

New Rule, R.2006 d.80, effective February 21, 2006.
 See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).
 Amended by R.2011 d.212, effective August 15, 2011.
 See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).
 In (d), inserted "professional" preceding "land".

13:40-10.3 Contract requirement

(a) Any business corporation or limited liability company that does not have an officer or employee who is in responsible charge and is licensed as a professional engineer and/or professional 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 licensed professional land surveyor, and have obtained a certificate of authorization pursuant to N.J.S.A. 45:8-56 and N.J.A.C. 13:40-10.1. Such written contract shall clearly indicate the licensee to be in responsible charge of the engineering or land surveying services.

(b) A licensed professional engineer or licensed professional land surveyor rendering engineering or surveying services for a business corporation or limited liability company that is required to obtain a certificate of authorization pursuant to N.J.S.A. 45:8-56 and N.J.A.C. 13:40-10.1 shall not perform such services unless he or she is an officer or an 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) A licensed professional engineer or licensed professional land surveyor rendering engineering or surveying services who is listed as being in responsible charge of the engineering or surveying work on a corporation's or limited liability company's certificate of authorization shall notify the Board in writing within 30 days of any change of status regarding the individuals in responsible charge of the corporation or limited liability company. It shall be the duty of the corporation or limited liability company and the licensed professional engineer or licensed professional land surveyor listed as being in responsible charge on the certificate of authorization to provide such notification.

(d) Any corporation or limited liability company 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.

Amended by R.1995 d.474, effective September 5, 1995.
 See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).
 Recodified from N.J.A.C. 13:40-10.1 and amended by R.2006 d.80, effective February 21, 2006.
 See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).
 Rewrote the section.
 Amended by R.2011 d.212, effective August 15, 2011.
 See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

In (a), substituted "that" for the first occurrence of "which", inserted "professional" preceding the first occurrence of "land" and "licensed professional" preceding the second occurrence of "land"; in (b) and (c), inserted "professional" preceding "land" throughout; and in (b), substituted "that" for "which".

SUBCHAPTER 11. LAND SURVEYORS; CONTINUING COMPETENCY

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

Any professional 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.

Repeal and New Rule, R.1998 d.566, effective December 7, 1998.
 See: 29 N.J.R. 5051(b), 30 N.J.R. 4248(a).
 Section was "License renewal".
 Amended by R.2011 d.212, effective August 15, 2011.
 See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).
 Inserted "professional" preceding "land".

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.

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

"Continuing professional competency credit" or "CPC credit" means one hour of instruction.

Amended by R.1998 d.566, effective December 7, 1998.
 See: 29 N.J.R. 5051(b), 30 N.J.R. 4248(a).
 Added "Approved course or activity" and deleted "Core course/activity" and "Non-core course/activity".
 Amended by R.2006 d.80, effective February 21, 2006.
 See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).
 Deleted definition "Continuing education unit" and rewrote definition "Professional development hour."
 Amended by R.2011 d.212, effective August 15, 2011.
 See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).
 Deleted definition "Professional development hour" and inserted definition "Continuing professional competency credit".
 Amended by R.2012 d.123, effective July 2, 2012.
 See: 44 N.J.R. 37(a), 44 N.J.R. 1901(a).
 In definition "Continuing professional competency credit", inserted "or 'CPC credit'".

13:40-11.3 Credit-hour requirements; dual licensees

(a) Each applicant for license renewal shall be required to have completed, during the preceding biennial period, a minimum of 24 credits of continuing professional competency.

(b) A maximum of eight credits of continuing professional competency may be carried over into a succeeding biennial renewal period.

(c) Except as provided in (d) below, each person licensed as both a professional engineer and professional land surveyor shall complete at least 36 CPC credits relating to the practice of professional engineering and professional land surveying as a condition of biennial renewal. At least 12 of the required 36 credits must be completed in professional engineering, of which two, but no more than eight, shall be in professional practice ethics, and at least 12 credits must be completed in professional land surveying. The remaining 12 credits may be completed in either professional engineering or professional land surveying.

(d) For the renewal period beginning May 1, 2012, each person who is licensed as both a professional engineer and a professional land surveyor shall have completed at least 27 CPC credits relating to the practices of professional engineering and professional land surveying. At least 12 of the required 27 credits shall have been completed in professional land surveying, and at least 12 credits shall have been completed in professional engineering, of which two shall have been in professional practice ethics. The remaining three credits may have been completed in either professional engineering or professional land surveying.

Amended by R.1998 d.566, effective December 7, 1998.
See: 29 N.J.R. 5051(b), 30 N.J.R. 4248(a).

Deleted former (b) and recodified former (c) as (b).

Amended by R.2002 d.322, effective October 7, 2002.

See: 33 N.J.R. 3241(a), 34 N.J.R. 1768(a), 34 N.J.R. 3532(c).

In (a), deleted “; except that for the period May 1, 1994 to April 30, 1996, PDHs may have been accumulated from January 1, 1993”; in (b), substituted “12” for “eight”.

Administrative correction.

See: 35 N.J.R. 1937(a).

Amended by R.2011 d.212, effective August 15, 2011.

See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

In (a), substituted “credits of continuing professional competency” for “professional development hours (PDHs)”; and in (b), substituted “credits of continuing professional competency” for “PDHs”.

Amended by R.2012 d.123, effective July 2, 2012.

See: 44 N.J.R. 37(a), 44 N.J.R. 1901(a).

Section was “Credit-hour requirements”. Added (c) and (d).

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) Continuing professional competency credits will be granted as follows for each biennial renewal period:

1. Successful completion of approved college level courses.
 - i. One continuing professional competency credit for each semester hour credit awarded by the college;
2. Successful completion of approved continuing education courses: one continuing professional competency credit for each contact hour of the course.
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 continuing professional competency credit for each hour of attendance at an approved course. Credit will not be granted for courses that 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 or 4 above:

i. Service as an instructor or workshop leader: one continuing professional competency credit 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 continuing professional competency credit 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 continuing professional competency credits 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 continuing professional competency credit 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 continuing professional competency credit 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 continuing professional competency credits for each biennial renewal period.

Amended by R.2006 d.80, effective February 21, 2006.

See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

Rewrote (a)2.

Amended by R.2011 d.212, effective August 15, 2011.

See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

In the introductory paragraph of (a), substituted "Continuing professional competency credits" for "Credit for PDHs"; in the introductory paragraph of (a)1, substituted a period for a semicolon at the end; in (a)1i, substituted "One continuing professional competency credit" for "Fifteen PDHs" and deleted "or" from the end; deleted (a)1ii; in (a)2, (a)4, (a)5i, (a)5ii, (a)6 and (a)7, substituted "continuing professional competency" for "PDH"; in (a)4, substituted "that" for "which"; in the introductory paragraph of (a)5, substituted "or" for "and"; and in (a)5iii and (a)7, substituted "continuing professional competency credits" for "PDHs".

13:40-11.7 Reporting and documenting of continuing professional competency credits

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

1. The dates attended;
2. Continuing professional competency credits 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 continuing professional competency credit 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.

Amended by R.2011 d.212, effective August 15, 2011.
See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

Section was "Reporting and documenting of PDHs". In the introductory paragraph of (a), inserted "professional" and a comma following "include" and "applicable", and substituted "continuing professional competency credits have" for "PDHs has"; in (a)2, substituted "Continuing professional competency credits" for "PDHs"; and in (b), substituted "continuing professional competency credit" for "PDH".

13:40-11.8 Waiver of continuing professional competency requirement

(a) The Board may, in its discretion, waive, extend or otherwise modify 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, extension or other modification of the continuing competency requirement shall apply to the Board in writing 90 days prior to renewal of licensure and set forth with specificity the reasons for the request. The licensee shall also provide the Board with such additional information as it may reasonably request in support of the 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 continuing professional competency credit 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.

Amended by R.2002 d.322, effective October 7, 2002.
See: 33 N.J.R. 3241(a), 34 N.J.R. 1768(a), 34 N.J.R. 3532(c).

In (b), substituted "shall" for "must" and inserted "90 days prior to renewal of licensure" following "writing".

Amended by R.2006 d.80, effective February 21, 2006.

See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

In (a), added ", extend or otherwise modify"; in (b), added ", extension or other modification"; and substituted "the request" for "requesting the waiver" and deleted "waiver" from the last sentence in (b).

Amended by R.2011 d.212, effective August 15, 2011.

See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

Section was "Waiver of continuing competency requirement". In (d), substituted "continuing professional competency credit" for "PDH".

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 CPC credits. If the total credits required to become current exceeds 30, then 30 shall be the maximum number required. In the case of a person licensed as both a professional engineer and professional land surveyor, if the total credits required to become current exceeds 45, then 45 shall be the maximum number required. However, an additional 24 CPC credits (or 36 CPC credits in the case of a dual licensee) will still be required at the next biennial renewal. The credits required to become current shall not be counted towards the CPC credits required for the next biennial renewal.

Amended by R.2011 d.212, effective August 15, 2011.

See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

Substituted "continuing professional competency credits" for "PDHs" twice.

Amended by R.2012 d.123, effective July 2, 2012.

See: 44 N.J.R. 37(a), 44 N.J.R. 1901(a).

Rewrote the section.

13:40-11.10 Out-of-jurisdiction resident

Licenses 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 as having met the requirements of his or her resident jurisdiction, provided the requirements are not less than 24 continuing professional competency credits 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.

Amended by R.2011 d.212, effective August 15, 2011.

See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

Substituted the third occurrence of "requirements" for "requirement" and "continuing professional competency credits" for "PDHs".

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