

DECEMBER 12, 1949.

N. J. STATE BOARD OF ARCHITECTS,
1060 Broad Street,
Newark, New Jersey.

FORMAL OPINION—1949. No. 113.

GENTLEMEN:

I acknowledge receipt of your request for an opinion respecting the effect of Chapters 293 and 294 of the Laws of 1948.

Chapter 293 of the Laws of 1948 amends R. S. 52:32-3 to read as follows:

"52:32-3. No department in the State created for the purpose of filing plans and specifications for buildings under the several laws shall receive or file any plans or specifications unless the same bear the seal of a licensed professional engineer or a licensed architect of the State, or in lieu thereof an affidavit sworn to by the person who drew or prepared the same."

Chapter 294 of the Laws of 1948 amends R. S. 40:55-2 to read as follows:

"40:55-2. No department in a municipality, created for the purpose of filing plans and specifications for buildings, shall receive or file any plans or specifications unless they bear the seal of a licensed professional engineer or a licensed architect of the State of New Jersey, or in lieu thereof an affidavit sworn to by the person who drew or prepared them."

The amendments in both cases consist in the addition of the words, "a licensed professional engineer or."

R. S. 45:3-10 reads in part as follows:

"Any person who shall pursue the practice of architecture in this State, or shall engage in this State in the business of preparing plans, specifications, and preliminary data for the erection or alteration of any building, except buildings designed by licensed professional engineers incidental or supplemental to engineering projects, or use the title architect or registered architect, or shall advertise or use any title, sign, card or device to indicate that such person is an architect, without a certificate thereof or while his certificate is suspended, in accordance with the provisions of this chapter, or any person aiding or assisting such person not having a certificate to practice architecture or while his certificate to practice architecture is suspended, shall be liable to a penalty of not less than fifty dollars (\$50.00), nor more than two hundred dollars (\$200.00) for the first offense, and a penalty of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for a second or each subsequent offense, which penalty shall be sued for, and recovered by and in the name of the board."

There is nothing in Chapters 293 and 294 of the Laws of 1948 to indicate a repeal in whole or in part of R. S. 45:3-10. Consequently, the statutes must be read together. The provisions of R. S. 45:3-10 continue to prohibit licensed professional engineers from engaging in the business of preparing plans, specifications and preliminary data for the erection or alteration of any building except buildings designed

by such engineer incidental or supplemental to engineering projects, unless such engineers hold certificates issued by the State Board of Architects authorizing them to engage in the practice of architecture.

Chapters 293 and 294 of the Laws of 1948 deal solely with the receipt or filing by State departments or by municipal departments respectively, created for the purpose of filing plans and specifications for buildings. These laws do not broaden the scope of professional activities which may be performed by licensed professional engineers and the sole purpose of the two laws is to substitute a seal of a licensed professional engineer on plans and specifications for buildings designed by such engineer incidental or supplemental to engineering projects for the affidavit now required of a professional engineer.

The amendments merely provide a means by which licensed professional engineers may authenticate plans, specifications and preliminary data prepared in accordance with R. S. 45:3-10 in addition to the affidavit provided for therein.

Very truly yours,

THEODORE D. PARSONS,
Attorney General.

By: HENRY F. SCHENK,
Deputy Attorney General.

DECEMBER 14, 1949.

HONORABLE SANFORD BATES, *Commissioner,*
Department of Institutions and Agencies,
State Office Building,
Trenton, New Jersey.

FORMAL OPINION—1949. No. 114.

MY DEAR COMMISSIONER BATES:

You have indicated that on occasion prisoners serving sentences in the several penal and correctional institutions are taken out to the several county courts and a new and additional sentence imposed upon them for a crime other than that for which they are presently confined.

You desire to be advised, in the absence of a specific direction in the order of commitment, when such recently imposed sentence commences to run, whether concurrently with the sentence then being served or consecutively at the expiration of the present sentence.

It is our opinion and we so advise you that, in the absence of a specific direction in the order of commitment, the sentence shall commence to run at the time of imposition thereof upon the prisoner, as further explained hereinbelow.

While we are unable to find a specific case which has been adjudicated in this State, nevertheless the general rule in other jurisdictions supports the foregoing view.

The proposition is aptly stated in 16 C. J. 1374, as follows:

"In the absence of a statute to the contrary, if it is not stated in either of two or more sentences imposed at the same time that the imprisonment under any one of them shall take effect at the expiration of the others, the periods of time