

CHAPTER 40

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Authority

N.J.S.A. 45:8-27 et seq.

Source and Effective Date

R.1995 d.474, effective August 2, 1995. See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

Executive Order No. 66(1978) Expiration Date

Chapter 40, State Board of Professional Engineers and Land Surveyors, expires on August 2, 2000.

Chapter Historical Note

All provisions of this chapter were adopted by the State Board of Professional Engineers and Land Surveyors, Division of Professional Boards, Department of Law and Public Safety, pursuant to authority delegated at N.J.S.A. 45:8-27 et seq. and became effective prior to September 1, 1969.

Subchapter 7 became effective September 10, 1981 as R.1981 d.320. See: 13 N.J.R. 231(a), 13 N.J.R. 607(a). Amendments to sections 1.1 and 1.2 became effective February 7, 1983 as R.1983 d.36. See: 14 N.J.R. 1345(a), 15 N.J.R. 157(d). Subchapter 6 was readopted in compliance with Executive Order No. 66(1978), effective September 15, 1983 as R.1983 d.418. See: 15 N.J.R. 1077(a), 15 N.J.R. 1667(a). Subchapter 8 became effective May 6, 1985 as R.1985 d.225. See: 16 N.J.R. 1027(a), 17 N.J.R. 1133(a). Subchapter 9 became effective May 6, 1985 as R.1985 d.222. See: 16 N.J.R. 206(b), 17 N.J.R. 1134(a).

Subchapter 1 was repealed and a new subchapter adopted; Subchapter 2 "Title blocks for land surveyors" was repealed, effective January 21, 1986 as R.1985 d.694. See: 17 N.J.R. 2602(b), 18 N.J.R. 205(a).

Subchapter 2, Title Blocks for Land Surveyors, became effective prior to September 1, 1969. Amendments became effective February 7, 1983 as R.1983 d.36. See: 14 N.J.R. 1345(a), 15 N.J.R. 157(d). This subchapter was repealed effective January 21, 1986 as R.1985 d.694. See: 17 N.J.R. 2602(b), 18 N.J.R. 205(a).

Subchapter 2, Application Requirements, became effective September 8, 1987 as R.1987 d.355. See: 19 N.J.R. 851(a), 19 N.J.R. 1649(b). Subchapter 10, Contract to Provide Professional Services, was adopted as R.1989 d.64, effective February 6, 1989. See: 20 N.J.R. 2243(b), 21 N.J.R. 339(a).

Subchapter 10, Contract to Provide Professional Services, was adopted as R.1989 d.64, effective February 6, 1989. See: 20 N.J.R. 2243(b), 21 N.J.R. 339(a).

Pursuant to Executive Order No. 66(1978), Chapter 40 was readopted as R.1990 d.434, effective August 3, 1990. See: 22 N.J.R. 1867(a), 22 N.J.R. 2747(f).

Petitions for Rulemaking. See: 25 N.J.R. 3032(a), 25 N.J.R. 3871(a).

Subchapter 11, Land Surveyors; Continuing Competency, was adopted as R.1995 d.305, effective June 19, 1995. See: 26 N.J.R. 4314(a), 27 N.J.R. 2415(a).

Pursuant to Executive Order No. 66(1978), Chapter 40, State Board of Professional Engineers and Land Surveyors, was readopted as R.1995 d.474, effective August 2, 1995. See: Source and Effective Date. See, also, section annotations.

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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.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

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.

Amended by R.1995 d.474, effective September 5, 1995.
See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

13:40-1.3 Title block contents

(a) The title block shall contain:

- 1. The name and location of the project;

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.

Amended by R.1998 d.566, effective December 7, 1998.

See: 29 N.J.R. 5051(b), 30 N.J.R. 4248(a).

In (a), rewrote the introductory paragraph; and added (c).

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.

SUBCHAPTER 12. RETIRED LICENSE AND NO-FEE RETIRED LICENSE STATUS

Authority

N.J.S.A. 45:1-3.2, 45:8-35, 45:8-36 and 45:8-36.2.

Source and Effective Date

R.1998 d.224, effective May 4, 1998.
See: 30 N.J.R. 290(a), 30 N.J.R. 1618(a).

13:40-12.1 Eligibility requirements

(a) A licensed professional engineer or land surveyor who has been licensed for a minimum of 25 years and is at least 62 years of age may apply to the Board for status as a retired licensee or a no-fee retired licensee.

(b) A licensee who obtains retired license status or no-fee retired license status shall not offer or practice professional engineering or land surveying within the State.

13:40-12.2 Retired licensee: application; entitlement

(a) A licensee who seeks retired license status shall forward to the Board the following:

1. A completed application form furnished by the Board which contains the licensee's current address, telephone number, and information concerning disciplinary matters; and

2. The retired license fee pursuant to N.J.A.C. 13:40-6.1.

(b) The Board shall review the submission set forth in (a) above and if the applicant meets the requirements of N.J.A.C. 13:40-12.1(a), the Board shall declare the licensee retired and place the licensee on the retired status list.

(c) Each retired licensee shall be entitled to the following:

1. A retired licensee may use the designation "Ret." following his or her name;

2. The name of each retired licensee shall appear in the annual roster of licensees;

3. Each retired licensee shall receive a certificate from the Board; and

4. Each retired licensee shall receive any mailings from the Board that are sent to active licensees.

(d) Each retired licensee who wishes to maintain retired status shall renew the license biennially, and shall remit the retired license fee pursuant to N.J.A.C. 13:40-6.1.

13:40-12.3 No-fee retired licensee

(a) A licensee who seeks no-fee retired licensee status shall submit a completed application form furnished by the Board which contains the licensee's current address, telephone number, and information concerning disciplinary matters.

(b) The Board shall review the submission as set forth in (a) above. If the applicant meets the requirements of N.J.A.C. 13:40-12.1(a), the Board shall declare the licensee retired, and shall place the licensee on the retired status list. The licensee shall not be required to renew the no-fee status biennially.

13:40-12.4 Resumption of practice

(a) A professional engineer or land surveyor holding retired license status or no-fee retired license status who wishes to resume the practice of professional engineering or land surveying shall forward the following to the Board:

1. A completed resumption of practice application form furnished by the Board which contains the licensee's current address, telephone number, details of any disciplinary matters, information concerning whether the licensee has signed and sealed any projects while on retired status, and proof of current competency pursuant to (a)3 below;

2. The reinstatement fee for retired licensees or no-fee retired licensees pursuant to N.J.A.C. 13:40-6.1; and

3. For a professional engineer or land surveyor who has been on the retired status list for five or more years, satisfactory evidence of current knowledge, competency and skill in the practice of professional engineering or land surveying as follows:

i. Each retired professional engineer shall provide information on the resumption of practice application regarding current knowledge, competency, and skill. The Board shall review the information submitted by the applicant and determine if the applicant has demonstrated the ability to practice engineering in such a way so as to insure the safety of life, health, and property.

ii. Each retired land surveyor seeking to resume practice shall furnish proof of completion of a minimum of 24 PDHs earned within two years prior to the application for resumption of practice.