

“Advertisement” means any communication to the public including, but not limited to, newspaper, periodical, journal, flyer, brochure, telephone directory, billboard, sign (other than a sign used only for identification purposes at the business premises), radio, telephone for the purpose of solicitation, television, Internet, or any other print or electronic media in which engineering or land surveying services are offered or by which the availability of engineering or land surveying services is made known.

“Board” means the State Board of Professional Engineers and Land Surveyors.

“Certificate of Authorization” means a certificate issued by the Board to a general business corporation or a limited liability company to allow the practice of professional engineering and/or land surveying pursuant to N.J.S.A. 45:8-56 and N.J.A.C. 13:40-10.

“Closely allied professionals” means and is limited to licensed architects, professional engineers, land surveyors, professional planners and certified landscape architects pursuant to N.J.S.A. 45:8-28(j) and 45:4B-3.

“Engineer” or “professional engineer” means a person who has been duly licensed as a professional engineer by the Board.

“Engineering,” “professional engineering” or “practice of engineering” means 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 practice of professional engineering does not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

“Engineer-in-training” means a person who is registered as an engineer-in-training by the Board.

“Joint Committee” means the Joint Committee of Architects and Engineers established pursuant to the Building Design Services Act, N.J.S.A. 45:4B-1 et seq.

“Land information systems” means any computer coded spatial database designed for multi-purpose public use developed from or based on property boundaries.

“Land surveying” “surveying” or “practice of land surveying” means 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, topography including 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 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 represents these surveys. The practice of land surveying includes the establishment and maintenance of the base mapping and related control for land information systems that are developed from the practice of land surveying.

“Land surveyor” or “surveyor” means a person who has been duly licensed as a professional land surveyor by the Board.

“License” means official documents issued by the Board to an individual attesting to the fact that the individual has met the minimum requirements to practice professional engineering or land surveying in the State of New Jersey.

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

“Limited liability partnership,” “LLP” or “L.L.P.” means an association of two or more persons to carry on as owners of a business for profit, which partnership is formed pursuant to an agreement governed by the law of New Jersey, is registered pursuant to N.J.S.A. 42:1-44 and is in compliance with N.J.S.A. 42:1-45.

“Person” means any individual or any business association or entity.

“Professional business entity” means a sole proprietorship of a licensed professional engineer or land surveyor; a partnership, including a limited liability partnership, of licensed professional engineers and/or land surveyors; a partnership, including a limited liability partnership, of closely allied professionals, including at least one licensed professional engineer or licensed land surveyor; a professional service

corporation of persons providing closely allied professional services as defined by N.J.S.A. 14A:17-3, including at least one licensed engineer or licensed land surveyor, established pursuant to the Professional Service Corporation Act, N.J.S.A. 14A:17-1 et seq.; or a limited liability company or a corporation either of which is required to hold a Certificate of Authorization from the State Board of Professional Engineers and Land Surveyors pursuant to N.J.A.C. 13:40-10.

“Responsible charge” means 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.

“Surveyor-in-training” means a person who is registered as a surveyor-in-training by the Board.

“Telecommunications” means 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.

New Rule, R.2006 d.80, effective February 21, 2006.
See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

Former N.J.A.C. 13:40-1.3, Title block contents, recodified as N.J.A.C. 13:40-8.3.

Petition for Rulemaking.
See: 38 N.J.R. 5179(a).
Petition for Rulemaking.
See: 39 N.J.R. 263(b).

13:40-1.4 (Reserved)

Recodified as N.J.A.C. 13:40-8.4 by R.2006 d.80, effective February 21, 2006.

See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).
Section was “Proposed title block form.”

13:40-1.5 (Reserved)

Recodified as N.J.A.C. 13:40-8.5 by R.2006 d.80, effective February 21, 2006.

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

Section was “Title block use for professional engineer and land surveyor work project.”

13:40-1.6 (Reserved)

Recodified as N.J.A.C. 13:40-8.6 by R.2006 d.80, effective February 21, 2006.

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

Section was “Subtitle block of independent professional.”

SUBCHAPTER 2. APPLICATION REQUIREMENTS; LICENSING; BIENNIAL RENEWAL; INACTIVE STATUS

13:40-2.1 Application submission

(a) An applicant for licensure or registration shall submit a completed application as required under this subchapter on a form provided by the Board. The application and materials required under this subchapter for licensure or registration shall be postmarked and sent to the Board office by the deadline prescribed in the application packet for an applicant to be considered eligible for admission to the next regularly scheduled examination. The applicant shall be responsible to verify the receipt of all the required materials by the Board office.

(b) The application shall be reviewed only upon receipt of all the required materials.

(c) An application and other required materials that are not postmarked by the prescribed deadline shall not be reviewed for the next scheduled examination. The application shall be held and reviewed for the subsequent scheduled examination, provided that the application and all required materials are postmarked and sent to the Board office by the deadline prescribed for that examination.

New Rule, R.2000 d.195, effective May 15, 2000.

See: 31 N.J.R. 2459(a), 32 N.J.R. 1773(c).

Former N.J.A.C. 13:40-2.1, Form, repealed.

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 former section; (c) recodified from N.J.A.C. 13:40-2.2 with removal of N.J.A.C. reference.

13:40-2.2 Scheduling of examination

(a) Upon the timely submission of a completed application and all supplemental materials, including references and fees, the application shall be reviewed. If the application and supplemental materials satisfy the requirements of this subchapter, the applicant shall be permitted to take the licensing examination.

(b) Upon finding an applicant qualified to sit for an examination, the Board shall forward a packet to the applicant advising that the applicant is eligible to take the examination on one of two dates specified within the packet. The applicant shall choose one of the two dates, so indicate in the materials sent by the Board, and return the completed material to the Board along with the examination fee as required by the examiner. The choice of examination date must be postmarked and mailed to the Board office by the deadline specified in the packet.

New Rule, R.2000 d.195, effective May 15, 2000.

See: 31 N.J.R. 2459(a), 32 N.J.R. 1773(c).

Recodified from N.J.A.C. 13:40-2.15 and amended by R.2006 d.80, effective February 21, 2006.

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

forth in N.J.A.C. 13:40-6.1 and shall not hold himself or herself out as a professional engineer or land surveyor, as the case may be.

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

1. Payment of the biennial license fee and reactivation fee pursuant to N.J.A.C. 13:40-6.1;
2. Submission of an affidavit of employment listing each job held during the period the license was on inactive status which includes the name, address, and telephone number of each employer and a listing of every project and report that was signed and sealed by the licensee; and
3. In the case of a land surveyor, submission of proof of completion of the professional development required for each biennial licensure period for which the license was on inactive status.

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

New Rule, R.2006 d.80, effective February 21, 2006.

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

Former N.J.A.C. 13:40-2.15, Scheduling of examination, recodified as N.J.A.C. 13:40-2.2.

13:40-2.16 Comity

(a) Comity licensure pursuant to N.J.S.A. 45:8-35(1)(e) and 2(d) shall be granted provided that education, experience, and examination requirements for licensure by the issuing agency are comparable to the requirements of the State of New Jersey at the time of the applicant's initial licensure. For purposes of comity licensure, N.J.S.A. 45:8-27 et seq. does not contain an eminence or grandfather clause, nor provide reciprocity with any state, territory or country.

(b) The out-of-State license relied upon by an applicant for purposes of comity licensure in New Jersey must be current and in good standing. In the case of multiple state licensure, all out-of-state licenses obtained prior to applying for comity licensure in New Jersey must be in good standing whether active or inactive, in order for licensure pursuant to N.J.S.A. 45:8-35(1) (e) and (2)(d) to be granted.

(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 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 accepted; and
3. All references and transcripts shall be submitted to the Board in conformance with N.J.A.C. 13:40-2.4 through 2.13.

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. 13:40-2.7 and amended by R.2000 d.195, effective May 15, 2000.

See: 31 N.J.R. 2459(a), 32 N.J.R. 1773(c).

Rewrote (a) and (b); and in (c)3, changed N.J.A.C. reference.

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

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

In (c), deleted "the personal data portion of."

13:40-2.17 (Reserved)

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

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

Section was "Review of examination."

SUBCHAPTER 3. LICENSURE REQUIREMENT; EXEMPTIONS; STANDARDS OF PRACTICE; MISCONDUCT

13:40-3.1 Licensure requirement; issuance and display of certificate; advertising

(a) A person shall not use the title "professional engineer," "engineer" or its substantial equivalent or otherwise represent to the public that the person is licensed to practice engineering in this State unless that person is licensed by the Board.

(b) A person shall not use the title "land surveyor," "surveyor" or its substantial equivalent or otherwise represent to the public that the person is licensed to practice land surveying in this State unless that person is licensed by the Board.

(c) All professional engineering and land surveying performed for or by a department, institution, commission, board or body of the State Government or for or by any county, city, township, village, borough or other municipal corporation or other political subdivision in the State shall be performed by a licensed individual in conformance with N.J.S.A. 45:8-27 et seq., N.J.S.A. 45:4B-1 et seq. and N.J.A.C. 13:40.

(d) Every holder of a license shall display the license certificate in a conspicuous place in the licensee's principal office, place of business or employment.

(e) Each license number and license certificate containing the license number issued by the Board shall remain the property of the State of New Jersey. If the Board suspends, fails to renew, or revokes a license, the licensee shall immediately

return all certificates to the Board and shall remove the license number from all advertising and anything else on which the license number is displayed or otherwise communicated.

(f) The Board shall issue a replacement license certificate to a licensee upon payment of the replacement certificate fee as set forth in N.J.A.C. 13:40-6.1 and receipt by the Board of an affidavit or certified statement attesting that the original was either lost, destroyed, mutilated or is otherwise no longer in the custody of and cannot be recovered by the licensee.

(g) The Board shall issue a duplicate license certificate to a licensee upon payment of the duplicate certificate fee as set forth in N.J.A.C. 13:40-6.1 and receipt by the Board of an affidavit or certified statement that the licensee has multiple places of business in which the licensee must display a certificate. A licensee shall not possess more certificates than the number of places of business utilized by the licensee.

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

New Rule, R.2006 d.80, effective February 21, 2006.

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

Former N.J.A.C. 13:40-3.1, Enumeration of prohibited acts, recodified as N.J.A.C. 13:40-3.5.

13:40-3.2 Licensure exemptions: acceptable measurements by professional engineers

(a) The following persons shall be exempt from the licensure requirements of N.J.A.C. 13:40-3.1:

1. An individual not a resident of and having no established place of business in this State who practices or offers to practice professional engineering or land surveying when such practice does not exceed in the aggregate 30 consecutive days in any calendar year provided that the individual is legally qualified by license to practice professional engineering or land surveying in any State or country in which the requirements and qualifications for licensure are at least comparable to those required by the Board and no final plans or reports are submitted by the individual;

2. An individual not a resident of and having no established place of business in this State or who recently becomes a resident of this State, who practices or offers to practice professional engineering or land surveying for more than 30 days in any calendar year if the individual has filed with the Board an application for licensure and has paid the requisite fees, provided that the individual is legally qualified to practice 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 required by the Board and this exemption shall continue only for such time as the Board requires for its consideration of the application for licensure;

3. An employee or a subordinate of an individual holding a valid license issued by the Board or an employee of a person exempted from licensure by (a)1 or 2 above, provided that this practice does not include responsible charge of design or supervision;

4. An officer or employee of the Government of the United States while engaged within this State in the practice of professional engineering or land surveying for that government;

5. An officer or employee for a corporation engaged in interstate commerce as defined in an act of Congress entitled, "Act to regulate commerce," approved February 4, 1887, 24 Stat. 379, and as amended, when practicing professional engineering or land surveying solely for that corporation unless such practice affects public safety or health;

6. An employee of a corporation or any of its affiliated companies, any of which are in the field of telecommunications and subject to the jurisdiction of the State Board of Public Utilities or the Federal Communications Commission, when acting on behalf of that corporation or any of its affiliated companies;

7. An employee of a corporation or any of its affiliated companies, any of which are in the field of telecommunications and in which the primary business is research and technical development manufacturing or product design, when acting on behalf of that corporation or any of its affiliated companies; and

8. A person when exclusively practicing professional engineering or land surveying on property owned or leased by the person unless such practice involves the safety, health or welfare of the public.

(b) The design of buildings by professional engineers shall be consistent with section 7 of the Building Design Services Act, N.J.S.A. 45:4B-7.

(c) Nothing in this subchapter shall prohibit licensed architects from providing or offering services consistent with the Building Design Services Act, N.J.S.A. 45:4B-1 et seq.

New Rule, R.2006 d.80, effective February 21, 2006.

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

Former N.J.A.C. 13:40-3.2, Reporting incidents of professional misconduct, recodified as N.J.A.C. 13:40-3.6.

Petition for Rulemaking.

See: 38 N.J.R. 5179(a).

Petition for Rulemaking.

See: 39 N.J.R. 263(b).

13:40-3.3 Advertising

(a) Professional engineers and land surveyors shall meet the following requirements concerning advertisements:

1. An advertisement shall include a term which is descriptive of the professional services to be rendered, such as "professional engineer," "land surveyor," "professional