. 13:27-4.1, or their substantial equivalents.

Repealed and adopted as new rule by R.2005 d.303, effective September 6, 2005. Section was “Training prior to January 1, 1998; public or private nonprofit institutions.”

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

13:27-4.6 Biennial license renewal; license suspension; reinstatement of suspended license; inactive status

(a) All licenses issued by the Board shall be issued for a biennial license period. A licensee who seeks renewal of the

license shall submit a completed renewal application, a statement that the licensee has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-4A.2 and the renewal fee as set forth in N.J.A.C. 13:27-4.11 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the licensee for failure to renew.

(c) If a licensee does not renew the license prior to its expiration date, the licensee may renew the certificate within 30 days of its expiration by submitting a completed renewal application, a statement that the licensee has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-4A.2, the renewal fee and late fee as set forth in N.J.A.C. 13:27-4.11. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be engaged in unauthorized practice.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual with a suspended license who holds himself or herself out as an architect shall be in violation of N.J.S.A. 45:3-10.

(e) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees as set forth in N.J.A.C. 13:27-4.11;
2. Submission of proof of completion of the continuing education credits required for each biennial licensure period for which the license was suspended; and
3. Submission of an affidavit of employment listing each job held during the period of suspended license which includes the name, address, and telephone number of each employer.

(f) In addition to fulfilling the requirements set forth in (e) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to practice shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

(g) Renewal applications shall provide the licensee with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:27-4.11 and shall not hold himself or herself out as an architect.

(h) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the biennial license fee and reinstatement fee pursuant to N.J.A.C. 13:27-4.11;
2. Submission of proof of completion of the continuing education credits required for each biennial licensure period for which the license was on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period the license was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to fulfilling the requirements set forth in (h) above, a licensee whose license has been on inactive status for more than five years who wishes to return to active status shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

Repealed and adopted as New Rule by R.2005 d.303, effective September 6, 2005. Section was "Training prior to January 1, 1998; non-traditional settings."

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

13:27-4.7 Issuance of certificates and seal presses

(a) Upon approval by the Board and payment of all fees, an architect shall be issued a certificate of licensure and seal press as proof of licensure and authorization to practice. The seal shall contain the name of the architect, the architect's license number and the legend "State of New Jersey Registered Architect."

(b) Each license number, certificate and seal press containing such license number issued by the Board to an architect shall remain the property of the State of New Jersey. If the Board suspends, fails to renew, or revokes a license, the licensee shall immediately return all certificates and seal presses to the Board and shall remove the license number from all advertising and anything else on which the license number is displayed or otherwise communicated.

(c) The Board shall issue a replacement certificate or replacement seal press to an architect upon payment of the replacement certificate fee or replacement seal press fee, whichever is appropriate, as set forth in N.J.A.C. 13:27-4.11 and receipt by the Board of an affidavit or certified statement attesting that the original was either lost, destroyed, mutilated or is otherwise no longer in the custody of and cannot be recovered by the licensee. The Board shall replace a damaged seal press upon a licensee's request and submission of the damaged seal press along with the replacement seal press fee set forth in N.J.A.C. 13:27-4.11.

(d) The Board shall issue a duplicate seal press to an architect upon an architect's request for a duplicate seal press and payment of the duplicate seal press fee as set forth in N.J.A.C. 13:27-4.11.

(e) Failure to return a certificate of licensure or a seal press which has been rendered invalid shall subject the individual to such penalties as provided by law and may be grounds for the Board to refuse to reinstate a license.

(f) Upon approval by the Board, the family of a deceased architect may retain an architect's seal press as a memento. The family shall be responsible for the safekeeping of the seal press to prevent its use in the illegal practice of architecture.

New Rule by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Section was reserved.

Amended by R.2011 d.081, effective March 7, 2011.

See: 42 N.J.R. 2202(a), 43 N.J.R. 640(a).

In (f), substituted "Upon approval by the Board, the" for the first occurrence of "The".

13:27-4.8 Issuance of certificates of authorization

(a) Upon review and approval by the Board of a completed application, the Board shall issue a certificate of authorization to a limited liability company (LLC) or a corporation, other than a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L. 1969, c.232 (N.J.S.A. 14A:17-1 et seq.), if the LLC or corporation meets the following requirements:

1. At least two-thirds of the LLC's or corporation's directors are licensed architects and at least two-thirds of the ownership interest is owned by licensed architects; or

2. At least two-thirds of the directors are licensed architects and closely allied professionals, at least one director is a licensed architect, at least two-thirds of the ownership interest is owned by licensed architects or closely allied professionals, and a minimum of 20 percent of the shares are owned by licensed architects.

(b) In applying for a certificate of authorization, an applicant shall submit to the Board:

1. A completed application form designated by the Board which shall include, at a minimum, the following:

i. The name and address of the LLC or corporation and its satellite offices;

ii. The names, addresses, license numbers and signatures of all officers, board members, directors, principals and any licensees who shall be in responsible charge of the practice of architecture through the LLC or corporation;

iii. The names, addresses, license numbers, and amount and percentage of ownership interest of all stockholders of the LLC or corporation who are li-

censees of the Board or who are closely allied professionals;

iv. The names, addresses, and amount and percentage of ownership interest of the LLC or corporation who are not licensees of the Board nor closely allied professionals; and

v. The name and address of the LLC's or corporation's registered agent for service of process in New Jersey;

2. A certified copy of the Certificate of Formation or Incorporation for an LLC or corporation created in this State or, for an LLC or corporation created outside New Jersey, a certified copy of a Certificate of Authority issued by the Division of Revenue in the New Jersey Department of Treasury and a certified copy of the Certificate of Formation or Incorporation, or its equivalent, issued by the home state;

3. A copy of the most current annual report filed with the Division of Revenue in the New Jersey Department of Treasury; and

4. The application fee and certificate fee as set forth in N.J.A.C. 13:27-4.11.

(c) The certificate of authorization shall designate all New Jersey licensees who are in responsible charge of the architectural activities and decisions of the LLC or corporation. All final drawings, papers and documents involving the practice of architecture, when issued by the LLC or corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

(d) The LLC or corporation that has been issued a certificate of authority and its licensees who are in responsible charge of the architectural activities and decisions of the LLC or corporation have a continuing duty to inform the Board within 30 days of any change in the information that was provided to the Board as required pursuant to (b) above, including a copy of each annual report filed with the Division of Revenue.

(e) Misrepresentation of any information provided to the Board or failure to provide updated information as required under (d) above may result in the suspension of the certificate of authority and/or may be deemed to be professional misconduct of the licensees found to be in responsible charge of the architectural activities and decisions of the LLC or corporation.

New Rule by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Former N.J.A.C. 13:27-4.8 recodified as N.J.A.C. 13:27-4.3 and amended.

Amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

In (d), substituted "30" for "14".

13:27-4.9 Biennial renewal of certificates of authorization

(a) All certificates of authorization issued by the Board shall be issued for a biennial period. An LLC or corporation seeking renewal of the certificate shall submit a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of Treasury and the renewal fee as set forth in N.J.A.C. 13:27-4.11 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each certificate holder at the address registered with the Board at least 60 days prior to the expiration of the certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the certificate holder for failure to renew.

(c) If a certificate holder does not renew the certificate prior to its expiration date, the certificate holder may renew the certificate within 30 days of its expiration by submitting a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of Treasury, and the renewal fee and late fee as set forth in N.J.A.C. 13:27-4.11. During this 30-day period, the certificate shall be valid, and the certificate holder shall not be deemed to be engaged in unauthorized practice.

(d) A certificate of authorization that is not renewed within 30 days of its expiration shall be automatically suspended. An LLC or corporation, other than a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L. 1969, c.232 (N.J.S.A. 14A:17-1 et seq.),

that provides or advertises architectural services while its certificate of authority is suspended shall be in violation of N.J.S.A. 45:3-17.

(e) A certificate of authorization that has been automatically suspended for non-renewal may be reinstated upon the LLC or corporation submitting a completed reinstatement application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of Treasury, and the renewal fee and reinstatement fee as set forth in N.J.A.C. 13:27-4.11.

New Rule by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Former N.J.A.C. 13:27-4.9 recodified as N.J.A.C. 13:27-4.4.

13:27-4.10 (Reserved)

Repealed by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Section was "Registration by reciprocity".

13:27-4.11 Fees

(a) The following fees shall be charged by the Board:

| | | |
|----|---|----------|
| 1. | Application Fee | \$ 50.00 |
| 2. | Initial License Fee | |
| | i. If paid during the first year of a biennial renewal period | 160.00 |
| | ii. If paid during the second year of a biennial renewal period | 80.00 |
| 3. | Biennial Renewal Fee | |
| | i. Active Status | 160.00 |

4. The contractor and the architect shall provide written notice to the owner or developer at least 30 days before the contract between the architect and the contractor is terminated, or before the performance of services by the architect is in any other way suspended or discontinued.

13:27-7A.4 Disclosure of significant beneficial interest

(a) When an architect has a significant beneficial interest in a contractor for whom the architect performs architectural services in connection with a design build contract, prior to the parties entering into the contract, the architect shall:

1. Disclose the significant beneficial interest to the owner or developer in writing and obtain the owner or developer's written consent indicating that the owner or developer is aware of the significant beneficial interest, understands that the architect is bound to a standard of independent professional judgment consistent with N.J.A.C. 13:27-7A.3(a)2, and that the owner or developer consents to the architect's participation in the project; and

2. Ascertain that the contract between the contractor and the owner or developer discloses the significant beneficial interest and states that regardless of the significant beneficial interest, the architect shall comply with a standard of independent professional judgment consistent with N.J.A.C. 13:27-7A.3(a)2.

13:27-7A.5 Design or construction documents; notice of changes

Where an architect has knowledge that an owner has accepted and is relying upon any design or construction documents prepared by the architect, and where the architect is requested or directed by any party to make fundamental changes in those design or construction documents, the architect shall give immediate written notice of the proposed change(s) to the owner and to the contractor. The architect shall not proceed with the changes unless the owner or developer and the contractor agree to the changes in the signed writings.

13:27-7A.6 Contract retention

An architect shall retain a copy of any contract entered into with a contractor in connection with a design build project for 10 years from the date of the contract.

SUBCHAPTER 8. LICENSED LANDSCAPE ARCHITECTS

13:27-8.1 Duties of the Executive Director

The Executive Director shall keep a record of all applicants for licensure as a landscape architect, showing for each the date of application, name, age, education and other qualifications, place of practice and address of record, whether or not

an examination was required, and whether the applicant was rejected or a license granted, and the date of that action.

Repeal and New Rule, R.2011 d.197, effective August 1, 2011.
See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).
Section was "Definitions".

13:27-8.2 Exceptions; limitations

(a) The practice of landscape architecture shall not prohibit the preparation of landscaping plans for sites where government review or approvals are not required or do not require the signature and seal of a landscape architect.

(b) Nothing in N.J.S.A. 45:3A-1 et seq., or this subchapter shall be construed to prevent or limit the practice of architecture, engineering, land surveying or professional planning by one licensed to practice that profession in this State, but no architect, engineer, surveyor or professional planner shall use the designation "landscape architect" unless licensed as a landscape architect in this State.

(c) In accordance with N.J.S.A. 45:3A-3, no municipal or county ordinance, policy or action purporting to define, or having the effect of defining, the scope of professional activity of architects, engineers, land surveyors, planners or licensed landscape architects in the preparation of landscape design plans shall reduce or expand the scope of professional practice recognized by the respective boards that regulate these professions.

Repeal and New Rule, R.2011 d.197, effective August 1, 2011.
See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).
Section was "Office of the Committee".

13:27-8.3 Use of title; nomenclature for non-licensed persons

(a) A person who is not a licensed landscape architect as defined in N.J.S.A. 45:3A-2 shall not use or advertise or offer services to the public utilizing the following titles or description of services:

TITLES

Landscape Architect
Licensed Landscape Architect
Registered Landscape Architect
Professional Landscape Architect

DESCRIPTIONS OF SERVICES

Landscape Architecture
Landscape Architectural Design
Landscape Architectural Construction
Landscape Architectural Planting Design
Landscape Architectural Service

(b) The titles and descriptions listed in (a) above are not meant to be all-inclusive.

Amended by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Deleted former (a); recodified former (b) as (a) and rewrote section; recodified former (c) as (b) and rewrote section.

Recodified from N.J.A.C. 13:27-8.20 and amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Section was "Nomenclature for non-certified persons". In the introductory paragraph of (a), substituted "licensed" for "certified"; and in the list of Titles in (a), deleted "Certified Landscape Architect". Former N.J.A.C. 13:27-8.3, Committee organization, repealed.

13:27-8.4 Curricula approved by the Board

(a) Any educational program accredited by the Landscape Architectural Accreditation Board shall be deemed an approved program.

(b) For any academic program not accredited by the Landscape Architectural Accreditation Board, an applicant shall provide to the Board:

1. A certified transcript of his or her courses; and
2. A true and accurate course description for each of the landscape architecture courses for which the candidate is seeking credit toward licensure.

(c) The Board shall, in its consideration of the academic program, compare the degree to the standards promulgated by the Landscape Architectural Accreditation Board. Thereafter, the Board may, in its discretion, require the candidate to appear before the Board for a personal interview and to present representative samples of his or her landscape architecture work.

Amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Section was "Approval of landscape architecture curricula and credentials". In (a), substituted "Any" for "For purposes of this section, any" and deleted "of the American Society of Landscape Architects" following "Board"; rewrote (b); and in (c), substituted "Board" for "Committee" throughout.

13:27-8.5 Application for initial licensure

(a) An applicant for initial licensure as a landscape architect shall:

1. Hold a bachelor's degree or higher in landscape architecture from a college or university having a landscape architecture curriculum accredited by the Landscape Architectural Accreditation Board or other academic program approved by the Board pursuant to N.J.A.C. 13:27-8.4. The applicant shall arrange for the college or university to send an official transcript directly to the Board;
2. Have engaged in practical landscape architectural work for four years after completion of the educational requirement set forth in (a)1 above, at least two of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner or professional engineer;
3. Be of good moral character demonstrated by furnishing five references, two from individuals who have known the applicant for at least five years and three from professionally trained design professionals, such as li-

censed landscape architects, architects, professional engineers or professional planners, who have first hand experience of the applicant's work. No individual providing a reference shall be related to the applicant;

4. Successfully complete, within five years of application for licensure, the Landscape Architect Registration Examination (LARE); and

5. Complete and return to the Board an application for initial licensure with payment of the initial licensure fee as set forth in N.J.A.C. 13:27-8.21.

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Rewrote the section.

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Deleted "by examination" following "certification" in rule heading; rewrote (a); deleted former (b) and (c); added new (b) and (c).

Amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Section was "Application for initial certification". In the introductory paragraph of (a), substituted "licensure" for "certification"; in (a)1, deleted ". The applicant shall be responsible for ensuring that the Board receives the transcript by the required date" from the end, substituted "degree or higher" for "or higher degree" and "Board" for "Committee", and deleted "of the American Society of Landscape Architects (ASLA)" preceding "or other"; in (a)3, deleted "personal" preceding "references", "certified or" preceding "licensed", and ". The applicant shall be responsible for ensuring that the Board receives these references by the required date" from the end; deleted former (a)4; recodified (a)5 and (a)6 as (a)4 and (a)5; in (a)4, inserted a comma following "complete" and inserted "for licensure,"; rewrote (a)5; and deleted (b) and (c).

13:27-8.6 Application for licensure as a landscape architect without LARE examination

(a) An individual may apply for licensure as a landscape architect in New Jersey if he or she meets the requirements of N.J.S.A. 45:3A-1 et seq., and

1. Holds a license or certificate to practice landscape architecture in good standing issued upon examination by any state, district, territory or possession in the United States, provided the applicant's qualifications meet the requirements enforced in this State at the time the license or certificate was issued;

2. Has passed the Council of Landscape Architectural Registration Boards (CLARB) Uniform National Examination (UNE) or LARE or holds a current CLARB certification. Applicants holding CLARB certification shall arrange for CLARB to send the certificate to the Board;

3. Submits a completed application form; and

4. Meets the requirements for initial licensure pursuant to N.J.A.C. 13:27-8.5(a)1 through 3 and 5.

Repeal and New Rule, R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Section was "Certification of persons holding certificate from another state or authority".

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Substituted "without LARE examination" for "by reciprocity" in rule heading; rewrote (a) and (b); in (c), added "as required pursuant to N.J.A.C. 13:27-8.5(a)4" following "New Jersey examination". Amended by R.2011 d.197, effective August 1, 2011. See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Section was "Application for certification as a landscape architect without LARE examination". In the introductory paragraph of (a), substituted "licensure" for "certification" and inserted a comma following "seq."; rewrote (a)1; in (a)2, substituted "Council of Landscape Architectural Registration Boards (CLARB)" for "CLARB" and deleted "and" from the end; added new (a)3; recodified former (a)3 as (a)4; in (a)4, substituted "licensure" for "certification" and "3 and 5" for "4"; and deleted (b) and (c).

13:27-8.7 Biennial license renewal; license suspension; reinstatement of suspended license; inactive status

(a) All licenses issued by the Board shall be issued for a biennial license period. A licensee who seeks renewal of the license shall submit a completed renewal application, a statement that the licensee has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-8.14 and the renewal fee as set forth in N.J.A.C. 13:27-8.21 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration date of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the licensee for any unlicensed practice during the period following the license expiration, not to exceed the number of days short of 60 before the notice of renewal was issued.

(c) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a statement that the licensee has successfully completed the continuing education requirement pursuant to N.J.A.C. 13:27-8.14, a renewal fee and a late fee, as set forth in N.J.A.C. 13:27-8.21. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be engaged in unauthorized practice.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who holds himself or herself out as a landscape architect with a suspended license shall be in violation of N.J.A.C. 13:27-8.3.

(e) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:27-8.21;
2. Submission of proof of completion of the continuing education credits required for each biennial registration period for which the license was suspended; and

3. Submission of an affidavit of employment listing each job held during the period of suspended licensure, which includes the name, address and telephone number of each employer.

(f) In addition to fulfilling the requirements set forth in (e) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to practice shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

(g) Renewal applications shall provide the license holder with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:27-8.21 and shall not hold himself or herself out as a landscape architect.

(h) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the biennial license fee and reinstatement fee pursuant to N.J.A.C. 13:27-8.21;
2. Submission of proof of completion of the continuing education credits required for each biennial license period for which the license was on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period the license was on inactive status, which includes the name, address and telephone number of each employer.

(i) In addition to fulfilling the requirements set forth in (h) above, a licensee whose license has been on inactive status for more than five years who wishes to return to active status shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

Repealed and adopted as New Rule by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Section was "Certifications and renewals."

Amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Section was "Certification; biennial certification renewal; certificate suspension; reinstatement of suspended certificate; inactive status". Rewrote the section.

13:27-8.8 Display of license; replacement and duplicate licenses

(a) A licensed landscape architect shall conspicuously display at each place of business or employment the original

license or a duplicate license issued by the Board showing the current biennial licensure period.

(b) Each license number and license containing such license number issued by the Board to a licensed landscape architect shall remain the property of the State of New Jersey. If the Board suspends, fails to renew or revokes a license, the licensee shall immediately return all licenses to the Board and shall remove the license number from all advertising and anything else on which the license number is displayed or otherwise communicated.

(c) The Board shall issue a replacement license to a licensed landscape architect upon payment of the replacement license fee as set forth in N.J.A.C. 13:27-8.21 and receipt by the Board of an affidavit or certified statement attesting that the original was either lost, destroyed, mutilated or is otherwise no longer in the custody of and cannot be recovered by the licensee.

(d) The Board shall issue a duplicate license to a licensed landscape architect upon payment of the duplicate license fee as set forth in N.J.A.C. 13:27-8.21 and receipt by the Board of an affidavit or certified statement that the licensed landscape architect has multiple places of business in which the licensee must display a license. A licensed landscape architect may not possess more licenses than the number of places of business utilized by the licensed landscape architect.

Repealed and adopted as New Rule by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Section was "Duplicate certificates."

Amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Section was "Display of certificate; replacement and duplicate certificates". Rewrote the section.

13:27-8.9 Seal and signature

(a) Every licensed landscape architect shall have a seal established and issued by the Board, which shall contain the name of the landscape architect, his or her license number and the legend "Licensed Landscape Architect." If the Board suspends, fails to renew or revokes a license, the licensee shall immediately return the seal press containing such seal to the Board.

(b) All working drawings and specifications prepared by the licensed landscape architect or under his or her supervision shall be signed on the original with the personal signature of the licensed landscape architect. Thereafter, all copies of such drawings and specifications shall be sealed prior to submission to the client or filing with a public agency.

(c) A licensed landscape architect shall provide the following information in a title block, which shall be placed on all construction contract drawings prepared under his or her direction. The information shall appear legibly on the construction contract drawings and shall be clearly reproducible.

1. The full name of the licensed landscape architect as it appears on the license issued by the Board;
2. The signature of the licensed landscape architect;
3. The license number and title: New Jersey Licensed Landscape Architect;
4. The date when signed; and
5. If applicable, the certificate of authorization number as required under N.J.S.A. 45:3A-16 and N.J.A.C. 13:27-8.11.

(d) Other information may appear with or within the title block provided that the required information is distinct and the name of the licensed landscape architect is readily discernible from the other information on the document.

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Rewrote (a); and in (c)3, substituted "certificate" for "license".

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Added the last sentence in (a); rewrote (b).

Amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Rewrote the section.

13:27-8.10 (Reserved)

Repealed by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Section was "Certification renewal; continuing education requirements".

13:27-8.11 Issuance of certificates of authorization

(a) Upon review and approval by the Board of a completed application, the Board shall issue a certificate of authorization to an LLC or a corporation, other than a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L. 1969, c. 232 (N.J.S.A. 14A:17-1 et seq.), if the LLC or corporation meets the following requirements:

1. At least one of the LLC's or corporation's officers or full-time employees is a licensed landscape architect in this State who shall be in responsible charge of the professional services rendered by the LLC or corporation; or
2. The LLC or corporation has entered into a written contract with a New Jersey licensed landscape architect pursuant to N.J.A.C. 13:27-8.13.

(b) In applying for a certificate of authorization, an applicant shall submit to the Board:

1. A completed application form approved by the Board, which shall include, at a minimum, the following:
 - i. The name and address of the LLC or corporation and its satellite offices;
 - ii. The names, addresses, license numbers and signatures of all officers, board members, directors, prin-

principals and any licensees who shall be in responsible charge of the practice of landscape architecture through the LLC or corporation;

iii. The names, addresses, license numbers and amount and percentage of ownership interest of the LLC or corporation of persons who are licensees of the Board or who are closely allied professionals;

iv. The names, addresses and amount and percentage of ownership interest of the LLC or corporation of persons who are not licensees of the Board nor closely allied professionals; and

v. The name and address of the LLC's or corporation's registered agent for service of process in New Jersey;

2. A certified copy of the Certificate of Formation or Incorporation for an LLC or corporation created in this State or, for an LLC or corporation created outside New Jersey, a certified copy of a Certificate of Authorization issued by the Division of Revenue in the New Jersey Department of the Treasury and a certified copy of the Certificate of Formation or Incorporation, or its equivalent, issued by the home state;

3. A copy of the most current annual report filed with the Division of Revenue in the New Jersey Department of the Treasury;

4. If appropriate, a copy of the signed contract entered into pursuant to N.J.A.C. 13:27-8.13; and

5. The application fee and certificate fee as set forth in N.J.A.C. 13:27-8.21.

(c) The certificate of authorization shall designate all New Jersey licensees who are in responsible charge of the landscape architectural activities and decisions of the LLC or corporation. All final drawings, papers and documents involving the practice of landscape architecture, when issued by the LLC or corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

(d) The LLC or corporation that has been issued a certificate of authorization and its licensees who are in responsible charge of the landscape architectural activities and decisions of the LLC or corporation have a continuing duty to inform the Board within 30 days of any change in the information that was provided to the Board as required pursuant to (b) above, including a copy of each annual report filed with the Division of Revenue.

(e) Misrepresentation of any information provided to the Board or failure to provide updated information as required under (d) above shall result in the suspension of the certificate of authorization and/or shall be deemed to be professional misconduct of the licensees found to be in responsible charge of the landscape architectural activities and decisions of the LLC or corporation.

New Rule, R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Former N.J.A.C. 13:27-8.11, "Continuing education hour requirements; waiver or modification of requirements", recodified to 13:27-8.14.

13:27-8.12 Biennial renewal of certificates of authorization

(a) All certificates of authorization issued by the Board shall be issued for a biennial period. An LLC or corporation seeking renewal of the certificate shall submit a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of the Treasury and the renewal fee as set forth in N.J.A.C. 13:27-8.21 prior to the expiration date of the certificate.

(b) The Board shall send a notice of renewal to each certificate holder at the address registered with the Board at least 60 days prior to the expiration of the certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the certificate holder for failure to renew.

(c) If a certificate holder does not renew the certificate prior to its expiration date, the certificate holder may renew the certificate within 30 days of its expiration by submitting a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of the Treasury, and the renewal fee and late fee as set forth in N.J.A.C. 13:27-8.21. During this 30-day period, the certificate shall be valid, and the certificate holder shall not be deemed to be engaged in unauthorized practice.

(d) A certificate of authorization that is not renewed within 30 days of its expiration shall be automatically suspended. An LLC or corporation, other than a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L. 1969, c. 232 (N.J.S.A. 14A:17-1 et seq.), that provides or advertises landscape architectural services while its certificate of authorization is suspended shall be in violation of N.J.S.A. 45:3A-16.

(e) A certificate of authorization that has been automatically suspended for non-renewal may be reinstated upon the LLC or corporation submitting a completed reinstatement application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of the Treasury, and the renewal fee and reinstatement fee as set forth in N.J.A.C. 13:27-8.21.

New Rule, R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Former N.J.A.C. 13:27-8.12, "Continuing education programs and courses", recodified to 13:27-8.15.

13:27-8.13 Contract requirement

(a) Any business corporation or LLC that offers or renders landscape architectural services but does not have an officer or employee licensed as a landscape architect in this State who is in responsible charge shall have a written contract

with a New Jersey licensed landscape architect, prior to the offering or rendering of any such service, and shall have obtained a certificate of authorization pursuant to N.J.S.A. 45:3A-16 and N.J.A.C. 13:27-8.11. Such written contract shall clearly indicate the licensee to be in responsible charge of the landscape architectural services.

(b) A licensed landscape architect rendering landscape architectural services for a business corporation or LLC that is required to obtain a certificate of authorization pursuant to N.J.S.A. 45:3A-16 and N.J.A.C. 13:27-8.11 shall not perform such services unless he or she is an officer or an employee of the corporation or LLC or has a written contract with the corporation or LLC prior to rendering professional services and is listed as being in responsible charge on the corporation's or LLC's certificate of authorization.

(c) A licensed landscape architect rendering landscape architectural services who is listed on a corporation's or LLC's certificate of authorization as being in responsible charge of the landscape architecture work, shall notify the Board in writing within 30 days of any change of status regarding the individual(s) in responsible charge of the corporation or LLC. It shall be the duty of the corporation or LLC and the licensed landscape architect(s) listed as being in responsible charge on the certificate of authorization to provide such notification.

(d) Any corporation or LLC that offers or renders landscape architecture services without a Certificate of Authorization or with a lapsed Certificate of Authorization shall be subject to civil penalties as authorized by N.J.S.A. 45:1-25. This subsection shall not apply to a professional service corporation established pursuant to the Professional Service Corporation Act, N.J.S.A. 14A:17-1 et seq.

Repealed by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Section was "Calculation of continuing education hours".

New Rule, R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Section was "Reserved".

13:27-8.14 Continuing education hour requirements; waiver or modification of requirements

(a) Except for a landscape architect who, on March 5, 2009, the effective date of P.L. 2008, c. 77, holds a valid certificate issued by the Board, pursuant to N.J.S.A. 45:3A-1 et seq., and who is considered a licensed landscape architect immediately upon that effective date, a licensee shall not be required to obtain continuing education hours during the first biennial renewal period in which the licensee first obtains licensure. For each succeeding biennial renewal period, the licensee shall complete a minimum of 24 hours of continuing education. An architect licensed to practice architecture and licensed to practice landscape architecture in New Jersey shall be required to complete 12 hours of continuing education in landscape architecture as set forth in N.J.S.A. 45:3A-15.

(b) A licensed landscape architect shall receive continuing education credit only for continuing education successfully completed during the biennial licensure period in which the continuing education was completed, and no continuing education hours may be carried over into a succeeding biennial period.

(c) The Board may, at its discretion, waive, extend or modify continuing education requirements on an individual basis for reasons of emergency or hardship, such as illness or disability that prevents attendance at or completion of continuing education, military service or other good cause as demonstrated by the licensee.

(d) Any licensee seeking a waiver, extension or modification of the continuing education requirements shall submit a request to the Board in writing specifying the reasons for the waiver, extension or modification. The licensee shall also provide the Board with such information as it may reasonably request in support of the request.

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Rewrote the section.

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

In rule heading, added "; waiver or modification of requirements" following "hour requirements"; in (a), substituted "certification" for "licensure" following "first obtains" and substituted "24" for "30" following "minimum of"; rewrote (b) and (c); added (d).

Recodified from N.J.A.C. 13:27-8.11 and amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Rewrote the section. Former N.J.A.C. 13:27-8.14, Compliance with continuing education requirements; audit, recodified to N.J.A.C. 13:27-8.16.

13:27-8.15 Continuing education programs and courses

(a) The licensee may obtain continuing education credit as follows:

1. Courses or programs approved by the Board pursuant to N.J.A.C. 13:27-8.17: one hour for each hour of attendance;
2. Seminar, courses, conferences and other programs offered for the purpose of keeping the certificate holder apprised of advancements and new developments in the profession. Suitable programs include, for example, any of the subjects tested in the Landscape Architect Registration Examination (LARE), such as professional practice, design (conceptual site design, planting design, comprehensive site design), communication or design implementation (grading construction details, layout): one hour for each hour of attendance;
3. Successful completion of graduate course work relevant to landscape architecture beyond that required for professional certification, at university-sponsored programs or university-level, subject to Board approval: a maximum of nine hours for each course; or

4. Courses, programs or seminars offered or approved by the New Jersey Department of Environmental Protection that are directly related to the practice of landscape architecture: one hour for each hour of attendance.

(b) The Board shall maintain a list of all approved programs and courses at the Board offices and shall furnish this information to licensees upon request.

(c) A licensee may obtain approval for attendance at a seminar, conference or other program that meets the Board's continuing education requirements. For approval prior to attendance at a seminar, conference or other program, the licensee shall submit to the Board a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours 60 days prior to enrollment. For approval subsequent to attending a seminar, conference or other program, the licensee shall submit to the Board a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours together with written verification of attendance.

Amended by R.2000 d.103, effective March 20, 2000.
See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Rewrote the section.

Amended by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Rewrote (a) and (c); in (b), substituted "and" for "or".

Recodified from N.J.A.C. 13:27-8.12 and amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Section was "Reserved". In the introductory paragraph of (a), substituted "licensee" for "certificate holder"; in (a)1, updated the N.J.A.C. reference; in (a)1, (a)3, (b) and (c), substituted "Board" for "Committee"; and in (c), substituted "Board's" for "Committee's" preceding "continuing", and "licensee" for "Certificate Holder" throughout.

13:27-8.16 Compliance with continuing education requirements; audit

(a) A licensee applying for license renewal as set forth in N.J.A.C. 13:27-8.7 shall confirm on the renewal application that he or she has completed the required continuing education during the preceding biennial period set forth in N.J.A.C. 13:27-8.14(a).

(b) Each licensee shall be subject to audit by the Board and shall submit documentation of completed continuing education courses and programs upon request. Failure to provide requested documentation or falsification of any information submitted to the Board may result in penalties, pursuant to N.J.S.A. 45:1-22 and 45:1-25, and/or suspension of license, pursuant to N.J.S.A. 45:1-21.

(c) Each licensee shall retain documentation for a period of five years:

1. For attendance at courses or programs approved by the Board, the verification of attendance as set forth in N.J.A.C. 13:27-8.17(b); and

2. For attendance at seminars, conferences and other programs for which the licensee received advanced ap-

proval, a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours. For attendance at seminars, conferences and other courses and programs for which the licensee received subsequent approval by the Board, written verification by the sponsor of attendance.

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Rewrote the section.

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

In rule heading, substituted "Compliance" for "Certification of compliance" and added "; audit" following "education requirements"; in (b), deleted "; after an opportunity to be heard" at the end of paragraph; rewrote (c).

Recodified from N.J.A.C. 13:27-8.14 and amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Substituted "licensee" for "certificate holder" throughout; in (a), substituted "license" for "certificate" and updated the last N.J.A.C. reference; in (b), substituted "Board" for "Committee" twice and "license" for "certification"; and in (c)1, updated the N.J.A.C. reference. Former N.J.A.C. 13:27-8.16, Responsibilities of continuing education sponsors, recodified to N.J.A.C. 13:27-8.17.

13:27-8.17 Responsibilities of continuing education providers

(a) At least 60 days prior to offering a course or program, a provider of continuing education for landscape architects shall submit the following for each course or program offered for evaluation by the Board:

1. A detailed description of course or program content and the number of hours of instruction; and
2. A summary of each lecturer's qualifications.

(b) The provider shall monitor the attendance at each approved course or program and furnish to each enrollee a verification of attendance, which shall include at least the following information:

1. The title, date and location of course or program offering;
2. The name and certificate number of the attendee;
3. The number of hours of the course or program and, if known, the number of continuing education hours approved by the Board; and
4. The name and signature of the person responsible for monitoring attendance.

(c) The provider shall solicit evaluations from both the participants and the instructors.

(d) A provider shall not exclude from the course or program any licensee who is not a member of the group or association but may impose a reasonable differential in course or program fees based upon membership within a group or association.

The following annotations apply to N.J.A.C. 13:27-8.17 prior to its repeal by R.2011 d.197:

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Rewrote (a).

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

In rule heading, substituted "endorsement" for "reciprocity"; in (a)1, substituted "the" for "that" following "authority in"; in (a)3, added "the" following "Proof that".

The following annotations apply to N.J.A.C. 13:27-8.17 subsequent to its recodification from N.J.A.C. 13:27-8.16 by R.2011 d.197:

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Rewrote (a) and (b); and added (d).

Recodified from N.J.A.C. 13:27-8.16 and amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Section was "Responsibilities of continuing education sponsors". In the introductory paragraph of (a) and (b) and in (c) and (d), substituted "provider" for "sponsor"; in the introductory paragraph of (a) and in (b)3, substituted "Board" for "Committee"; and in (d), substituted "licensee" for "certificate holder". Former N.J.A.C. 13:27-8.17, Continuing education credit by endorsement, repealed.

13:27-8.18 (Reserved)

Amended by R.2000 d.103, effective March 20, 2000.

See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

Substituted "certificate holder" for "registrant" in the first sentence, and rewrote the second sentence.

Amended by R.2005 d.303, effective September 6, 2005.

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Added "New Jersey State" preceding "Board of Architects".

Repealed by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Section was "Committee certificate for endorsement of continuing education hours".

13:27-8.19 Rules of professional conduct

(a) If, in the course of his or her work on a project, a licensed landscape architect becomes aware of a decision taken by his or her employer or client, against the licensed landscape architect's advice, which violates applicable Federal, State, county or municipal building laws and regulations and which would, in the licensed landscape architect's exercise of reasonable judgment, materially and adversely affect the health, safety and welfare of the public, the licensed landscape architect shall notify the employer or the client of such consequences and such other public authority as may be appropriate in the situation.

(b) A licensed landscape architect may accept an assignment or employment requiring education or experience outside of his or her field of competence, but only to the extent that the services are restricted to those phases of the project in which he or she may, without undue cost or hardship to the client, reasonably become qualified. All other phases of such project shall be performed by qualified associates, consultants or employees in conformance with the statutes and rules governing their respective professions.

(c) A licensed landscape architect shall not affix a personal signature or seal to any plan or document dealing with subject matter in which there is a lack of competence by virtue of

education or experience, nor to any such plan or document not prepared under his or her direct supervision and control.

(d) A licensed landscape architect shall be completely objective and truthful in all professional reports, statements or testimony and shall include all relevant and pertinent information.

(e) When issuing any statements, criticisms or arguments on matters connected with public policy that are inspired or paid for by an interested party, or parties, a licensed landscape architect shall preface such comments by explicit personal identification, by disclosing the identity of the party or parties on whose behalf he or she is speaking, and by revealing the existence of any pecuniary interest he or she may have in the instant matters.

(f) A licensed landscape architect shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to by, all interested parties.

(g) A licensed landscape architect shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products unless such consideration is disclosed to the client.

(h) A licensed landscape architect shall not solicit or accept gratuities or anything of value not related to work performed, directly or indirectly from contractors, their agents or other parties dealing with his or her client or employer in connection with work for which he or she is responsible.

(i) When in public service as a member, advisor or employee of a governmental body or department, a licensed landscape architect shall not participate in considerations or actions with respect to services provided by the individual or the individual's professional organization in private practice.

(j) A licensed landscape architect shall not solicit or accept a contract from a government body on which a principal or officer of his or her organization serves as a member.

(k) A licensed landscape architect shall not offer to pay, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure or retain work, exclusive of securing positions through employment agencies.

(l) A licensed landscape architect shall not falsify or permit misrepresentation of academic or professional qualifications. He or she shall not misrepresent or exaggerate degrees of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments with the intent and purpose of enhancing his or her qualifications and work.

(m) A licensed landscape architect shall not knowingly associate with or permit the use of a personal name or firm name in a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is otherwise engaging in unlawful activities.

(n) All advertisements and public representations of licensees, which make specific reference to service as a "landscape architect" shall list the name and license number of the licensed landscape architect. If the licensee conducts the practice under a corporation or trade name, the advertisement/public representation may list the business name under which the practice is conducted but shall also conspicuously disclose the name and license number of at least one of the principal practitioners.

1. Licensed landscape architects, whose advertisements/listings in a telephone or other consumer information directory do not comply with this requirement, shall immediately notify the directory publisher of the additional data which shall be published in the next available directory in which the licensed landscape architect intends to continue such advertisement/listing. The licensee, personally or through the business entity, shall retain a copy of the notification which shall be made available for inspection at Board request.

(o) If a licensed landscape architect has knowledge or reason to believe that another person or firm may be in violation of any of these provisions, he or she shall present such information to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

Amended by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Added "certified" preceding "landscape architect" throughout section; rewrote (n).

Amended by R.2011 d.197, effective August 1, 2011.
See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Substituted "licensed" for "certified" throughout; in (a), substituted "State" for "state"; in (b), deleted a comma following "consultants"; in (c), deleted "and/" preceding "or seal"; in (e), substituted "that" for "which"; in (h), deleted a comma following "agents"; in (l), deleted a comma following "ventures"; in the introductory paragraph of (n), substituted "licensees," for "certificate holders", "license" for "certificate" twice and "licensee" for "certificate holder", and deleted the last sentence; and in (n)1, substituted "licensee," for "certificate holder;"

13:27-8.20 (Reserved)

Recodified to N.J.A.C. 13:27-8.3 by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

Section was "Nomenclature for non-certified persons".

13:27-8.21 Fees

(a) The following fees shall be charged by the Board for landscape architect license matters. Unless otherwise provided herein, all fees are non-refundable.

| | | |
|----|---|--|
| 1. | Application Fee | \$ 125.00 |
| 2. | Initial fee (including seal press) | |
| | i. If paid during the first year of a biennial renewal period | 160.00 |
| | ii. If paid during the second year of a biennial renewal period | 80.00 |
| 3. | Biennial Renewal Fee—Active Status | 160.00 |
| 4. | Biennial Renewal Fee—Inactive Status | (To be determined by the Director by rule) |
| 5. | Late Fee | 50.00 |
| 6. | Reinstatement Fee | 100.00 |
| 7. | Replacement or duplicate license fee | 25.00 |
| 8. | Replacement seal press | 40.00 |
| 9. | Verification of license | 25.00 |

(b) Certificate of Authorization fees shall be as follows:

| | | |
|----|---|-----------|
| 1. | Application fee | \$ 100.00 |
| 2. | Initial licensure | |
| | i. If paid in the first year of a biennial renewal period | 500.00 |
| | ii. If paid in the second year of a biennial renewal period | 250.00 |
| 3. | Biennial renewal | 500.00 |
| 4. | Late fee | 50.00 |
| 5. | Reinstatement fee | 300.00 |

Amended by R.2005 d.303, effective September 6, 2005.
See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

Increased the examination fee in 2, increased biennial renewal fee in 4 and made it "active status", added 5, redesignated former 5 and 6 as 6 and 7, deleted former 7 relating to reciprocity fee, and added "Replacement or" in 8.

Amended by R.2011 d.197, effective August 1, 2011.
See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

In the introductory paragraph of (a), substituted "Board for landscape architect license" for "New Jersey State Board of Architects for Landscape Architect Certification"; deleted former (a)2; recodified (a)3 through (a)10 as (a)2 through (a)9; in the introductory paragraph of (a)2, substituted "fee" for "Certification Fee"; in (a)7, substituted "license" for "certificate"; in (a)9, substituted "license" for "Certification"; and added (b).

13:27-8.22 Notification of change of address; service of process

(a) Licensed landscape architects shall notify the Board in writing of any change from the address currently registered with the Board and shown on the most recently issued license. Such notice shall be sent to the Board by certified mail, return receipt requested, no later than 30 days following the change of address. Failure to notify the Board of any change of address may result in disciplinary action.

(b) Service of an administrative complaint or other Board-initiated action at a licensee's address on file with the Board shall be deemed adequate notice when service by certified or regular mail is acceptable and shall allow the commencement of any disciplinary proceedings.

Amended by R.2000 d.103, effective March 20, 2000.
See: 32 N.J.R. 10(a), 32 N.J.R. 1029(a).

In (b), substituted "certificate holder's" for "licensee's" following "action at a".

Amended by R.2005 d.303, effective September 6, 2005

See: 37 N.J.R. 869(a), 37 N.J.R. 3424(a).

In (a), substituted "Certified landscape" for "Landscape" preceding "architects" and deleted "in accordance with N.J.S.A. 45:1-21(h)" at the end of paragraph; rewrote (b).

Amended by R.2011 d.197, effective August 1, 2011.

See: 42 N.J.R. 2208(a), 43 N.J.R. 1882(a).

In (a), substituted "Licensed" for "Certified" and "license" for "certificate"; and in (b), substituted "licensee's" for "certificate holder's".

SUBCHAPTER 9. INTERIOR DESIGN EXAMINATION AND EVALUATION COMMITTEE; CERTIFICATION OF INTERIOR DESIGNERS; CERTIFIED INTERIOR DESIGNER STANDARDS OF PRACTICE

13:27-9.1 Purpose and scope

(a) The rules in this subchapter are intended to protect the health and safety of the public through certification of interior designers pursuant to N.J.S.A. 45:3-31 et seq.

(b) This subchapter prescribes standards for interior designer certification and for the renewal, suspension or revocation of that certification.

13:27-9.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

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

"Certified interior designer" means an individual who through education, training, and experience is skilled in interior design services for commercial and residential spaces and is certified by the Board and holds a current, valid certificate.

"Committee" means the Interior Design Examination and Evaluation Committee.

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

Petition for Rulemaking.

See: 39 N.J.R. 4454(a), 5132(b).

Petition for Rulemaking.

See: 40 N.J.R. 1712(a).

13:27-9.3 Office of the Committee

The office of the Committee shall be that which is maintained by the Board pursuant to N.J.A.C. 13:27-2.2, Admin-

istration, under the supervision of the person selected to serve as executive director.

13:27-9.4 Application for initial certification by examination

(a) An applicant for initial certification as a certified interior designer shall:

1. Submit a completed application provided by the Board;
2. Successfully complete the National Council on Interior Design Qualification (NCIDQ) examination which may have been passed at any time prior to application. An applicant may apply to the Committee prior to taking the examination;
3. Pay the initial certification fee as set forth in N.J.A.C. 13:27-9.17;
4. Demonstrate good moral character by furnishing three personal references, two from individuals who have known the applicant for at least five years and one from a State certified or licensed design professional, such as an interior designer, architect or professional engineer, who has first hand experience of the applicant's work. No individual providing a reference shall be related to the applicant. The applicant shall be responsible for ensuring that the Board receives these references; and
5. Provide proof of one of the following combinations of education and experience demonstrating that the applicant:
 - i. Is a graduate of a five-year interior design program accredited by the Council for Interior Design Accreditation (CIDA) or a substantially equivalent program approved by the Committee pursuant to (e) below and has completed at least one year of diversified interior design services experience;
 - ii. Is a graduate of a four-year interior design program accredited by CIDA or a substantially equivalent program approved by the Committee pursuant to (e) below and has completed at least two years of diversified interior design services experience;
 - iii. Has completed at least three years of an interior design program accredited by CIDA or a substantially equivalent program approved by the Committee pursuant to (e) below which shall be demonstrated by the successful completion of at least 90 semester credits or their equivalent of which at least 60 semester credits or their equivalent shall be in interior design related course work and has completed at least three years of diversified interior design services experience; or
 - iv. Is a graduate of a two-year interior design program accredited by CIDA or a substantially equivalent program approved by the Committee pursuant to (e) below and has completed four years of diversified interior design services experience.

(b) If the applicant applies to the Committee prior to taking the examination and meets all the other requirements for certification under this section, the Board shall submit the applicant's name to take the NCIDQ examination.

(c) For the purposes of this section, the Committee shall only consider experience that the applicant achieved after the successful completion of at least 40 semester credits or their equivalent in interior design related course work in the applicant's respective educational program.

(d) For the purposes of this section, any educational program accredited by CIDA shall be deemed an approved program.

(e) An applicant for certification as an interior designer who is a graduate of a school or program not accredited by CIDA shall provide to the Committee an official transcript of his or her courses, a true and accurate course description for each of the interior design courses for which the candidate is seeking credit toward certification and/or other such documentation that is requested by the Committee. The Committee, in its consideration of the academic program, shall compare the degree to the standards promulgated by CIDA. Thereafter, the Committee may require the candidate to appear before the Committee for a personal interview and to present representative samples of his or her interior design work.

(f) On receipt of the completed application form, fee and all required documentation, the Board shall refer the application to the Committee for evaluation and approval.

(g) The Committee shall refer to the Board for approval or denial, as it may be appropriate, all applications with the Committee's recommendations after the Committee has completed its evaluation of the application.

(h) The Committee shall keep a record of its proceedings and a record of all applicants for certification, showing for each the date of application, name, age, education, and other qualifications, place of practice and place of residence, and whether the applicant was rejected or a certificate granted, and the date of that action.

Petition for Rulemaking.
See: 39 N.J.R. 4454(a), 5132(b).
Petition for Rulemaking.
See: 40 N.J.R. 1712(a).

**13:27-9.5 Certification without written examination
(grandfathering)**

(a) Upon submission of a completed application provided by the Board for certification as a certified interior designer and payment of the application fee set forth in N.J.A.C.