

NEW JERSEY STATUTES ANNOTATED
TITLE 45. CHAPTER 8
ENGINEERS, PROFESSIONAL,
AND LAND SURVEYORS

Subtitle 1. Professions and Occupations Regulated by state boards
of registration and examination

45:8-1 to 45:8-26. Repealed by L.1938, c. 342, § 23 [§ 45:8-49]

45:8-27. License required; display of license; exceptions; corporations, firms,
partnerships and associations

In order to safeguard life, health and property, and promote the public welfare, any person practicing or offering to practice professional engineering or professional land surveying in this State shall hereafter be required to submit evidence that he is qualified so to practice and shall be licensed as hereinafter provided. After the date upon which this chapter becomes effective, it shall be unlawful for any person to practice or to offer to practice engineering or land surveying in this State, or to use the title professional engineer or land surveyor or any other title, sign, card or device in such manner as to tend to convey the impression that such person is practicing engineering or land surveying or is a professional engineer or land surveyor, unless such person is duly licensed under the provisions of this chapter. Every holder of a license shall display it in a conspicuous place in his principal office, place of business or employment.

No corporation, firm, partnership or association shall be granted a license under this chapter; however, certain corporations shall be required to obtain a certificate of authorization as provided pursuant to P.L.1989, c. 276 (C.). No corporation, firm, partnership or association shall use or assume a name involving the word "engineers" or "engineering" or any modification or derivative of such terms, unless an executive officer, if a corporation, or a member, if a firm, partnership or association, shall be a licensed professional engineer of the State of New Jersey.

No corporation, firm, partnership or association shall use or assume a name involving the words "surveyors," "land surveyors," "surveying," or "land surveying," or any modification or derivative of such terms, unless an executive officer, if a corporation, or a member, if a firm, partnership, or association, shall be a licensed land surveyor of the State of New Jersey.

No corporation, firm, partnership or association shall practice or offer to practice engineering or land surveying in this State unless the person or persons in responsible charge of engineering or land surveying work shall be so licensed to practice in this State. The person or persons carrying on the actual practice of professional engineering or land surveying on behalf of or designated as "engineers" or "surveyors" or "professional engineers" or "land surveyors," with or without qualifying or characterizing words, by any such corporations, firms, partnerships or associations, shall be licensed to practice

professional engineering or land surveying as provided in this chapter.

Services constituting the practice of professional engineering shall not be rendered or offered through any business association other than a sole proprietorship of a professional engineer, a partnership of professional engineers, a partnership of closely allied professionals including at least one professional engineer, a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L.1969, c. 232 (C. 14A:17-1 et seq.) or a corporation authorized pursuant to P.L.1989, c. 276 (C.).

Services constituting the practice of land surveying shall not be rendered or offered through any business association other than a sole proprietorship of a land surveyor, a partnership of land surveyors, a partnership of closely allied professionals including at least one land surveyor, a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L.1969, c. 232 (C. 14A:17-1 et seq.) or a corporation authorized pursuant to P.L.1989, c. 276 (C. 45:8-56 et al.).

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

45:8-28. Definitions

(a) The term "professional engineer" within the meaning and intent of this chapter shall mean 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 hereinafter defined as attested by his license as a professional engineer.

(b) The terms "practice of engineering" or "professional engineering" within the meaning and intent of this chapter shall mean any service or creative work the adequate performance of which requires engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, engineering studies, and the administration of construction for the purpose of determining compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any engineering project including: utilities, structures, buildings, machines, equipment, processes, work systems, projects, telecommunications, or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services. The design of buildings by professional engineers shall be consistent with section 7 of the "Building Design Services Act." P.L.1989, c. 277 (C. 45:4B-7).

The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment. The provisions of this chapter shall not be construed to prevent or affect the employment of architects in connection with engineering projects within the scope of the act to regulate the practice of architecture and all the amendments and supplements thereto.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, 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 utilizing or including the word engineer, implies that he is a professional engineer; or who represents himself as able to perform, or who does perform any engineering service or work or any other professional service recognized by the board as professional engineering.

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

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

(d) The term "land surveyor" as used in this chapter shall mean a person who is a professional specialist in the technique of measuring land, educated in the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law, all requisite to the practice of land surveying as attested by his license as a land surveyor.

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

that are developed from the above referenced definition of the practice of land surveying.

For purposes of this subsection, "land information systems" means any computer coded spatial database designed for multi-purpose public use developed from or based on property boundaries.

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

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

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

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

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

(2) The failure to personally inspect or review the work of subordinates where necessary and appropriate;

(3) The rendering of a limited, cursory or perfunctory review of plans or projects in lieu of an appropriate detailed review;

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

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

(i) The term "joint committee" shall mean the Joint Committee of Architects and

Engineers established pursuant to the "Building Design Services Act," P.L.1989, c. 277 (C. 45:4B-1 et seq.).

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

(k) The term "telecommunications" as used in this chapter, shall mean, as it is applied to the practice of engineering, subjects which deal with the generation, transmission, receiving, and processing of information bearing signals for the purpose of fulfilling a particular communication need. The most common forms of signals are those encountered in voice, image and data transmission. Subjects relevant to telecommunications include but are not limited to: analog and digital circuits, propagation of electromagnetic energy through guided media such as a transmission line, fibers, wave guides, and unguided media such as free space as in broadcast and mobile communication systems, communication theory, including modulation, noise interference, and the interface with computers.

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

45:8-29. Examining board; appointment; term; member succeeding himself; vacancies; secretary-director; additional positions

To carry out the provisions of this chapter, there is hereby created an examining board for the licensing of professional engineers and land surveyors, and the certification of engineers-in-training, which board shall consist of ten members, two of whom shall be public members and one of whom shall be a State executive department member appointed pursuant to the provisions of P.L.1971, c. 60 (C. 45:1-2.1 et seq.). Each of the remaining seven members shall be appointed by the Governor of the State of New Jersey, with the advice and consent of the Senate, within sixty days after the passage of this chapter, or as soon as practicable thereafter. The members of said board shall be appointed to serve for a term of five years, one of which shall expire each calendar year. The two members added by this 1985 amendatory act shall be appointed as soon as practicable by the Governor, with the advice and consent of the Senate, one for a term to end April 30 of the third year after appointment and one for a term to end April 30 of the fourth year after appointment. Thereafter, each member shall hold office after the expiration of his term until his successor shall be duly appointed and qualified. A member of the board shall not be eligible to succeed himself more than once, except that the present members of the board shall be eligible to succeed themselves once hereafter. The terms of office of the members of said board shall commence on the first day of May. Vacancies in the membership of the board, however created, shall be filled by

appointment of the Governor, with the advice and consent of the Senate, for any unexpired term, and for each five- year term. Notwithstanding anything herein contained, the present members of the State board shall continue in office as members of said board until their present respective terms expire, except as provided elsewhere herein for removal.

To supervise all necessary administrative work of the board, there is hereby created the position of secretary-director to the board. The board shall appoint such a secretary-director, to serve for a term of five years, at a salary determined by the board. Duties of the secretary-director of the board shall be those defined by the board. The secretary-director of the board shall not be a member of the board.

The board may provide for the creation of additional positions, as deemed necessary to make effective the provisions of this act.

The board shall arrange through lease or otherwise to maintain suitable offices within the State of New Jersey for the conduct of the business of the board.

45:8-30. Name of board; qualifications of members; removal; compensation; expenses

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

All persons appointed to the said board shall be citizens of the United States and residents of the State of New Jersey. Appointees, other than the two public members and the State executive department member appointed pursuant to the provisions of P.L.1971, c. 60 (C. 45:1-2.1 et seq.) and the two appointees added pursuant to this 1985 amendatory act, shall have been licensed as professional engineers in New Jersey for a period of at least five years, at least one member of whom shall also be a licensed land surveyor and the two appointees added pursuant to this 1985 amendatory act and their successors shall have been licensed as professional land surveyors in this State for a period of at least five years.

The Governor may remove any member of the board after hearing, for misconduct, incompetency, neglect of duty or for any other sufficient cause.

Each member of the board shall receive \$50.00 for each day of actual service in attending meetings of the board at which business is transacted, and not to exceed \$1,000.00 a year for each member and, in addition, shall be reimbursed for all necessary expenses, incidental to their duties as members of said board, incurred in carrying out the provisions of this chapter.

45:8-31. Oath of members; filing; duty of Attorney General; powers of board; compelling compliance with subpoena

Each member of the examining board before entering upon the duties of his office, shall

subscribe to an official oath of office as provided by section 41:1-3 of the Title, Oaths and Affidavits, of the Revised Statutes, which oath shall be filed in the office of the Secretary of State.

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

The board shall adopt and have an official seal.

In carrying into effect the provisions of this chapter, the board may, under the hand of its president and the seal of the board, subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, et cetera, in a case involving the revocation of license or practicing or offering to practice without license. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers or documents, the board may apply ex parte to the Superior Court to compel the person to comply forthwith with the subpoena.

45:8-32. Organization of board; bond; quorum

Said examining board shall at its annual meeting to be held in May organize by electing a president and vice-president, who shall be members of the board.

The secretary-director shall furnish bond for the faithful performance of his duties in such sum as required by law. Premium for said bond shall be regarded as a proper and necessary expense of the board.

Said board shall meet at least every two months and special meetings may be held at such times as called by the president.

A majority of the voting members of the board shall constitute a quorum and no action of the board shall be taken except upon the affirmative vote of a majority of the members of the entire board.

45:8-33. Itemized account to be kept; report; filing; forwarding to Attorney-General

An itemized account of all receipts and expenditures of the board shall be kept by the said secretary-director and a detailed report thereof, verified by the affidavit of said secretary-director, shall be filed with the Director of Division of Budget and Accounting, Department of the Treasury, within twenty days after the close of the fiscal year. A copy of this report shall be forwarded also to the office of the Attorney-General, as head of the Department of Law and Public Safety.

45:8-34. Records; proceedings of examining board; applicants for licenses; evidence

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

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

45:8-35. Applications for license; contents; fees; qualifications; evidence of qualifications; examination

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

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

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

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

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

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

or training.

All application fees shall be retained by the board.

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

(1) As a professional engineer:

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

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

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

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

e. A certificate of registration, issued by any state or territory or possession of the United States, or of any country, may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer; provided that the minimum requirements for examination and license by the issuing agency in effect at the time of application to the issuing agency, which the applicant satisfied in order to qualify for examination by that issuing agency, are at least comparable to those same minimum requirements of the board which were in effect in this State at that time; and provided that the applicant has not failed any portion of a nationally administered, two-day examination, required by the board, that was taken in order to receive licensure by the issuing agency.

(2) As a land surveyor:

a.(i) Until December 31, 1990, successful completion of a board approved program in surveying in a school or college approved by the board as of satisfactory standing; an additional four years or more of experience in land surveying work of a character

satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; and successfully passing a written examination; or

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

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

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

d. A certificate of registration, issued by any state or territory or possession of the United States, or of any country, may, in the discretion of the board, be accepted as minimum evidence satisfactory to the board that the applicant is qualified for registration as a land surveyor; provided that the minimum requirements for examination and license by the issuing agency in effect at the time of application to the issuing agency, which the applicant satisfied in order to qualify for examination by that issuing agency, are at least comparable to those same minimum requirements of the board which were in effect in this State at that time; and provided that the issuing agency attests to the licensing criteria at the time of the applicant's original licensure in that jurisdiction, and the applicant receives a passing grade on the New Jersey specific portion of the current land surveying examination and any portions of a nationally administered two-day examination required by the board not already passed by the applicant.

(3) As an engineer-in-training:

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

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

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

Qualifications for professional engineers.

An applicant for license as a professional engineer shall be able to speak and write the English language. All applicants shall be of good character and reputation.

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

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

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

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

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

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

The scope of the examination for professional engineering and methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering projects and works so as to insure the safety of life, health and property. An examination shall be given for the purpose of determining the qualifications of applicants for license in professional engineering. A candidate failing an examination may apply for reexamination to the extent permitted by regulations of the board. Subsequent examinations will require the payment of fees set by the board. The board shall schedule at least two examinations per year, with dates and places to be determined by the board.

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

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

Part P--Specialized Training--This examination is intended to assess the extent of the

applicant's more advanced and specialized professional training and experience especially in his chosen field of engineering.

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

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

Qualifications for land surveyors.

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

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

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

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

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

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

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

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

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

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

45:8-35.1. Licensed architects may be licensed as professional engineers; examination

Any architect who is duly licensed to practice architecture in this State, provided he has a college degree in a program or curriculum of four years or more, shall be entitled to be licensed to engage in the practice of professional engineering upon application therefor to the State Board of Professional Engineers and Land Surveyors, and upon satisfactorily passing that part of an examination limited solely to specialized training of engineers, and which is now designated as part P thereof. Such applicant shall be examined, according to the limitation herein provided, at a regularly conducted examination for applicants for license as professional engineer.

45:8-35.2. Licensed land surveyors; continuing professional competency credits required for certification

The State Board of Professional Engineers and Land Surveyors shall require each person licensed as a land surveyor, as a condition for biennial certification pursuant to P.L.1938, c. 342 (C. 45:8-27 et seq.) and P.L. 1972, c. 108 (C. 45:1-7), to complete not more than 24 credits of continuing professional competency relating to the practice of land surveying, as provided in section 2 of this act, [FN1] during each biennial registration period.

45:8-35.3. Duties of board

(a) The board shall:

(1) Establish standards for continuing professional competency in land surveying, including the subject matter and content of courses of study, which shall be in conformity with a national model, such as that of the National Council of Examiners for Engineering and Surveying;

(2) Approve educational programs offering credit towards the continuing professional competency in land surveying requirements; and

(3) Approve other equivalent educational programs, including, but not limited to, meetings of constituents and components of land surveying associations and other appropriate professional and technical associations recognized by the board, examinations, papers, publications, technical presentations, teaching and research appointments and technical exhibits, and shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.

(b) In the case of education courses and programs, each hour of instruction shall be equivalent to one credit.

45:8-35.4. Monitoring and evaluation procedures to be established by board

The board shall:

a. Establish procedures for monitoring compliance with the land surveying continuing professional competency requirements; and

a. Establish procedures to evaluate and grant approval to providers of continuing professional competency in land surveying.

45:8-35.5. Waiver of continuing professional competency requirements

The board may, in its discretion, waive requirements for continuing professional competency in land surveying on an individual basis for reasons of hardship such as illness or disability, service in the armed forces of the United States of America, retirement of the license, or other good cause.

45:8-35.6. Initial registration; completion of continuing professional competency credits not required

The board shall not require completion of land surveying continuing professional competency credits for initial registration.

45:8-35.7. Acceptance of completion of credits on a pro rata basis

a. The board shall not require completion of land surveying continuing professional competency credits for any certification periods commencing within 12 months of the effective date of this act.

b. The board shall require completion of land surveying continuing professional competency credits on a pro rata basis for any certification periods commencing more than 12 but less than 24 months following the effective date of this act.

45:8-35.8. Proof of completion of credits

The board shall accept as proof of completion of continuing professional competency

program credits documentation submitted by a person licensed as a land surveyor or by any entity offering a continuing professional competency program approved by the board pursuant to section 2 of this act. [FN1]

45:8-35.9. Failure to complete continuing professional competency requirements; penalties

Any person who fails to complete the continuing professional competency requirements established pursuant to section 1 of this act [FN1] shall be liable to a civil penalty of not more than \$500 or additional hours of continuing professional competency in land surveying, or both, as imposed by the board, for a first offense. A second or subsequent offense by a licensee shall be considered professional misconduct pursuant to the provisions of P.L.1938, c. 342 (C. 45:8-27 et seq.) and P.L.1978, c. 73 (C. 45:1-14 et seq.).

45:8-35.10. Carry over of credits

The board shall allow a land surveyor to carry over a maximum of eight continuing professional competency credits to the next biennial certification period.

45:8-36. License certificate; issuance; content; seal; sealing of documents; prior licensees; record of licenses; Engineer-in-Training or Surveyor-in-Training

Certificates. The board shall issue a license certificate upon payment of the application fee as provided in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter, and who has paid the license fee to cover licensure for the year or fraction thereof in which such license is issued. In the case of a licensed professional engineer the certificate shall authorize the practice of the applicant as a "professional engineer" and in the case of a licensed land surveyor as a "land surveyor," or as "professional engineer and land surveyor" when the applicant qualifies in both classifications. Certificates of license shall show the full name of the licensee, shall have a license number and shall be signed by the president and the secretary-director of the board under the seal of the board. The issuance of a license certificate by this board shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed professional engineer or a licensed land surveyor, or as both as the case may be, while said certificate remains unrevoked, unexpired, or is not on a retired status list.

Each professional engineer or land surveyor shall upon receipt of license certificate, obtain a seal of a design authorized by the board, bearing his name, license number and the legend "Licensed Professional Engineer," "Licensed Land Surveyor," or "Licensed Professional Engineer and Land Surveyor," as the case may be. Plans, specifications, plats, and reports issued by persons authorized under this chapter shall be sealed with said seal, during the life of the licensee's certificate, but it shall be unlawful for anyone to stamp or seal any documents with said seal after the certificate of the licensee named thereon has expired, has been revoked, or is on a retired status list, unless said certificate

shall have been renewed , reissued or reinstated from retirement status as provided pursuant to section 3 of P.L.1995, c. 36 (C. 45:8-36.2). The exact method of fulfilling the requirement as to the sealing of documents shall be regulated by the board.

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

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

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

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

45:8-36.1. Professional land surveyor

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

45:8-36.2. Retired license status for professional engineers and land surveyors; qualifications; reinstatement of licensure

A licensed professional engineer or land surveyor who has been licensed for a minimum of 25 years and is 62 years of age or older may apply to the board for retirement license status on a form furnished by the board. Upon receipt of the completed retired status application form and the board's determination that the licensee meets these requirements, the board shall declare the licensee retired and shall place the licensee on a retired status list. A person whose license is retired shall not offer or practice professional engineering or land surveying, or both, as the case may be, within the State.

A person on the retired status list who wants to resume the practice of professional engineering or land surveying, or both, as the case may be, shall make application in the manner determined by the board for reinstatement of licensure to the board as a professional engineer or land surveyor, as the case may be, and pay the prescribed

reinstatement fee as required by regulation of the board. Any person who has been on the retired status list for five or more years shall furnish the board with satisfactory evidence of current knowledge, competency and skill in the practice of professional engineering or land surveying as required by law or any regulation of the board.

45:8-37. Expiration and renewal of licenses; fees; revocation on failure to renew license

License certificates shall expire on the thirtieth day of April following issuance, renewal or reinstatement and shall become invalid on that day unless renewed. Licensees shall apply for renewal on or before the thirtieth day of April of each year. It shall be the duty of the secretary of the board to notify all persons licensed under this chapter of the date of the expiration of their certificates and the amount of the fee that shall be required for their renewal for one year; such notice shall be mailed to each licensee at his post-office address known to the board at least one month in advance of the date of expiration of said certificate. Renewal of any certificate issued under this chapter may be effected at any time during the month of April by the payment of the fee of five dollars (\$5.00).

The failure on the part of the licensee to renew his certificate annually in the month of April as required shall not deprive such person of the right of renewal during the ensuing year but the fee to be paid if the license be renewed in any month during the current year subsequent to April shall be seven dollars (\$7.00) instead of five dollars (\$5.00); and, if the license certificate be not renewed in the current year, the licensee shall pay a reinstatement fee of ten dollars (\$10.00) plus five dollars (\$5.00) for each year in which the licensee is in arrears. One notice to the licensee, by mail, on or before April fifteenth, addressed to his last post-office address known to the board, informing him of his failure to have applied for a renewal of his license certificate, shall constitute legal notification of such delinquency by the board.

The failure on the part of the licensee to renew his certificate within one year from the date of the expiration of said license certificate will automatically revoke such license certificate and the right of the person to practice thereafter shall be restored only upon the payment of the ten dollar (\$10.00) reinstatement fee plus all arrearages. Continuing to practice as a "professional engineer" or as a "land surveyor" after the expiration of his license shall render the person so doing liable to all the penalties prescribed for practicing without a license certificate.

45:8-37.1. Repealed by L.1950, c. 149, § 19, eff. May 26, 1950

45:8-38. Repealed by L.1979, c. 432, § 1, eff. Feb. 14, 1980

45:8-39. Practice without license and other violations; penalties; enforcement; powers of board pursuant to Building Design Services Act

- a. Any person who, hereafter, is not legally authorized to practice professional engineering or land surveying in this State according to the provisions of this act, who shall so practice or offer so to practice in this State, except as provided in section 14 of

this act, [FN1] or any person presenting or attempting to file as his own the certificate of license of another, or who shall give false or forged evidence of any kind to the board, or to any member or representative thereof, in obtaining a certificate of license, or who shall falsely impersonate another licensed practitioner of like or different name, or who shall use or attempt to use an expired certificate of license, an unexpired and revoked certificate of license, or a certificate of license which is on a retired status list, or who shall use either the title "Engineer-in-Training" or "Surveyor-in-Training" without holding a valid certificate of registration issued by the board, or who shall otherwise violate any of the provisions of this act, shall be subject to a penalty of not more than \$200.00 for the first offense and not more than \$500.00 for each and every subsequent offense. The penalties provided for by this section shall be sued for and recovered in civil actions by the State Board of Professional Engineers and Land Surveyors.

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

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

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

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

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

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

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

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

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

45:8-40. Persons exempt

The following shall be exempted from the provisions of this chapter:

(1) A person not a resident of and having no established place of business in this State, practicing or offering to practice herein professional engineering or land surveying within the meaning and intent of this chapter, when such practice does not exceed in the aggregate 30 consecutive days in any calendar year; provided, such person is legally qualified by license to practice said professional engineering or land surveying in any State or country in which the requirements and qualifications for a certificate of license are at least comparable to those specified in this chapter.

However, no final plans or reports may be submitted under this provision.

(2) A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice herein for more than 30 days in any calendar year professional engineering or land surveying, if he shall have filed with the board an application for a certificate of license and shall have paid the fee required by this chapter; provided, that such a person is legally qualified to practice said professional engineering or land surveying in any State or country in which the requirements and qualifications for obtaining a license are at least comparable to those specified in this chapter. Such exemption shall continue only for such time as the board requires for the consideration of the application for license certificate.

(3) An employee or a subordinate of a person holding a license under this chapter or an employee of a person exempted from license by subsections (1) and (2) of this section; provided, this practice does not include responsible charge of design or supervision.

(4) Officers and employees of the Government of the United States while engaged within this State in the practice of professional engineering or land surveying, for said government.

(5) The practice of engineering or land surveying solely as an officer or employee of a corporation engaged in interstate commerce as defined in an act of Congress entitled "Act to regulate commerce," approved February 4, 1887, and as amended, unless the same affects public safety or health.

45:8-41. Licensed engineers and surveyors on public contracts or works required

Hereafter no county, city, town, township, village, borough or other municipal corporations or other political subdivisions in the State shall engage in the design, construction or maintenance of any public work involving professional engineering for

which plans, specifications and estimates have not been made by and the construction and maintenance supervised by a licensed professional engineer or a registered architect, nor shall any county, city, town, township, village, borough or other municipal corporation or other political subdivision in the State employ any person to perform work involving land surveying except a licensed land surveyor.

45:8-42. Employment of licensed engineers by governmental departments

No department, institution, commission, board or body of the State Government, or of any political subdivision thereof shall designate, appoint or employ an engineer or any person to be in responsible charge of professional engineering work other than a duly qualified professional engineer who has been licensed by the State of New Jersey, prior to the designation, appointment or employment by such department, institution, commission, board or body of the State Government, or any political subdivision thereof.

Notwithstanding anything in this chapter to the contrary no professional engineer licensed in this State prior to the passage of this chapter and holding an appointment by the State or by any department, institution, commission, board or body of the State Government, or any political subdivision thereof, shall be deprived of the right of reappointment to the same office or position or appointment to any other office or position requiring similar qualifications.

45:8-43. Filing of name of engineer engaged by governmental departments; employment of engineers and surveyors; inapplicability of chapter to corporations in field of telecommunications

The clerk of such department, institution, commission, board or body of the State Government or of any political subdivision thereof shall file with the secretary-director of the State Board of Professional Engineers and Land Surveyors the name of any engineer designated, appointed or employed, within 30 days after appointment. Where professional engineers or land surveyors are employed, subject to the provisions of the civil service law, the appointment of any such person shall be understood to mean and include appointment after such person has been certified as having satisfactorily passed a civil service examination. No person, firm, association or corporation engaged in engineering or land surveying, shall employ an engineer or land surveyor, in responsible charge of any work, within the meaning and intent of this act, other than a duly qualified professional engineer or land surveyor, who has been licensed pursuant to the provisions of this chapter, prior to such employment by the person, firm, association or corporation so engaged in engineering or land surveying; provided, however, that nothing in this chapter shall apply to any public utility as defined in chapter 2 of Title 48 of the Revised Statutes, or any employee thereof or to any improvement or proposed improvement made by any such public utility or by any employee of or any contractor or agent for said public utility.

Nothing in this chapter shall apply to a corporation or any of its affiliated companies any

of which are in the field of telecommunications or any employee thereof where either said corporation or any of its affiliated companies is subject to the jurisdiction of the State Board of Public Utilities or the Federal Communications Commission.

Nothing in this chapter shall apply to a corporation in the field of telecommunications, or to its affiliates, or any employees thereof in which the primary business is research and technical development manufacturing or product design.

45:8-44. Repealed by L.1989, c. 276, § 12, eff. Jan. 8, 1990

45:8-44.1. Authority of land surveyors to go on, over and upon lands of others during reasonable hours

A person licensed to practice land surveying as provided in P.L.1938, c. 342 (C. 45:8-27 et seq.) and any of his agents, servants or employees under his direction who are necessary to make a land survey shall have the authority to go on, over and upon lands of others during reasonable hours when necessary to make land surveys if:

- a. The licensed professional land surveyor has made a reasonable attempt, as defined in this section, to notify the owner of the land and, in the case of a lease, the lessee thereof, of his desire to enter on, over and upon the owner's or lessee's land to make a land survey and, the attempt having failed, the licensed professional land surveyor has given written notice, seven days prior to the proposed entry, to the municipal police department of the municipality in which the land is located of his intention to enter, containing the names, addresses, and telephone numbers of those who propose to enter the land and the date, time, duration, and location of the proposed entry; and
- b. The land or any part thereof, to which entry is sought, is not enclosed by a constructed or natural barrier which is at least 6 feet in height or is not posted with signs or notices which prohibit trespassing and contain the name and address of the owner or lessee of the land;
- c. As used in this section, a "reasonable attempt" to notify an owner or lessee means: an attempt to seek acknowledgment of the owner of the land and, in the case of a lease, the lessee thereof, by certified mail, return receipt requested, the attempt to be made a second time if unsuccessful the first time and a third time if unsuccessful the second time, each attempt to be made on a separate business day.

45:8-44.2. Entry not trespass; immunity from arrest or civil action

Any entry under the right granted in this act shall not constitute trespass nor shall the licensed professional land surveyor or his agents, servants or employees be liable to arrest or civil action by reason of the entry.

45:8-44.3. Destruction, injury or damage to land; prohibition; liability

Nothing in this act shall be construed as giving the licensed professional land surveyor or his agents, servants or employees any right to destroy, injure or damage the land or any person or property on the land of another. A licensed professional land surveyor or his agents, servants or employees shall be liable for any such destruction, injury or damage which he is found to have caused to such persons, property or land.

45:8-44.4. Nonliability of owner or lessee of land

Neither the owner of the land nor the lessee thereof shall be liable to a licensed professional land surveyor or his agents, servants or employees or any other person for any destruction, injury or damage, which was not willfully or maliciously done by the owner or lessee, to property or persons resulting from the licensed professional land surveyor or his agents, servants or employees going on, over and upon such lands under the provisions of this act.

45:8-44.5. Inapplicability of act to lands traversed by operating railroad

This act shall not apply to lands traversed by an operating railroad.

45:8-45. Certificate and seal of licensed engineer, surveyor or architect on plans and specifications on public work

No department, institution, commission, board or body of the State Government, or any political subdivision thereof, being the depository or having the custody of any plan or specification involving professional engineering, shall receive or file any such plan or specification unless there is affixed thereto the seal of a professional engineer licensed pursuant to the provisions of this chapter, or the seal of a registered architect thereon nor receive or file any plan involving land surveying unless there is affixed thereto the seal of a land surveyor licensed pursuant to this chapter.

45:8-46. Repealed by L.1977, c. 340, § 6, eff. Jan. 25, 1978

45:8-47. Effect on other professions

This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession. Nothing in this act shall be construed as prohibiting, regulating or interfering with persons duly licensed under any laws of this State in the operation and maintenance of equipment and in the supervision of operation of steam power plants, portable machinery and equipment, and refrigeration plants, or from engaging in such engineering activities as may be incident to such operating, maintenance or supervision as is customarily a part of the services rendered by such licensed persons in the course of their employment.

45:8-48. Partial invalidity; construction of chapter

The provisions of this chapter are severable, and if any of the provisions hereof are held

unconstitutional the decision shall not be construed to impair any other provisions of this chapter. It is hereby declared as the legislative intent that this chapter would have been adopted had such unconstitutional provisions not been included herein.

45:8-49. Repealer

Chapter eight of Title 45 of the Revised Statutes is hereby repealed. All acts and parts of acts inconsistent herewith be and the same are hereby repealed and this act shall take effect immediately.

45:8-50 to 45:8-55. Repealed by L.1950, c. 149, § 20, eff. May 26, 1950

45:8-56. Certificate of authorization for corporations to offer professional engineering and land surveying services; signature and seal on final documents

The board shall issue a certificate of authorization to certain corporations and those corporations shall be authorized to offer professional engineering and land surveying services or both, as follows:

- a. No corporation shall offer to provide engineering services in this State unless issued a certificate of authorization pursuant to this amendatory and supplementary act. This subsection shall not apply to a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L.1969, c. 232 (C. 14A:17-1 et seq.).
- b. No corporation shall offer to provide land surveying services in this State unless issued a certificate of authorization pursuant to this act. This subsection shall not apply to a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L.1969, c. 232 (C. 14A:17-1 et seq.).

The certificate of authorization shall designate a New Jersey licensee or licensees who are in responsible charge of the engineering or land surveying activities and decisions of the corporation. All final drawings, papers or documents involving the practice of engineering or the practice of land surveying, when issued by the corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

45:8-57. Application; contents; inclusion in biennial renewal; report of change in information

Prior to the issuance of a certificate of authorization, a corporation shall file with the board an application, on forms designated by the board, listing, where applicable, the name and address of the corporation and its satellite offices, and the name, address and signature of all officers, corporate board members, directors, principals and any licensees who shall be in responsible charge of the practice of engineering or the practice of land surveying or both, through the corporation, together with such other information as may be required by the board to ensure compliance with its regulations. The same

information shall accompany the biennial renewal fee. A change in any of this information shall be reported to the board within 30 days after the effective date of that change.

45:8-58. Authority of board to review professional conduct of corporations; biennial renewal fee; suspension, revocation or denial of renewal of certificate; rules and regulations

The board shall have the authority to review the professional conduct of any corporation authorized to offer engineering or land surveying services or both under the provisions of P.L.1989, c. 276 (C. 45:8-56 et al.). In order to implement those provisions, the board may:

- a. Establish by regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.) a biennial renewal fee for the certificate of authorization.
- b. Suspend, revoke, or refuse to renew the certificate of authorization of any corporation whose agent, employees, directors or officers violate, or cause to be violated, any of the provisions of P.L.1989, c. 276 (C. 45:8-56 et al.) or chapter 8 of Title 45 of the Revised Statutes pursuant to the provisions of P.L.1978, c. 73 (C. 45:1-14 et seq.).
- c. Adopt such rules and regulations as required to carry out the provisions of this act pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.).

45:8-59. Records of licensee

A licensee shall maintain such records as are reasonably necessary to establish that the licensee exercised regular and effective supervision of professional services of which such licensee was in responsible charge.

45:8-60. Responsibility of corporation for conduct or acts of its agents, employees or officers

No corporation shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of compliance with the provisions of P.L.1989, c. 276 (C. 45:8-56 et al.).

NEW JERSEY ADMINISTRATIVE CODE
TITLE 13, CHAPTER 40
STATE BOARD OF
PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

SUBCHAPTER 1. TITLE BLOCKS AND SEALS FOR PROFESSIONAL

ENGINEERS AND LAND SURVEYORS

13:40-1.1 Sealing documents

- (a) All sealing of documents shall be done with an impression-type seal. A rubber stamp facsimile of the seal shall not be used.
- (b) The application of a signature and seal to documents relating to the practice of professional engineering and/or land surveying shall indicate that the licensee has provided regular and effective supervision to those individuals performing services which directly and materially affect the quality and competence of the engineering or land surveying work rendered.
 - (1) The following documents shall be signed and sealed:
 - i. Maps, plats, reports, descriptions, plans, design specifications, certifications or similar documents; and
 - ii. Shop drawings for the construction of buildings, structures and related equipment, or for other purposes, the preparation of which requires engineering calculations and/or engineering input. Catalog information and standard product information shall be exempt from the requirements of this section.
- (c) The signature and/or seal signifies that the licensee takes professional responsibility for the document based upon the accepted standards of practice in place at the time the documents were sealed.
- (d) Where the document includes the work of more than one professional, each professional shall sign and seal the document with clear reference to the work that he/she has performed. See N.J.A.C. 13:40-1.6 for title block requirements.
- (e) A licensee shall not affix a signature and/or seal to documents constituting the practice of the profession regulated which have been prepared by another person unless such work was performed under the direction and supervision of the licensee.
- (f) Incomplete and/or all draft plans, documents and sketches, whether advanced or preliminary copies, shall be conspicuously identified and may be signed but shall not be sealed.

13:40-1.2 Title block on drawings; forms; removal

- (a) Every licensee shall provide a title block on all drawings (except renderings), and similar information on the title page of all specifications which are prepared and sealed.
- (b) The title block shall be in such form as the Board may adopt or approve.

(c) Such title block shall be distinct and separate from any other title block, plaque, or any similar device of illustration or lettering.

(d) The title block shall be lettered on the drawing in such a manner as to reproduce clearly on all prints and reproductions thereof.

(e) No person shall remove a title block from any print or reproduction for any reason.

13:40-1.3 Title block contents

(a) The title block shall contain:

1. The name and location of the project;
2. The name of the engineering or land surveying individual firm, partnership, corporation, professional association or professional service corporation;
3. The full name and certificate number of the person(s) in responsible charge;
4. The title "professional engineer" and/or "land surveyor" spelled out;
5. The handwritten signature of the person(s) in responsible charge and the date when signed.

(b) An appropriate title block shall be provided on a site plan which shall be included in any set of drawings of a building project. Any plan including land surveying data must also bear the title block or identity of the land surveyor who performed the land surveying work.

(c) The title block may contain the initials of the draftsmen or checker, and dates, drawing numbers, revision numbers and such similar incidental items as are customary in practicing engineers' or land surveyors' offices, provided that the name of the person(s) in responsible charge is readily discernible from the other information on the document and contained within the heavy borderline of the title block.

13:40-1.4 Proposed title block form

Any licensee may submit a proposed form of title block to the State Board of Professional Engineers and Land Surveyors for approval.

13:40-1.5 Title block use for professional engineer and land surveyor work project

In the event the project contains the work of both a professional engineer and land surveyor, any individual licensed in both professions may use the title "professional engineer and land surveyor" which shall be spelled out in one title block.

13:40-1.6 Subtitle block of independent professional

If a project includes the work of any other licensed professional, not under the immediate supervision of the licensee in responsible charge and not otherwise identified in accordance with N.J.A.C. 13:40-7, a subtitle block of that professional firm or individual must appear on all plans involving that profession.

SUBCHAPTER 2. APPLICATION REQUIREMENTS

13:40-2.1 Form

All applications must be typewritten and notarized.

13:40-2.2 Deadlines

(a) All applications and supplemental documents must be submitted to the Board office within the prescribed deadlines to be considered for admission to the next regularly scheduled examination. It is the applicant's responsibility to verify the receipt of all documents by the Board office.

(b) Failure to meet prescribed deadlines shall result in the denial of the application and said application will be considered for the next scheduled examination.

13:40-2.3 Education

(a) Each applicant shall provide the Board with an official transcript reflecting the degree(s) earned by the applicant. Said transcript must be sent directly from the institution to the Board and must include the Board assigned application number of the applicant.

(b) Engineering curriculum shall not be accepted for licensure unless approved by the Board and shall consist of the following minimum requirements:

1. 128 semester hours, 80 of which shall consist of:
 - i. 32 semester hours of a combination of mathematics and basic sciences;
 - ii. 32 semester hours of engineering sciences;
 - iii. 16 semester hours of engineering design.
2. For purposes of conversion, one semester hour equals 1.5 quarter hour credits.

(c) Engineering technology curriculum shall not be accepted for licensure unless approved by the Board and shall consist of the following minimum requirements:

1. 124 semester hours which shall consist of:
 - i. 48 semester hours of technical science courses in the specialty section, for example, mechanics, strength materials, hydraulics, engineering graphics, surveying, soils and foundations, computer technology, engineering materials;
 - ii. 24 semester hours of basic science and mathematics inclusive of the following courses: physics, including the appropriate laboratory exercises; analytical chemistry, including the appropriate laboratory exercises; analytical geometry; applied differential and integral calculus; thermodynamics; and
 - iii. The balance of hours shall be designed to achieve an integrated and well rounded technology degree, including design sequences in a major technology area appropriate to bachelor degree program needs, that is, electrical, mechanical, construction/civil technology degrees.
- (d) Land surveying curriculum shall not be accepted for licensure unless approved by the Board and shall consist of the following minimum requirements:
 1. 128 semester hours shall consist of:
 - i. 45 semester hours in surveying and mapping science and practice;
 - ii. The following topics shall be incorporated in the surveying and mapping science requirements: field surveying/data collection, instrumentation and methods, measurement data reduction and data adjustment (least squares), geodesy, geodetic positioning/orientation and Global Positioning System GPS, Geographic Information System (GIS), Land Information System (LIS), photogrammetry and remote sensing, map projection and coordinate systems;
 - iii. The following topics shall be incorporated in the surveying and mapping practice requirements and shall constitute a minimum of 15 of the required 45 semester hours. Of these required 15 semester hours, a minimum of nine semester hours shall be spent on design and field exercises in the above mentioned course materials, legal systems and legal research. A minimum of six semester hours shall be spent on cadastral or boundary surveying;
 - iv. 24 semester hours of math, statistics and general science; and
 - v. Nine semester hours of communication (writing and/or speech).
 2. For purposes of conversion, one semester hour equals 1.5 quarter hour credits.
- (e) An applicant with a non-United States degree who has documented that due to political or economic sanctions he is unable to have the transcript sent directly to the

Board must submit his original transcript to the Board office. The applicant must also provide a literal, verbatim English translation, certified to be accurate by a competent authority. In addition, the applicant must list all courses and their description on the Reconstruction Form which is provided by the Board.

(f) Any applicant who has attended an institution not located in the United States shall have his or her degree evaluated by a review service selected and approved by the Board. Reviews by other services will not be accepted.

(g) Transcripts shall be sent directly from the applicant's school and shall contain an official registrar's seal.

13:40-2.4 Language comprehension requirement

(a) An applicant for licensure as a professional engineer or land surveyor who received his or her undergraduate degree from a non-English speaking country or a country wherein the primary language is other than English, prior to taking the examination shall submit to the Board a TOEFL (Test of English as a Foreign Language) certificate with a minimum score of 575 and a TSE (Test of Spoken English) with a minimum score of 220 or its equivalent. This test shall have been taken within two years of application. An applicant who has received a B.S. from a foreign country wherein the primary language is English shall be exempted from this requirement.

(b) An applicant who is an American citizen at the time of obtaining his or her undergraduate degree from a non-English speaking country, or a country wherein the primary language is other than English shall be exempted from this requirement.

13:40-2.5 Experience

(a) Pursuant to N.J.S.A. 45:8-35, an applicant for a professional engineering license who is applying to sit for the principles and practices exam must have four years of professional experience acceptable to the Board which shall be gained under the regular and effective supervision of a licensed professional engineer.

1. Two years of said experience shall be gained in the United States; and

2. Two years of said experience shall be original engineering design experience demonstrating increased responsibility over time, that is of a character acceptable to the Board.

(a) An applicant for a land surveying license shall obtain at least three years of experience which shall be original land surveying experience demonstrating increased responsibility over time, that is of a character acceptable to the Board. All experience shall be gained under the regular and effective supervision of a licensed land surveyor.

(c) Experience prior to graduation from a Board approved program will be evaluated by the Board on a case-by-case basis if experience is gained under the regular and

effective supervision of a licensed professional engineer or a licensed land surveyor, and if the applicant has passed the appropriate technical courses needed to perform the work experience.

(d) All reference information submitted to the Board shall be legible and placed on forms provided by either the Board or the NCEES in the case of comity applications.

13:40-2.6 References

(a) The following rules shall apply to all applicants:

1. Reference will not be accepted from relatives of the applicant.
2. No current Board member shall be used as a reference.
3. All reference forms must contain the applicant's Board assigned number.
4. No references over one year old will be accepted.

(b) References shall be provided as follows:

1. Engineer-in-training applicants: Of the three references required, one shall be a licensed professional engineer in the United States and have personal knowledge of the applicant's experience or training.
2. Professional engineer applicants: A minimum of five references shall be required, of which at least three shall be licensed professional engineers in the United States having direct personal knowledge of the applicant's experience or training. The professional references for that portion of the applicant's experience constituting the minimum experience required for licensure shall be professional engineers who were in responsible charge of that minimum experience. If the number of experience engagements necessary to constitute the minimum experience requires more than three professional references to confirm such experience, such additional professional references shall be required. Special circumstances may be considered by the Board at the time of application in such cases where a licensed professional engineer in responsible charge of the work being claimed by the applicant is not available.
3. Professional land surveyor applicants: A minimum of five references shall be required, of which at least three shall be licensed professional land surveyors in the United States having direct personal knowledge of the applicant's experience or training. The professional references for that portion of the applicant's experience constituting the minimum experience required for licensure shall be licensed professional land surveyors who were in responsible charge of that minimum experience. If the number of experience engagements necessary to constitute the minimum experience requires more than three professional references to confirm such experience, such additional professional references shall be required. Special circumstances may be considered by

the Board at the time of application in such cases where a licensed professional land surveyor in responsible charge of the work being claimed by the applicant is not available.

13:40-2.7 Comity

(a) Comity licensure pursuant to N.J.S.A. 45:8-35(1) shall be granted provided that education, experience, and examination requirements for licensure by the issuing agency are comparable to current requirements of the State of New Jersey at the time of the applicant's initial licensure.

(b) All prior State licenses must be current, active and in good standing in order for licensure pursuant to N.J.S.A. 45:8-35(1)(d) or (e) to be granted. The Board's enabling legislation does not contain an eminence or grandfather clause, nor reciprocity with any state, territory or country.

(c) A record book from the National Council of Examiners for Engineering and Surveying (NCEES) shall be acceptable to the Board only if it is sent directly to the Board office from the National Council of Examiners for Engineering and Surveying. The applicant shall complete the personal data portion of the Board application form in its entirety. The record book shall meet the following requirements:

1. The book shall be labeled with the application number;
2. References over one year old will not be acceptable; and
3. All references and transcripts shall be submitted to the Board in conformance with N.J.A.C. 13:40-2.3 and 2.5.

13:40-2.8 Waiver

(a) The Board may waive the fundamentals of engineering portion of the exam provided that, in addition to the education requirements at N.J.A.C. 13:40- 2.3, the applicant has a specific record of an additional 15 years or more of experience at the time of application in engineering work of a character satisfactory to the Board. Eight of the 15 years of experience must have been gained in the United States or must have been acquired while working for a United States based firm. At least two years of experience gained in the United States shall be original engineering design experience demonstrating increased responsibility over time. All experience shall be gained under the regular and effective supervision of a licensed professional engineer.

(b) The specialized training section of the exam shall not be waived.

13:40-2.9 Cancellation of applications

(a) Any applicant for examinations given for professional engineering or land

surveying who fails the same part, with a score of 65 percent or below on the last three examinations taken shall have said application cancelled.

(b) Any applicant who has had an application cancelled as in (a) above, may only reapply for examination after a two year period and must reapply under the same application number originally assigned.

(c) Any applicant who fails to sit for two consecutive exams for which said individual was eligible or scheduled to take, shall have said application cancelled.

(d) Any applicant who has had an application cancelled for failure to sit as in (c) above may only reapply after a six month period and must reapply under the same application number originally assigned.

(e) Applications will be cancelled at a public meeting after notice to the applicant.

(f) An applicant who has had an application cancelled will be required to submit a new application, pay appropriate fees, meet Board deadlines, and again submit all required documents, including references.

13:40-2.10 Review of examination

(a) An applicant who has taken the fundamentals of engineering exam, fundamentals of land surveying exam, or principles and practices of engineering and/or land surveying and the New Jersey L.S. exam, may request a hand score and score tabulations of each exam taken. The applicant may not personally review the exams.

(b) An applicant who has taken the principles and practices exam may request to review his or her solution pamphlet and the correct solution answers.

(c) All requests for scoring or review must be made in writing within 30 days of the mailing of score to the applicant.

(d) An applicant may not appeal, or request re-evaluation of the exam.

SUBCHAPTER 3. MISCONDUCT

13:40-3.1 Enumeration of prohibited acts

(a) Misconduct in the practice of professional engineering or land surveying shall include, without limitation:

1. Acting for his or her client or employer in professional matters otherwise than as a faithful agent or trustee; accepting any remuneration other than his or her stated recompense for services rendered.

2. Disregarding the safety, health and welfare of the public in the performance of his or her professional duties: preparing or signing and sealing plans, surveys or specifications which are not of a safe design and/or not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the proper authorities and withdraw from further service on the project.

3. Advertising his work or merit using claims of superiority which cannot be substantiated.

4. Engaging in any activity which involves him in a conflict of interest, including without limitation:

i. A licensee shall inform his client or employer of any business connection, interest or circumstance which might be deemed as influencing his judgment or the quality of his services to the client or employer.

ii. When in public service as a member, advisor or employee of a governmental agency, a licensee shall not participate in the deliberations or actions of such agency with respect to services rendered or to be rendered by the licensee or any firm or organization with which he is associated in private practice.

iii. A licensee shall not solicit or accept a professional contract from a governmental agency upon which a principal, officer or employee of his firm or organization serves as a member, advisor or employee.

iv. A licensee shall not accept compensation or remuneration, financial or otherwise, from more than one interested party for the same service or for services pertaining to the same work, unless there has been full disclosure to and consent by all interested parties.

v. A licensee shall not accept compensation or remuneration, financial or otherwise, from material or equipment suppliers for specifying their product.

vi. A licensee shall not accept commissions or allowances, directly or indirectly, from contractors or other persons dealing with his client or employer in connection with work for which he is responsible to the client or employer.

5. Affixing his or her *signature and* seal to any plans, specifications, plats or reports or surveys which were not prepared by him or her or under his or her supervision by his or her employees or subordinates.

6. Failure to comply with Federal, state or local laws, rules or regulations relating to the practice of the profession.

7. Permitting or allowing any person not appropriately licensed pursuant to N.J.S.A. 45:8-27 to act for or on behalf of the licensee as his representative, surrogate or agent while appearing before any public or private body for the purpose of rendering

professional engineering or land surveyor services.

8. Failure to determine and document the identity of the client prior to commencing any work. All correspondence, contracts, bills shall be addressed to that client, unless expressly directed otherwise, in writing, by the client.
9. Failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
10. Failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions.
11. Failure of a licensee to respond in writing within 30 days to a written communication from the Board of Professional Engineers and Land Surveyors with respect to any investigative inquiry relating to the possible violation of any statute or regulation administered by the Board, and to make available any relevant records with respect to such an inquiry. The 30 day period shall begin on the day when such communication was sent from the Board by certified mail with return receipt requested to the address appearing on the last registration.
12. Rendering engineering or land surveying services and/or professional opinions when not qualified by training, education, and experience in the specific discipline of professional engineering and/or land surveying that is involved.
13. Engaging in any activity which results in suspension, revocation or surrender of a professional license or certification in another jurisdiction.

13:40-3.2 Reporting incidents of professional misconduct

If a licensee has knowledge or reason to believe that another person or firm may be in violation of or has violated any of the statutes or rules administered by the Board of Professional Engineers and Land Surveyors, he or she shall present such information to the Board in writing and shall cooperate with the Board in furnishing such information or assistance as may be required by the Board.

SUBCHAPTER 4. GENERAL PROVISIONS

13:40-4.1 Notification of change of address; service of process

(a) A licensee of the Board of Professional Engineers and Land Surveyors shall notify the Board in writing of any change of address from that 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, not later than 30 days following the change of address.

1. All addresses of licensees shall contain street names and numbers. Post office

box numbers without street addresses shall not be acceptable.

(b) Failure to notify the Board of any change of address pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

(c) Service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purpose of N.J.A.C. 17:27-7.1 and the commencement of any disciplinary proceedings.

17:27-4.2 (Reserved)

17:27-5.1 Land surveyors; preparation of land surveys

(a) The practice of land surveying includes surveying of areas for their correct determination and description and for conveyancing, and for the establishment or reestablishment of land boundaries and the plotting of lands and subdivisions thereof, and such topographical survey and land development as is incidental to the land survey.

(b) Prior to conducting a survey, the licensed land surveyor shall obtain all pertinent information and documentation in the client's possession relative to the property to be surveyed. Such information may include, but not be limited to, earlier surveys, record deeds, title reports, original tract maps, public records and State, county or municipal maps. When such information provided is not sufficient to meet the owner's needs, the surveyor shall make all reasonable efforts to obtain all information and documentation needed to render an accurate survey.

(c) When a property survey is to be performed, a field survey must be made of the property in question and such field survey shall include all measurements and recording of all data as may be necessary to perform an accurate survey. The licensed land surveyor shall either perform the field survey or exercise sufficient supervision of the work as necessary to fulfill adequately all professional responsibilities.

(d) Appropriate corner markers, such as stakes, iron pipes, cut crosses, monuments, and such other markers as may be authorized by (d)2 below, shall be set either by the licensed land surveyor or under the supervision of the licensed land surveyor. Such markers shall be set at each property corner not previously marked by a property marker, unless the actual corner is not accessible, or unless a written waiver signed by the ultimate user is obtained and retained for a period of six years by the surveyor performing the survey. A waiver obtained from a purchaser pursuant to this subsection shall be in the following format, or its substantial equivalent:

WAIVER AND DIRECTION NOT TO SET CORNER MARKERS

TO:

(Name, address and telephone number of Land Surveyor)

FROM:

(Name, address and telephone number of Purchaser)

Re:

Property (Lot & Block number, municipality or other identifier)

This is to advise that I/we have been made aware of my/our right to have corner markers set as part of a survey to be performed on property which is being purchased by me/us. That right is hereby waived and you are directed to perform the land survey without the setting of corner markers as provided by the regulation of the New Jersey Board of Professional Engineers and Land Surveyors.

Dated:

Purchaser(s)

For the purpose of this section "ultimate user" shall mean, in the case of a transfer of title, the purchaser. In all instances other than the transfer of title, "ultimate user" shall mean the owner of the property. When a waiver is obtained to omit corner markers, a specific notation stating that such omissions have been made by direction of the ultimate user shall be clearly displayed on the plat or plan of survey by the following notation or its equivalent:

Waiver of setting corner markers obtained from ultimate user pursuant to the Board of Professional Engineers and Land Surveyors regulation, N.J.A.C. 13:40-5.1(d).

This notation must relate specifically to that plat or plan of survey and may not be included as a preprinted title block, standard form, or other reproducible medium.

1. All boundary or corner markers delineating the property surveyed, found or set, must be described on the plat of survey with data provided to show their relation to the property or corner or, if appropriate, to the boundary lines. When a property corner cannot be set because of physical constraints, a witness marker shall be set and so noted upon the plat of survey.

2. Markers for property corners set by licensed surveyors, except for monuments required on Filed Maps, shall be composed of durable material and be of the minimum length practical to reasonably assure permanence, with a recommended length of 18 inches or more. These markers may include:

- i. Concrete monuments;
- ii. Iron pins, one-half inch O.D. or larger;
- iii. Reinforcing steel bars one-half inch O.D. or larger;
- iv. Iron pipes, one-half inch O.D. or larger;

- v. Commercially manufactured iron or aluminum monuments;
- vi. Brass discs (or similar metal), set in durable material;
- vii. Nails or spikes set in durable materials;
- viii. Drill holes in durable materials;
- ix. Plastic stakes.

The above described marker requirements do not apply to intermediate points set on line or for random traverse points.

3. In all cases listed in (d)2 above, including monuments set in accordance with the map filing law, the marker shall be identified with a durable cap, disc, or shiner, etc., bearing the name of the surveyor or firm responsible for setting the corner.

4. All markers set pursuant to (d)2 above shall be detectable with conventional instruments used to find ferrous or magnetic objects.

5. Paragraph 2 of subsection (d) does not apply to individual condominium units where same are composed totally of buildings.

(e) A plat, also referred to as a plan of survey, shall be prepared either by the licensed land surveyor or under the supervision of the licensed land surveyor. Such plat shall show all matter relevant to a complete and clear exposition of the property.

(f) The items which must always be shown are:

- 1. Title block complying with N.J.A.C. 13:40-2.1 et seq.;
- 2. The State, county and municipality in which the property is located and specific data as provided by the owner identifying the property or other pertinent identifying data as deemed appropriate by the surveyor, including block, lot number and address;
- 3. North arrow (with reference used) and scale;
- 4. The point of beginning;
- 5. Metes and bounds of the property in question; all measurements are to be indicated in feet and decimals of a foot except when legal requirements or professional custom and usage require another form of measurement;
- 6. Property corner markers, both found and set, or the relation of existing markers to the property corner or, if appropriate, to the boundary lines;

7. Street and street names and widths when such streets abut or adjoin the property in question. If the street is not open, the survey should so indicate;
 8. Encroachments of structures both on the premises in question and/or adjoining properties;
 9. Fences, tree rows, hedges, streams, ditches, building locations, easements and any physical occupation influencing property line determination;
 10. In all cases, survey work shall be performed in accordance with currently accepted accuracy standards, but such accuracy standards may be limited by contractual agreements. Such limitations shall be appropriately noted on the final drawing.
- (g) Notwithstanding any other provisions of these rules to the contrary, the following items may be omitted where written contractual agreements with the client so provide:
1. Areas of established city lots or recorded subdivision map lots, unless the area is recited in the record deed of the property in question;
 2. Fences and streams and ditches, unless such fences, streams and ditches are on or in close proximity to the property lines and affect the property in question;
 3. Sidewalks, driveways, walkways or other traveled ways, unless such ways affect the property in question;
 4. Utility lines, easements of right-of-way lines, except when recited in the record deed or when such utility lines, easements of right-of-way lines affect the use of adjacent properties or the property in question;
 5. Location and type of building and other structures on the property in question.
- (h) When any of the various items listed above are omitted, the plat or plan of survey should indicate in a factual way that such omissions are made.
- (i) Upon completing the plat or plan of survey, the licensed land surveyor shall provide the client an agreed upon number of prints of the survey drawing. Such print copies of the plat or plan of survey shall bear the signature and impression seal of the licensed land surveyor. Certification by the licensed land surveyor may be given when requested by the client.
1. The licensed land surveyor shall also supply a description of the property surveyed when the survey is to be used for conveyancing (title transfer or mortgage). This description must be suitable for use in a deed. The description may be by metes and bounds or by reference to a filed plan, block and lot. If a filed plan, block and lot is utilized, the entire title of the filed plan shall be set forth along with, the filed plan

number and the date on which the plan was recorded in the office of the County Recording Officer. If there is any deviation from the filed plan to the completed survey, a description by filed plan, block and lot, shall not be utilized. The deed description shall be consistent with both the survey provided and the documentation upon which the survey was based and shall be written in such a manner as to define the boundary lines of real property unambiguous and sufficient for a surveyor to lay it out on the ground. This description may be reproduced on the survey plat itself or may be by separate document. If the deed description is provided on the survey plat, it must be titled "Deed Description." If a separate document is provided, the description shall be signed and sealed by the licensed land surveyor responsible for its preparation.

2. The term "referenced" shall not be utilized when referring to a filed plat when it is intended to meet the requirements of supplying the deed description listed in (i)1 above. It shall also be improper to use or reference a municipal tax map to comply with the requirements for deed description by reference to a filed plat. A tax map shall not be deemed a filed plan for the purpose of title transfer.

(j) No reproductions or photographic copies of a plan or survey shall be offered or issued by a licensee for use in any court, land transaction or filing in any public agency or office unless such copies shall bear the signature and impression seal of the licensed land surveyor.

(k) Tax assessment maps must be prepared by a licensed land surveyor, who is obligated to prepare such maps in full compliance with the legal requirements pertaining to such maps.

(l) Failure to comply with the provisions of this subchapter and with applicable State laws and local ordinances may subject the licensed land surveyor to disciplinary action in accordance with N.J.S.A. 45:8-38.

(m) Subdivision plats, whether classified as major or minor, shall be prepared by a licensed land surveyor and shall be based on a new or existing survey of the property being subdivided.

1. The licensee shall provide appropriate survey information, as set forth above, to permit a subsequent licensed land surveyor to accurately lay out newly described lots.

2. If a newly described lot will be adjacent to or abutting a perimeter line, the licensee shall ensure that the perimeter line is accurately established on the ground.

3. In all instances, including where deeds are used to record minor subdivisions and/or where an existing plat or plan of survey is used, only the licensee who prepared the boundary map on which the subdivision is based may provide the certification on the subdivision plat that the boundary survey is accurate and was prepared under his or her supervision, as required by the Map Filing Law, N.J.S.A. 46:23-9.11(m), and in accordance with N.J.A.C. 13:40-9, Responsible Charge of Engineering or Land

Surveying Work.

(n) Maps prepared to show topographic data or planimetric data which also delineate property lines or street right-of-way lines thereon shall be prepared by a licensed land surveyor. Such survey information may be transposed to construction plans or other drawings if duly noted as to the date of the survey, by whom, and for whom it was prepared.

13:40-6.1 Fee schedule

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

1. Application fees:
 - i. Engineer-in-training \$30.00
 - ii. Professional engineer \$75.00
 - iii. Land surveyor-in-training \$30.00
 - iv. Land surveyor \$75.00
2. Examination fees:
 - i. Engineer-in-training (fundamentals of engineering) \$70.00
 - ii. Professional engineer:
 - (1) Fundamentals \$70.00
 - (2) Specialized training \$85.00
 - iii. Land surveyor:
 - (1) Fundamentals \$70.00
 - (2) Specialized training (Principles of land surveying and New Jersey State portion) \$150.00
3. Initial license fee:
 - i. During the first year of a biennial renewal period \$80.00
 - ii. During the second year of a biennial renewal period \$40.00
4. Biennial renewal fee \$80.00
5. Late renewal fee \$50.00
6. Reinstatement fee \$125.00
7. Duplicate license fee \$20.00
8. Replacement wall certificate \$40.00
9. Continuing competency program review fee:
 - i. For each program provider who seeks approval \$100.00
 - ii. For each course for which a licensee seeks approval \$10.00
10. All licensees, and the clerks of each municipality in the State, shall receive without charge one copy of the roster of licensed professional engineers and land surveyors. Additional copies, if and when available, may be purchased at a fee of \$20.00 each.
11. Fees shall be nonrefundable and nontransferable.
12. Any applicant who is required under N.J.A.C. 13:40-2 to have his or her degree evaluated must pay via certified check or money order the actual cost of the evaluation.

13. Any applicant who requests an exam review or score tabulation must pay via certified check or money order the actual cost of the review or tabulation.

(b) For a Certificate of Authorization issued pursuant to P.L. 1989, c.276, general business corporations offering to provide engineering or land surveying services in New Jersey shall pay a fee of \$120.00 for a biennial period, or \$60.00 per year. The late renewal fee for Certificate of Authorization is \$50.00. The reinstatement fee for Certificate of Authorization is \$125.00.

SUBCHAPTER 7. PERMISSIBLE DIVISION OF RESPONSIBILITY IN SUBMISSION OF SITE PLANS AND MAJOR SUBDIVISION PLATS

13:40-7.1 General provisions

(a) Definitions: All words, terms, and phrases shall be as defined in the Municipal Land Use Act, N.J.S.A. 40:55D et seq.

(b) Preparation and submission of the various elements of a preliminary or final site plan or major subdivision plat shall be within the professional scope of the various professions as listed in this subchapter.

13:40-7.2 Depiction of existing conditions on a site plan

(a) Survey: Showing existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations, and easements: By a land surveyor.

1. Survey information may be transferred to the site plan if duly noted as to the date of the survey, by whom, and for whom. A signed and sealed copy of the survey shall be submitted to the reviewing governmental body with the site plan submission.

(b) Vegetation, general flood plain determination, or general location of utilities, buildings, or structures: By an architect, planner, engineer, land surveyor, certified landscape architect, or other person acceptable to the reviewing governmental body.

13:40-7.3 Preparation of site plan

(a) The location of proposed buildings and their relationship to the site and the immediate environs: By an architect or engineer.

(b) The locations of drives; parking layout; pedestrian circulation; and means of ingress and egress: By an architect, planner, engineer, or certified landscape architect.

(c) Drainage facilities for site plans of 10 acres or more; or involving stormwater

detection facilities; or traversed by a water course: By an engineer only.

- (d) Other drainage facilities: By an architect or engineer.
- (e) Utility connections and on tract extensions: By an engineer or architect.
- (f) Off tract utility extensions: By an engineer only.
- (g) On site sanitary sewage disposal or flow equalization facilities: By an engineer only.
- (h) Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: By an architect, except when the building is part of an engineering or industrial project, floor plans and elevation views may be by an engineer.
- (i) Landscaping, signs, lighting, screening or other information not specified above: By an architect, planner, engineer, certified landscape architect, or other person acceptable to the reviewing governmental body.
- (j) The general layout of a conceptual site plan for a multiple building project, showing the development elements including their relationship to the site and immediate environs: By an architect, planner, engineer, or certified landscape architect.

13:40-7.4 Preparation of a major subdivision plan

- (a) The general location of facilities, site improvements, and lot layouts: By an architect, engineer, land surveyor, planner, or certified landscape architect.
- (b) The design and construction details of all public improvements including street pavements, curbs, sidewalks, sanitary sewage, storm drainage facilities: By an engineer only.
- (c) Final subdivision map with metes and bounds: By a land surveyor only.

13:40-7.5 Effect of local ordinances

- (a) Informal site plans, not required by local ordinances are excluded from this rule.
- (b) No municipal or county ordinance, policy or action purporting to define the scope of professional activity of architects, engineers, land surveyors, planners, or certified landscape architects in the preparation of site plans or major subdivision shall reduce or expand the scope of professional practice recognized by the boards.

SUBCHAPTER 8. MAINTENANCE OF PROJECT RECORDS

13:40-8.1 Release of project records

(a) As used in this subchapter, the term "records" shall include, but not be limited to, any plans, reports, documents, field notes, or other items of work product generated for an engineering or land surveying project as contractually defined which would be reasonably necessary to the completion of the project for which the professional engineer or land surveyor was originally retained.

(b) Originals of records shall remain in possession of the professional engineer or land surveyor unless otherwise provided by statute or written contractual agreement.

(c) The client of a professional engineer or land surveyor shall be entitled to complete copies of all records generated for the engineering and/or land surveying project within a reasonable period of time after forwarding a written request to the professional engineer or land surveyor and upon payment of such proportion of fees as reflect the extent of all services performed.

1. Such copies may be signed but shall not be sealed where data utilized as the basis for the preparation of same may have changed since the date the documents were originally prepared.

2. A disclaimer shall be put on said documents which indicates that the data utilized in the documents may have changed. The disclaimer shall read as follows:

"This drawing/map/plat reflects conditions as of (insert place, date of the original drawing/map/plat) and may not show current conditions as of (insert the present date)."

(d) The professional engineer or land surveyor shall be compensated for the reasonable costs of research and reproduction for copies of records released pursuant to this rule.

SUBCHAPTER 9. RESPONSIBLE CHARGE OF ENGINEERING OR LAND SURVEYING WORK

13:40-9.1 Supervision of subordinates; maintaining records of adequate supervision; acts reflecting inadequate supervision

(a) A licensee in responsible charge of an engineering or land surveying project shall render regular and effective supervision to those individuals performing services which directly and materially affect the quality and competence of engineering or land surveying work rendered by the licensee.

(b) A licensee shall maintain such records as are reasonably necessary to establish that the licensee exercised regular and effective supervision of an engineering or land surveying project of which he was in responsible charge.

(c) A licensee engaged in any of the following acts or practices shall be deemed not

to have rendered the regular and effective supervision required herein:

1. The regular and continuous absence from principal office premises from which professional services are rendered; except for performance of field work or presence in a field office maintained exclusively for a specific project;
2. The failure to personally inspect or review the work of subordinates where necessary and appropriate;
3. The rendering of a limited, cursory or perfunctory review of plans or projects in lieu of an appropriate detailed review;
4. The failure to personally be available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

SUBCHAPTER 10. CONTRACT TO PROVIDE PROFESSIONAL SERVICES; CERTIFICATION OF AUTHORIZATION

13:40-10.1 Contract requirement

- (a) Any business corporation which does not have an officer or full time employee who is licensed as a professional engineer and/or land surveyor in this State and which offers or renders such services shall, prior to the offer or rendering of any such service, have a written contract with a New Jersey licensed professional engineer or land surveyor, and have obtained a certificate of authorization pursuant to N.J.S.A. 45:8-56. Such written contract shall clearly indicate the licensee to be in responsible charge of the engineering or land surveying services. For the purposes of this subchapter, full-time employment is the amount of employment necessary to provide effective supervision of the work performed as required throughout N.J.A.C. 13:40.
- (b) A licensed professional engineer or a licensed land surveyor rendering engineering or surveying services for a business corporation which is required to obtain a certificate of authorization pursuant to N.J.S.A. 45:8-56 shall not perform such services unless he or she is an officer or a full time employee of the corporation or has a written contract with the corporation prior to rendering professional services and is listed as being in responsible charge on the corporation's certificate of authorization.
- (c) Any corporation that offers or renders engineering and land surveying 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.

SUBCHAPTER 11. LAND SURVEYORS; CONTINUING COMPETENCY

13:40-11.1 Continuing professional competency requirements; failure to comply

Any land surveyor who fails to comply with the continuing professional competency requirements set forth in this subchapter shall be subject to the penalties set forth in N.J.S.A. 45:8-35.9.

13:40-11.2 Definitions

As used in this subchapter, the following terms shall have the following meanings:

"Approved course or activity" means any course or activity with a clear technical purpose and objective or whose purpose and objective is to enhance the skills and knowledge in ethical and business practices, which will maintain, improve or expand skills and knowledge and develop new and relevant technical skills and knowledge in the discipline being practiced by the licensee.

"College/unit semester/unit quarter/hour" means the credit for an ABET (Accreditation Board for Engineering and Technology) approved course or other related college course approved in accordance with N.J.A.C. 13:40-11.6(a) 1.

"Continuing education unit" (CEU) means the unit of credit customarily used for continuing education courses. One continuing education unit equals 10 contact hours of instruction in an approved continuing education course.

"Contact hour" means 50 minutes of in-class instruction and participation.

"Professional development hour" (PDH) means one contact hour of professional/technical development in seminars, conferences or workshops. A PDH is the common denominator for other units of credit.

13:40-11.3 Credit-hour requirements

(a) Each applicant for license renewal shall be required to have completed, during the preceding biennial period, a minimum of 24 professional development hours (PDHs); except that for the period May 1, 1994 to April 30, 1996, PDHs may have been accumulated from January 1, 1993.

(b) A maximum of eight PDHs may be carried over into a succeeding biennial renewal period.

13:40-11.4 Approval of course offerings

(a) A continuing competency provider may receive approval for a continuing competency course or program pursuant to the provisions of N.J.A.C. 13:40- 11.11 and 11.12. Prior to the offering of the course or program, the provider may apply for approval. However, the provider may apply also after the event to eliminate the need for

individual licensees to apply under (b) below.

(b) A licensee seeking to take a course or program which the provider has not had pre-approved by the Board may apply to the Board for pre-approval or post- approval of the course or program offering. The licensee shall submit information similar to that which is required to be supplied by course providers pursuant to N.J.A.C. 13:40-11.11(b).

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

(d) An individual, group or association seeking course or program approval may impose a reasonable differential in course or program fees based upon membership within a group or association. However, in no event shall a sponsoring individual, group or association completely exclude from the course or program any licensee who is not a member of the group or association.

13:40-11.5 Continuing competency programs and other sources of continuing competency credits

(a) The Board shall grant credit for successful completion of the following, provided that the course or program meets the criteria of N.J.A.C. 13:40- 11.11 and that any other source of credit directly and materially relates to the practice of land surveying:

1. College courses;
2. Continuing education courses;
3. Correspondence, televised, videotaped and other short courses/tutorials;
4. Seminars, in-house courses, workshops and technical programs at professional meetings and conferences;
5. Teaching or instruction in (a)1, 2 and 4 above;
6. Published papers, articles or books authored by the licensee; and
7. A land surveying examination in another jurisdiction.

13:40-11.6 Credit calculation

(a) Credit for PDHs will be granted as follows for each biennial renewal period:

1. Successful completion of approved college level courses;
 - i. Fifteen PDHs for each semester hour credit awarded by the college; or

- ii. Ten PDHs for each quarter hour credit awarded by the college;
- 2. Successful completion of approved continuing education courses: 10 PDHs for each continuing education unit (CEU);
- 3. Successful completion of approved correspondence, televised, videotaped and other short courses/tutorials:
 - i. The amount of credit to be allowed for approved correspondence and individual study programs, including taped study programs, shall be recommended by the program provider based upon one-half the average completion time calculated by the provider after it has conducted appropriate "field tests." Although the program provider must make recommendations concerning the number of credit hours to be granted, the number of credit hours granted shall be determined by the Board; and
 - ii. Credit for approved correspondence and other individual study programs will be given only in the renewal period in which the course is completed with a successful final examination;
- 4. Active participation in and successful completion of approved seminars, in-house courses, workshops and technical programs at professional meetings and conferences: one PDH for each hour of attendance at an approved course. Credit will not be granted for courses which are less than one contact hour in duration. Completion of an entire course is required in order to receive any credit;
- 5. Teaching or instruction in (a)1, 2 and 4 above:
 - i. Service as an instructor, or workshop leader: one PDH for each instructional hour;
 - ii. The instructor or workshop leader will be given no credit for subsequent sessions in the same year involving substantially identical subject matter, except that after one year has elapsed the Board may give one additional PDH for each instructional hour of service as an instructor or workshop leader for the initial presentation, provided the original material has been updated; and
 - iii. The maximum credit given for service as an instructor or workshop leader may not exceed 50 percent of the required PDHs for any biennial renewal period;
- 6. Authoring published papers, articles or books on technical surveying subjects that contribute to the professional competence of surveyors: one PDH may be requested for each hour of preparation time on a self-declaration basis, not to exceed a total of 25 percent of the biennial requirement. A copy of the publication shall be submitted to the Board with the request for credit; and
- 7. Successfully passing a land surveying examination in another jurisdiction: one

PDH for each hour of examination. All parts of the examination must be passed to receive credit for any part. The maximum credit given for successfully passing a land surveying examination in another jurisdiction may not exceed three PDHs for each biennial renewal period.

13:40-11.7 Reporting and documenting of PDHs

(a) At the time of application for biennial land surveyor license renewal, licensees shall provide, on forms approved by the Board, a signed statement certifying that the required number of PDHs has been completed. The statement shall include where applicable the following:

1. The dates attended;
2. PDHs claimed;
3. The title of the course and a description of its content;
4. The school, firm, or organization providing the course;
5. The instructor; and
6. The course location.

(b) Licensees shall maintain all evidence, as set forth in (e) below, of completion of PDH requirements for two biennial periods after completion and shall submit such documentation to the Board upon request.

(c) Failure to maintain records or falsification of any information submitted with the renewal application may result in an appearance before the Board and, upon notice to the licensee and the opportunity for a hearing, penalties and/or suspension of the license.

(d) The Board will review the records of licensees from time to time, on a random basis, to determine compliance with continuing competency requirements.

(e) Documentation of continuing competency requirements shall consist of the following:

1. A log showing the type of activity claimed, providing organization, location, duration, instructor's or speaker's name and credits claimed;
2. Attendance verification records in the form of college transcripts, completion certificates, paid receipts, and any other documents supporting evidence of attendance;
3. For publications, submission of the published article; and

4. For teaching, a statement of appropriate authority verifying the activity.

13:40-11.8 Waiver of continuing competency requirement

- (a) The Board may, in its discretion, waive continuing competency requirements on an individual basis for reasons of hardship, such as illness or disability, or other good cause.
- (b) Any licensee seeking a waiver of the continuing competency requirement must apply to the Board in writing and set forth with specificity the reasons for requesting the waiver. The licensee shall also provide the Board with such additional information as it may reasonably request in support of the waiver request.
- (c) A new licensee by way of examination shall have all continuing competency requirements waived for the first renewal period.
- (d) A new licensee by way of comity shall be responsible at the first biennial renewal for one PDH for each month since the New Jersey license was issued.
- (e) A licensee serving on active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a calendar year shall have all continuing competency requirements waived for that year.

13:40-11.9 License restoration

The failure on the part of a licensee to renew his or her biennial certificate as required shall not relieve such person of the responsibility to maintain professional competence. At the time of application for restoration, the licensee shall submit satisfactory proof to the Board that he or she has successfully completed all delinquent PDHs. If the total credits required to become current exceeds 30, then 30 shall be the maximum number required. However, an additional 24 PDHs will still be required at the next biennial renewal.

13:40-11.10 Out-of-jurisdiction resident

Licensees who are residents of jurisdictions other than New Jersey must meet the continuing professional competency requirements for their resident jurisdiction. The requirements for New Jersey will be deemed as satisfied when a licensee provides evidence of having met the requirement of his or her resident jurisdiction, provided the requirements are not less than 24 PDHs per biennial renewal period. If the licensee resides in a jurisdiction that has no continuing professional competency requirements, the licensee must meet the requirements of New Jersey.

13:40-11.11 Criteria for continuing competency programs

- (a) A course of acceptable subject matter shall directly and materially relate to the

practice of land surveying, shall have the purpose and objective to maintain, improve or expand skills and knowledge or enhance skills and knowledge in ethics and business practices related to the profession of land surveying, and shall be:

1. A formal course of learning which contributes directly to the maintenance of professional competence of a licensee;
2. At least one instructional hour in duration; and
3. Conducted by a qualified instructor or workshop leader.

(b) A program provider or a licensee seeking Board approval for a course of acceptable subject matter shall submit the following to the Board:

1. The program provider fee (for providers) or program review fee (for licensees) as set forth in N.J.A.C. 13:40-6.1; and
2. Information to document the elements of (a) above, in writing and on a form provided by the Board, including, but not limited to:
 - i. A detailed description of course content and estimated hours of instruction; and
 - ii. The curriculum vitae of the lecturer, including specific background which qualifies the individual as a lecturer of repute in the area of instruction.

(c) Courses which meet the requirements set forth in (a) above shall be approved for continuing competency credit if taught by:

1. Undergraduate, post-graduate or adjunct instructors from accredited educational institutions with five years of experience in the lecture subject. The curriculum vitae must reflect the instructor's status and experience;
2. Recognized authorities in the specific subject areas with five years of experience in the lecture subject whose expertise is documented and approved by the Board;
3. Licensees with five years experience in specific subject areas whose expertise is documented and approved by the Board; or
4. Any of the above with less than five years experience who submit curriculum vitae, and are evaluated and approved by the Board on a case-by- case basis.

13:40-11.12 Responsibilities of program providers

(a) Program providers shall:

1. Select and assign qualified instructors for the program;

2. Assure that the number of participants and the physical facilities are consistent with the teaching methods to be utilized;
3. Disclose in advance to prospective participants the course objectives, prerequisites, experience level, content, required advanced preparation, teaching method, and number of PDH or CEU credits involved in the program;
4. Solicit evaluations from both the participants and the instructor at the conclusion of each program. Evaluations may take the form of pre-tests for advanced preparation, post-tests for effectiveness of the program, questionnaires completed at the end of the program or later, oral feedback from participants to the instructor or provider or such other mechanism as may be appropriate to an effective evaluation. Programs should be evaluated to determine whether:
 - i. Objectives have been met;
 - ii. Prerequisites were necessary or desirable;
 - iii. Facilities were satisfactory;
 - iv. The instructor was effective;
 - v. Advanced preparation materials were satisfactory; and
 - vi. The program content was timely and effective;
5. Evaluate the performance of the instructors at the conclusion of each program to determine their suitability for continuing to serve as instructors and advise instructors of their performance;
6. Systematically review the evaluation process to ensure its effectiveness;
7. Furnish to each enrollee a verification of attendance, which shall include at least the following information:
 - i. The title, date and location of the course offering;
 - ii. The name and license number of the attendee;
 - iii. The number of credits awarded; and
 - iv. The name and signature of officer or responsible party and seal of the organization;
8. Maintain and retain accurate records of attendance for a six-year period; and

9. Retain a written outline of course materials for a six-year period.