

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XVI	PUBLIC HEALTH
Chapter 112	REGISTRATION OF CERTAIN PROFESSIONS AND OCCUPATIONS
Section 60L	SERVICES IN PRACTICE OF ARCHITECTURE; PLANS AND SPECIFICATIONS; REGISTERED PROFESSIONAL ENGINEER; EMPLOYEES; LANDSCAPE ARCHITECTS; PARTNERSHIP OR CORPORATION; NON-RESIDENT ARCHITECTS

Section 60L. Nothing in sections sixty A to sixty M, inclusive, shall be construed to prevent

1. The preparation of plans and specifications for and the supervision of the construction, enlargement or alteration of
 - (a) Any building containing less than thirty-five thousand cubic feet of enclosed space, the computation to be made according to rules to be established by the board;
 - (b) Any single or two-family house or any accessory building thereto;
 - (c) Any building used for farm purposes;
2. The preparation of plans and specifications for and the supervision of the alteration of any building not involving substantial and major structural change;
3. The preparation of any detailed or shop plans required to be furnished by a contractor, or the administration of construction contracts by persons customarily engaged in contracting work;
4. The employees of a registered architect or persons acting under his direction from carrying out their normal duties in the preparation of plans and specifications or in the administration of construction contracts;
5. A registered professional engineer as defined in section eighty-one D of this

chapter from performing, agreeing to perform, or holding himself out as able to perform such services included in the practice of architecture as may be incidental to his engineering work;

6. Officers and employees of the United States of America, while working in the commonwealth, from engaging in the practice of architecture as employees of said United States of America, and officers and employees of the commonwealth or any subdivision thereof from engaging in the practice of architecture as employees of the commonwealth or any subdivision thereof;

7. The practice of landscape architects, city planners and regional planners insofar as their work consists in consultations and preparation of master plans of parks, land areas, sites, organized groups of buildings, or communities, or the preparation of detailed plans and the supervision of planting, grading, paving, and such structural features as fences, steps, walls, pools, garden structures, and minor utilities normally included as a part of their work;

8. A partnership or corporation from entering into agreements to perform or holding itself out as able to perform any of the services involved in the practice of architecture; provided, that any agreement to perform such services shall be executed on behalf of the partnership or corporation by the partner or partners or by the officer or officers who shall be the registered architect or registered architects exercising professional and supervisory control over the particular services contracted for by the partnership or corporation, and provided, further, that any partnership or corporation holding itself out as of January first, nineteen hundred and fifty-seven, as able to perform any of the services involved in the practice of architecture and having a place of business in the commonwealth as of that date, and of which a majority of the partners of such partnership or officers of such corporation are registered architects or registered engineers and of which at least one of such partners or officers is a registered architect, may, until January first, nineteen hundred and seventy-seven, execute any such agreement by any duly authorized partner of such partnership or by any duly authorized officer of such corporation whether such duly authorized partner or officer is, or is not a registered architect or a registered engineer, provided that a registered architect who is such a partner or such an officer shall exercise professional and supervisory control over the particular

services contracted for by the partnership or corporation.

9. A non-resident who holds a certificate of registration to practice architecture in the state in which he resides and in addition holds a certificate of qualification issued by the National Council of Architectural Registration Boards from agreeing to perform or holding himself out as able to perform any of the professional services involved in the practice of architecture; provided, that he shall not perform any of the professional services involved in the practice of architecture until registered as hereinbefore provided.

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Section 81D	DEFINITIONS APPLICABLE TO SECS. 81D TO 81T

Section 81D. The following words and phrases as used in sections eighty-one D to eighty-one T, inclusive, hereinafter referred to as said sections, shall, unless the context otherwise requires, have the following meanings:—

"Board", the board of registration of professional engineers and of land surveyors, established by section forty-five of chapter thirteen.

"Professional engineer", a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design acquired by professional education and practical experience, is qualified to practice engineering, as attested by his registration as a professional engineer; provided, however, that registration as a professional engineer shall not qualify a person to practice as an engineer licensed under chapter one hundred and forty-six.

"Practice of engineering", any professional service or creative work requiring engineering education, training and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, but it shall not include the practice of architecture, as defined in section sixty A,

except that a registered professional engineer may do such architectural work as is incidental to his work, nor shall it include the practice of land surveying, except that a registered professional engineer qualified in the branch of civil engineering may perform land surveying incidental to his engineering work for locating or relocating any of the fixed works embraced within the practice of civil engineering excluding property line determination.

A person shall be construed to practice or to offer to practice engineering who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer; or who holds himself out as able to perform, or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by persons who operate, maintain or install machinery or equipment.

"Professional land surveyor", a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence and all requisite to the surveying of real property and engaged in the practice of land surveying.

"Practice of land surveying", any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and manmade features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries, for locating or relocating any of the fixed works embraced within the practice of civil engineering, and for the platting, and layout of lands and subdivisions thereof, including the topography, alignment and grades of streets, and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.

A person shall be construed to practice or to offer to practice land surveying who engages in land surveying, or who by verbal claim, sign, letterhead, card or in any other way represents himself to be a land surveyor, or through the use of some other title implies that he is a land surveyor, or who represents himself as able to perform, or who does perform any land surveying service or work, or any other service designated by the practitioner which is recognized as land surveying.

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Section 81R	LIMITATION OF APPLICATION OF SECTIONS TO OTHER PRACTICES, SERVICES OR ACTIVITIES

Section 81R. Nothing in said sections shall be construed to prevent or to affect:—

(a) the practice of any other legally recognized profession including the practice of architecture as defined in this chapter and the practice of any trade, including, in connection with the practice of the electrical, plumbing, heating, ventilating, air conditioning, refrigeration and all other trades, the preparation of plans, specifications or shop drawings by any person, firm, partnership, corporation or association practicing any such trade, for work to be installed or being installed by the same person, firm, partnership, corporation or association preparing such plans, specifications or shop drawings;

(b) a person not a resident of and having no established place of business in the commonwealth from practicing or offering to practice therein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year; provided, such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in said sections;

(c) a person not a resident of and having no established place of business in the commonwealth or who has recently become a resident thereof, from practicing or offering to practice engineering or land surveying therein for more than thirty days in any calendar year, if he shall have filed with the board an application for a

certificate of registration and shall have paid the fee required by said sections; provided, that such person is legally qualified by registration to practice engineering or land surveying in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in said sections. Such practice shall continue only for such time as the board requires for the consideration of the application for registration;

(d) the work of an employee or a subordinate of a person holding a certificate of registration under said sections, an employee of a person practicing lawfully under clause (b) or (c) of this section, or an employee of a firm, co-partnership, corporation or joint stock association engaging lawfully under clause (f) of this section; provided, such work does not include final designs or decisions and is done under the direct responsibility, checking and supervision of a person holding a certificate of registration under said sections or a person practicing lawfully under clause (b) or (c) of this section;

(e) the practice of officers and employees of the government of the United States while engaged within the commonwealth in the practice of engineering or land surveying for said government;

(f) the practice of engineering or land surveying in the commonwealth by a firm, co-partnership, corporation or joint stock association; provided, that the person in charge of such practice by such firm, co-partnership, corporation or joint stock association is a professional engineer or land surveyor, holding a certificate of registration under said sections;

(g) the performance of engineering work or services by employees of a corporation engaged in manufacturing, research or development operations, which work or services are performed in connection with the research or development activities of, or the manufacture, sale, installation, maintenance, repair or service of the products of, such corporation, or of its parents, affiliates or subsidiaries; provided, that such research or development activities which are not related to the manufacture, sale, installation, maintenance, repair or service of the products of such corporation, or of its parents, affiliates or subsidiaries, are not primarily in connection with the construction of fixed works which are to be made available for use by the general

public;

(h) the practice of landscape architects, city planners and regional planners, in so far as their work consists in the consultations and preparation of master plans of parks, land areas, sites, organized groups of buildings or communities, or the preparation of detailed plans and the supervision of planting, grading, paving, and such structural features as fences, steps, walls, minor pools, garden structures and minor utilities normally included as part of their work;

(i) sales personnel from recommending applications to specific uses of products for which they act as sales representatives;

(j) the performance of engineering work or services by any person employed by an insurance company or by its agents, its affiliates or subsidiaries, or the performance of engineering work or services for insurance inspection and actuarial bureaus, provided such work or services in either case are incidental to the operation of an insurance company;

(k) the work of an owner or managing agent of a building or any employee of such owner or agent making alterations or repairs to such building or supervising the same, or of a person engaged by such owner or agent to perform work of any other legally recognized trade exempted under clause (a) of this section;

(l) the performance of engineering work and services by a person, firm or corporation subject to the jurisdiction of the department of public utilities or the department of telecommunications and cable which work and services are performed as part of their employment and for the benefit of such person, firm, or corporation; provided, however, that this subsection shall not apply to engineering work or services that could pose a material risk to public safety, as determined by the department of public utilities, performed by or on behalf of a gas company, as defined in section 1 of chapter 164, that distributes and sells gas within the commonwealth; or

(m) the performance of engineering work and services by employees of the Massachusetts Bay Transportation Authority which work and services are performed as part of their employment and for the benefit of the said authority.

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Section 98	DEFINITIONS APPLICABLE TO SECS. 98 TO 107

Section 98. The following words as used in this section and sections ninety-nine to one hundred and seven, inclusive, unless the context otherwise requires, shall have the following meanings:—

"Landscape architect", a person who holds a certificate entitling him to be called by the title "landscape architect" in the commonwealth under the authority of section ninety-nine.

"Landscape architecture", the performance of professional services, such as consultations, investigation, reconnaissance, research, planning, design, or responsible supervision, in connection with the development of land and incidental water areas where and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, naturalistic and esthetic values, the settings and approaches to buildings, structures, facilities or other improvements, and natural drainage and the consideration, determination and solution of inherent problems of the land relating to erosion, wear and tear, blight or other hazards. The practice of landscape architecture shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined herein, but shall not include the practice of architecture, the practice of engineering or the practice of land surveying, as defined in this chapter, or the making of final land plots for official recording or approval. A registered landscape architect may, however, do such architectural, engineering and surveying work as is incidental to his work.

"Board", the board of registration of landscape architects established by section sixty-seven of chapter thirteen.