

**CHAPTER 40**

**STATE BOARD OF PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS**

**Authority**

N.J.S.A. 45:1-15, 45:8-27 et seq., and 45:8-35.11 through 45:8-35.19.

**Source and Effective Date**

R.2011 d.212, effective July 12, 2011.  
See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

**Chapter Expiration Date**

Chapter 40, State Board of Professional Engineers and Land Surveyors, expires on July 12, 2018.

**Chapter Historical Note**

Chapter 40, State Board of Professional Engineers and Land Surveyors, was adopted and became effective prior to September 1, 1969.

Subchapter 7, Permissible Division of Responsibility in Submission of Site Plans and Major Subdivision Plats, was adopted as R.1981 d.320, effective September 10, 1981. See: 13 N.J.R. 231(a), 13 N.J.R. 607(a).

Pursuant to Executive Order No. 66(1978), Subchapter 6, Fees, was readopted as R.1983 d.418, effective September 15, 1983. See: 15 N.J.R. 1077(a), 15 N.J.R. 1667(a).

Subchapter 8, Maintenance of Project Records, was adopted as R.1985 d.225, effective May 6, 1985. See: 16 N.J.R. 1027(a), 17 N.J.R. 1133(a).

Subchapter 9, Responsible Charge of Engineering or Land Surveying Work, was adopted as R.1985 d.222, effective May 6, 1985. See: 16 N.J.R. 2067(b), 17 N.J.R. 1134(a).

Subchapter 1, Title Blocks for Professional Engineers, was repealed and Subchapter 1, Title Blocks and Seals for Professional Engineers and Land Surveyors, was adopted as new rules, and Subchapter 2, Title Blocks for Land Surveyors, was repealed by R.1985 d.694, effective January 21, 1986. See: 17 N.J.R. 2602(b), 18 N.J.R. 205(a).

Subchapter 2, Application Requirements, was adopted as new rules by R.1987 d.355, effective September 8, 1987. 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).

Pursuant to Executive Order No. 66(1978), Chapter 40, State Board of Professional Engineers and Land Surveyors, was readopted as R.1990 d.434, effective August 3, 1990. See: 22 N.J.R. 1867(a), 22 N.J.R. 2747(b).

Petition 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: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

Subchapter 12, Retired License and No-Fee Retired License Status, was adopted as R.1998 d.224, effective May 4, 1998. See: 30 N.J.R. 290(a), 30 N.J.R. 1618(a).

Pursuant to Executive Order No. 66(1978), Chapter 40, State Board of Professional Engineers and Land Surveyors, was readopted as R.2000 d.355, effective August 1, 2000. See: 32 N.J.R. 1906(a), 32 N.J.R. 3328(a).

Subchapter 15, Home Inspection Advisory Committee, was adopted as new rules by R.2002 d.169, effective June 3, 2002. See: 33 N.J.R. 1318(a), 34 N.J.R. 1935(a).

Chapter 40, State Board of Professional Engineers and Land Surveyors, was readopted as R.2006 d.80, effective January 26, 2006. See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 40, State Board of Professional Engineers and Land Surveyors, was scheduled to expire on July 25, 2013. See: 43 N.J.R. 1203(a).

Chapter 40, State Board of Professional Engineers and Land Surveyors, was readopted as R.2011 d.212, effective July 12, 2011. As a part of R.2011 d.212, Subchapter 5, Land Surveyors; Preparation of Land Surveys, was renamed Professional Land Surveyors; Preparation of Land Surveys; and Subchapter 8, Sealing and Title Block Requirements for Professional Engineers and Land Surveyors, was renamed Sealing and Title Block Requirements for Professional Engineers and Professional Land Surveyors, effective August 15, 2011. See: Source and Effective Date. See, also, section annotations.

Subchapter 13, Professional Engineers; Continuing Professional Competency Requirements, was adopted as new rules by R.2012 d.123, effective July 2, 2012. See: 44 N.J.R. 37(a), 44 N.J.R. 1901(a).

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**SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS**

**13:40-1.1 Purpose**

The purpose of this chapter is to regulate the practices of professional engineering, professional land surveying and home inspection in the State of New Jersey pursuant to N.J.S.A. 45:8-27 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. 13:40-1.1, Sealing documents, recodified as N.J.A.C. 13:40-8.1.

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".

**13:40-1.2 Scope**

This chapter shall apply to all applicants seeking licensure as professional engineers, professional land surveyors and/or

home inspectors and all licensees practicing professional engineering, professional land surveying and/or home inspecting in the State of New Jersey.

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. 13:40-1.2, Title block on drawings; forms; removal, recodified as N.J.A.C. 13:40-8.2.

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" twice, and substituted "and/or" for "and" following "surveying".

### 13:40-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"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, professional land surveyors, professional planners and licensed 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 com-

pletion 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" or "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, 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 professional 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 professional land surveyor; a partnership, including a limited liability partnership, of licensed professional engineers and/or professional land surveyors; a partnership, including a limited liability partnership, of closely allied professionals, including at least one licensed professional engineer or licensed professional 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 professional 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 professional land surveyor to those individuals performing services that 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), 1323(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 definitions “Closely allied professionals”, “License”, “Professional business entity” and “Responsible charge”, inserted “professional” preceding “land”; in definition “Closely allied professionals”, substituted “licensed” for “certified”; in definition “ ‘Land surveying’ or ‘surveying’ or ‘practice of land surveying’ ”, inserted a comma following “work”, and deleted “topography including” preceding “natural”; and in definition “Responsible charge”, substituted “that” for “which”.

### 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.”

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## 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 sup-

plemental 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).

In (a), substituted "a completed application" for "an application" and deleted N.J.A.C. reference; in (b), substituted "the examiner" for N.J.A.C. reference; former N.J.A.C. 13:40-2.2, Failure to timely submit application, recodified as N.J.A.C. 13:40-2.1(c).

### 13:40-2.3 Cancellation of application; reapplication

(a) All applications to take an examination for licensure shall be valid for five years from the date of initial Board approval; after five years, the application shall be canceled.

(b) An applicant whose application has been canceled may reapply and shall satisfy the eligibility requirements of the rules applicable at the time of the new application. Once the reapplication is approved, the application shall be deemed valid for five years from the date of reapproval.

(c) Upon reapplication, the applicant shall have postmarked and sent to the Board by the deadline prescribed in the new application packet a new application, the appropriate fees as required pursuant to N.J.A.C. 13:40-6.1(a)1, all other required materials, and a letter referencing any application number previously assigned by the Board.

Amended by R.1995 d.474, effective September 5, 1995.

See: 27 N.J.R. 1748(a), 27 N.J.R. 3370(a).

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. 13:40-2.3, Education, recodified to N.J.A.C. 13:40-2.8.

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), deleted "submitted after May 15, 2000"; in (c), added "other" and deleted reference to N.J.A.C. 13:40-2.1(a).

### 13:40-2.4 Engineer-in-training: application procedure; eligibility requirements; requirements for juniors and seniors to sit for Part F portion

(a) To be eligible for a certificate of registration as an engineer-in-training, an applicant shall:

1. Submit a completed, typewritten and notarized application which contains information concerning the applicant's background;

2. Pay the application fee set forth in N.J.A.C. 13:40-6.1(a)1;

3. Submit an official transcript indicating the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:40-2.8 in either engineering or engineering technology;

4. Submit a minimum of three references that comply with N.J.A.C. 13:40-2.13 from persons who have personal knowledge of the applicant's engineering education, experience or training, one of whom shall be a licensed professional engineer in the United States;

5. Submit proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14 if the applicant has received an undergraduate degree from a school located in a country where the official language is other than English; and

6. Successfully complete the Part F portion of the examination unless waived by the Board pursuant to N.J.A.C. 13:40-2.12.

(b) A person in his or her junior or senior year of college pursuing either a degree in engineering or engineering technology shall be permitted to sit for the Part F portion of the examination if:

1. The applicant submits a completed, typewritten and notarized application which contains information concerning the applicant's background;

2. The Board receives a letter from the applicant's school indicating that the applicant is currently enrolled as a junior or senior in good academic standing;

3. The Board receives an official transcript from the applicant's school indicating the courses completed by the applicant to date;

4. The applicant submits a minimum of three references that comply with N.J.A.C. 13:40-2.13 from persons who have personal knowledge of the applicant's engineering education, experience or training, one of whom shall be a licensed professional engineer in the United States;

5. The applicant pays the application fee required of engineer-in-training applicants as set forth in N.J.A.C. 13:40-6.1(a)1; and

6. For an applicant who is pursuing his or her undergraduate degree from a school located in a country where the official language is other than English, the Board receives proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14.

(c) The Board shall issue a certificate of registration as an engineer-in-training to a person meeting the requirements of (b) above, upon the person meeting the requirements of (a)3 above.

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. 13:40-2.4, Language comprehension requirement, recodified to N.J.A.C. 13:40-2.14.

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; section heading was "Engineer-in-training; application procedure; eligibility requirements."

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)4, inserted "engineering education,"; in (b)4, inserted "engineering education"; and added (c).

### **13:40-2.5 Professional engineer: application procedure; eligibility requirements**

(a) An applicant for examination as a professional engineer shall submit the following to the Board:

1. A completed, typewritten and notarized application which contains information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:40-6.1(a)1;

3. An official transcript indicating the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:40-2.8 in either engineering or engineering technology;

4. A minimum of five references that comply with N.J.A.C. 13:40-2.13 from persons who have personal knowledge of the applicant's experience or training, three of whom shall be licensed professional engineers in the United States. 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; and

5. For an applicant who has received his or her undergraduate degree from a school located in a country where the official language is other than English, proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14.

(b) To be eligible for licensure, the applicant shall have successfully passed the three-part examination for licensure consisting of:

1. Part F—Fundamentals of Engineering which may be waived by the Board pursuant to N.J.A.C. 13:40-2.12;

2. Part P—Principles and Practices of Engineering (this portion of the examination shall be taken after the applicant satisfies the experience requirements set forth in N.J.A.C. 13:40-2.10); and

3. The New Jersey Law portion.

(c) If the applicant is seeking licensure by comity, in addition to meeting the requirements in (a) above, the applicant shall also:

1. Submit proof of successful completion of the examination requirements set forth in (b) above; and

2. Comply with the requirements set forth in N.J.A.C. 13:40-2.16.

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. 13:40-2.5, Experience, recodified to N.J.A.C. 13:40-2.10.

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)1, added " , typewritten and authorized"; in (a)3, added "in either engineering or engineering technology,"; rewrote (a)4; in (a)5, added "school located in a"; in (b)1, added "which may be waived by the Board pursuant to N.J.A.C. 13:40-2.12;"

### **13:40-2.6 Surveyor-in-training; application procedure; eligibility requirements**

(a) To be eligible for a certificate of registration as a surveyor-in-training, an applicant shall:

1. Submit a completed, typewritten and notarized application which contains information concerning the applicant's background;

2. Pay the application fee set forth in N.J.A.C. 13:40-6.1(a)1;

3. Submit an official transcript indicating the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:40-2.9;

4. Submit a minimum of three references that comply with N.J.A.C. 13:40-2.13 from persons who have personal knowledge of the applicant's surveying education, experience or training, one of whom shall be a licensed professional land surveyor in the United States; and

5. Submit proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14 if the applicant has received an undergraduate degree from a school located in a country where the official language is other than English.

(b) A person in his or her junior or senior year of college pursuing a degree in land surveying shall be permitted to sit for the Part F portion of the examination if:

1. The applicant submits a completed, typewritten and notarized application which contains information concerning the applicant's background;

2. The Board receives a letter from the applicant's school indicating that the applicant is currently enrolled as a junior or senior in good academic standing;

3. The Board receives an official transcript from the applicant's school indicating the courses completed by the applicant to date;

4. The applicant submits a minimum of three references that comply with N.J.A.C. 13:40-2.13 and are from persons who have personal knowledge of the applicant's experience or training, one of whom shall be a licensed land surveyor in the United States;

5. The applicant pays the application fee required of surveyor-in-training applicants as set forth in N.J.A.C. 13:40-6.1(a)1; and

6. For an applicant who is pursuing an undergraduate degree from a school located in a country where the official language is other than English, the Board receives proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14.

(c) The Board shall issue a certificate of registration as a surveyor-in-training to a person meeting the requirements of (b) above upon the person meeting the requirements of (a)3 above.

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. 13:40-2.6, References, recodified to N.J.A.C. 13:40-2.13.

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)4, inserted "surveying education", a comma following "training" and inserted "professional"; and added (c).

### 13:40-2.7 Professional land surveyor; application procedures; eligibility requirements

(a) An applicant for licensure as a professional land surveyor shall submit the following to the Board:

1. A completed, typewritten and notarized application which contains information concerning the applicant's educational and experiential background;

2. The application fee set forth in N.J.A.C. 13:40-6.1(a)1;

3. An official transcript indicating the applicant has satisfied the educational requirements set forth in N.J.A.C. 13:40-2.9;

4. A minimum of five references that comply with N.J.A.C. 13:40-2.13 from persons who have personal knowledge of the applicant's experience or training, three of whom shall be licensed professional land surveyors in the United States. The professional references for that portion of the applicant's experience constituting the mini-

um 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; and

5. For an applicant who has received his or her undergraduate degree from a school located in a country where the official language is other than English, proof that the applicant has satisfied the language comprehension requirement set forth in N.J.A.C. 13:40-2.14.

(b) To be eligible for licensure, an applicant shall have successfully completed the four-part examination consisting of:

1. Part F—Fundamentals of Land Surveying;

2. Part P—Principles and Practices of Land Surveying (this portion of the examination shall be taken after the applicant satisfies the experience requirements set forth in N.J.A.C. 13:40-2.11);

3. The New Jersey State-specific examination (this portion of the examination shall be taken after the applicant satisfies the experience requirements set forth in N.J.A.C. 13:40-2.11); and

4. The New Jersey law portion.

(c) If the applicant is seeking licensure by comity, in addition to meeting the requirements in (a) above, the applicant shall also comply with the requirements set forth in N.J.A.C. 13:40-2.16 and submit proof that the applicant has successfully passed the examination for licensure consisting of the materials set forth in (b) above.

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. 13:40-2.7, Comity, recodified to N.J.A.C. 13:40-2.16.

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)1, added " , typewritten and authorized"; rewrote (a)4; in (a)5, added "school located in a."

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 "Land surveyor; application procedures; eligibility requirements". In the introductory paragraph of (a) and in (a)4, inserted "professional" preceding "land" throughout.

### 13:40-2.8 Education requirements: engineer-in-training and professional engineer

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

application number of the applicant. In the event that any portion of the curriculum completed by the applicant as part of a master's degree is required to be considered by the Board for the applicant to meet the minimum education standards as set forth in (b) below, the applicant shall not receive the one year of experience credit as permitted by N.J.A.C. 13:40-2.10(b).

(b) A bachelor's degree in an engineering program accredited by the Engineering Accreditation Commission of ABET, Inc., shall be accepted for licensure.

(c) A bachelor's degree in an engineering technology program accredited by the Technology Accreditation Commission of ABET, Inc. (TAC/ABET) shall be accepted for licensure.

(d) An applicant with a degree from a college or university that is not accredited by the Accreditation Board for Engineering and Technology shall obtain, at his or her own expense, and shall submit to the Board a detailed evaluation of his or her degree from a transcript review service recommended by the Board.

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

(f) An applicant with a non-United States degree who has documented that due to political or economic sanctions the applicant is unable to have the transcript sent directly from the school to the Board or its designee shall submit his or her original transcript to the Board-approved transcript review service. The applicant shall also provide a literal, verbatim English translation, certified to be accurate by a certified translator. The applicant shall also comply with all information requests by the Board-approved transcript review service.

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. 13:40-2.3 and amended by R.2000 d.195, effective May 15, 2000.

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

In (a), substituted a reference to educational institutions for a reference to institutions; deleted former (d) and (e); recodified former (f) and (g) as (d) and (e); in the new (d), substituted a reference to educational institutions for a reference to institutions, and substituted "other than those selected and approved by the Board shall" for "will" following "services"; and added a new (f). Former N.J.A.C. 13:40-2.8, Waiver, recodified to N.J.A.C. 13:40-2.12.

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 the third sentence; in introductory paragraphs (b) and (c), substituted "An engineering" for "Engineering"; in (b)iii, added "and"; added (c)2; in (d), added "that is both not accredited by the Accreditation Board for Engineering and Technology and."

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

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

Rewrote (b), (c) and (d).

### **13:40-2.9 Education requirements: land surveyor-in-training; professional land surveyor**

(a) Each applicant shall provide the Board with an official transcript reflecting the degree(s) earned by the applicant.

The transcript shall be sent directly from the educational institution to the Board and shall include the Board assigned application number of the applicant. In the event that any portion of the curriculum completed by the applicant as part of a master's degree is required to be considered by the Board for the applicant to meet the minimum education standards as set forth in (b) below the applicant shall not receive the one year of experience credit as permitted by N.J.A.C. 13:40-2.11(b).

(b) A bachelor's degree in a land surveying program accredited by the Technology Accreditation Commission of ABET, Inc., shall be accepted for licensure.

(c) Any applicant with a degree from a college or university that is not accredited by the Accreditation Board for Engineering and Technology shall obtain, at his or her own expense, and shall submit to the Board, a detailed evaluation of his or her degree from a transcript review service selected and approved by the Board. Reviews by services other than those selected and approved by the Board shall not be accepted.

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

(e) An applicant with a non-United States degree who has documented that due to political or economic sanctions the applicant is unable to have the transcript sent directly from the school to the Board or its designee shall submit an original transcript to the Board-approved transcript review service. The applicant shall also provide a literal, verbatim English translation, certified to be accurate by a certified translator. The applicant shall also comply with all information requests by the Board-approved transcript review service.

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. 13:40-2.9, Cancellation of application, repealed.

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 the last sentence; grammatical and stylistic changes were made 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 "Education requirements: land surveyor-in-training; land surveyor". Rewrote (b) and (c).

### **13:40-2.10 Experience requirements; professional engineer**

(a) An applicant for a professional engineering license who is applying to sit for the principles and practices exam shall have four years of professional experience that the Board determines is consistent with the requirements of N.J.S.A. 45:8-28(b) which shall be gained under the regular and effective supervision of a licensed professional engineer.

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

2. Two years of professional experience shall be engineering design experience that the Board determines has demonstrated increased responsibility and increased technical expertise over time.

(b) Except as provided in N.J.A.C. 13:40-2.8(a), completion of a master's degree in engineering shall be substituted for one year of the required professional experience required by (a) above.

(c) Completion of a doctorate degree in engineering shall be substituted for one year of the required professional experience required by (a) above in addition to the amount of substituted experience allowed for the applicant pursuant to (b) above.

(d) Completion of a master's or doctorate degree shall not exempt an applicant from the requirements of (a)1 and (a)2 above.

(e) 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, and if the applicant has passed the appropriate technical courses needed to perform the work experience.

(f) All information submitted to the Board shall be legible and placed on forms provided by the Board.

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. 13:40-2.5 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 the section. Former N.J.A.C. 13:40-2.10, Review of examination, recodified to N.J.A.C. 13:40-2.17.  
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)2, deleted "original" preceding "engineering".

### 13:40-2.11 Experience requirements; professional land surveyor

(a) An applicant for a professional land surveying license shall obtain at least three years of experience that the Board determines is consistent with the requirements of N.J.S.A. 45:8-28(e), which shall be original land surveying experience that the Board determines has demonstrated increased responsibility and increased technical expertise over time. All experience shall be gained in the United States under the regular and effective supervision of a licensed professional land surveyor.

(b) Except as provided in N.J.A.C. 13:40-2.9(a), completion of a master's degree in land surveying shall be substituted for one year of the required professional experience.

(c) Completion of a doctorate degree in land surveying shall be substituted for one year of the required professional experience in addition to the amount of substituted experience allowed for the applicant pursuant to (b) above.

(d) Experience prior to graduation from a Board approved program shall be evaluated by the Board on a case-by-case basis if experience is gained under the regular and effective supervision of a licensed land surveyor, and if the applicant has passed the appropriate technical courses needed to perform the work experience.

(e) All information submitted to the Board shall be legible and placed on forms provided by the Board.

New Rule, R.2000 d.195, effective May 15, 2000.  
See: 31 N.J.R. 2459(a), 32 N.J.R. 1773(c).  
Amended by R.2006 d.80, effective February 21, 2006.  
See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

Rewrote (b) and (c).  
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 "Experience requirements; land surveyor". In (a), inserted "professional" twice and inserted a comma preceding "which".

### 13:40-2.12 Waiver of the fundamentals of engineering examination

The Board may waive the fundamentals of engineering portion of the licensure examination provided that, in addition to the education requirements at N.J.A.C. 13:40-2.8, the applicant has a specific record of an additional 15 years or more of experience in engineering work that the Board determines is consistent with the requirements of N.J.S.A. 45:8-2.8(b). 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.

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. 13:40-2.8 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 the section.  
Amended by R.2006 d.80, effective February 21, 2006.  
See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).  
Deleted "at the time of application."

### 13:40-2.13 References

(a) The following provisions apply in the submission of references:

1. References 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.
5. References shall attest whether the applicant is qualified to be placed in responsible charge.

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. 13:40-2.6 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 the section.  
 Amended by R.2006 d.80, effective February 21, 2006.  
 See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).  
 Deleted (b).

### 13:40-2.14 Language comprehension requirement

(a) Any applicant who received an undergraduate degree from a country where the official 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 from Educational Testing Service with a minimum overall score of 90. This is an internet based test, which evaluates an applicant's abilities in the areas of reading, listening, speaking and writing. Additional information may be obtained from Educational Testing Service at [www.ets.org](http://www.ets.org). This test shall have been taken within two years of application.

(b) The following applicants shall be exempt from the requirements of (a) above:

1. An applicant who is an American citizen at the time of obtaining his or her undergraduate degree from a college or university in a country where the official language is other than English;
2. An applicant who has received an undergraduate degree from a foreign country where the official language is English; or
3. An applicant who has received a graduate degree from a college or university located in the United States.

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. 13:40-2.4 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 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).  
 Rewrote (a).

### 13:40-2.15 Biennial license renewal; license suspension; reinstatement of suspended license; inactive status

(a) All licenses issued by the Board shall be issued for a biennial license period. A licensee who seeks renewal of the license shall submit prior to the expiration date of the license a completed renewal application, the renewal fee as set forth in N.J.A.C. 13:40-6.1 and:

1. In the case of a land surveyor, a statement that the licensee has successfully completed the continuing competency requirements pursuant to N.J.A.C. 13:40-11; or
2. In the case of an engineer, a statement that the licensee has successfully completed the continuing competency requirements pursuant to N.J.A.C. 13:40-13.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the licensee for failure to renew.

(c) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a completed renewal application, the renewal fee, and late fee as set forth in N.J.A.C. 13:40-6.1, and, in the case of a land surveyor, a statement that the licensee has successfully completed the continuing competency requirements pursuant to N.J.A.C. 13:40-11 and in the case of an engineer, a statement that the licensee has successfully completed the continuing competency requirements pursuant to N.J.A.C. 13:40-13. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be engaged in unauthorized practice.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual with a suspended license who holds himself or herself out as a professional engineer or a professional land surveyor shall be in violation of N.J.S.A. 45:8-27 and N.J.A.C. 13:40-3.1.

(e) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees as set forth in N.J.A.C. 13:40-6.1;
2. Submission of an affidavit of employment listing each job held during the period of suspended license 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. Submission of proof of completion of the continuing competency for each biennial licensure period for which the license was suspended.

(f) In addition to fulfilling the requirements set forth in (e) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to practice 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 suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

(g) Renewal applications shall provide the licensee with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:40-6.1 and shall not hold himself or herself out as a professional engineer or professional 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. Submission of proof of completion of the continuing competency required for each biennial licensure period for which the licensee 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.

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), (e)3, (g), and (h)3, inserted "professional" preceding "land" throughout; in (e)3, substituted "continuing competency" for "professional development hours required"; and in (h)3, substituted "continuing competency" for "professional development" and "licensee" for "license".

Amended by R.2012 d.123, effective July 2, 2012.  
See: 44 N.J.R. 37(a), 44 N.J.R. 1901(a).

Rewrote (a); in (c), inserted a comma following the first occurrence of "fee" and inserted "and in the case of an engineer, a statement that the licensee has successfully completed the continuing competency requirements pursuant to N.J.A.C. 13:40-13"; and in (e)3 and (h)3, substituted "Submission" for "In the case of a professional land surveyor, submission".

#### 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 "professional land surveyor," "surveyor" or its substantial equivalent or otherwise represent to the public that the person is licensed to practice professional land surveying in this State unless that person is licensed by the Board.

(c) All professional engineering and professional 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., 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.

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

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

In (b) and (c), inserted "professional" preceding "land" throughout; and in (c), deleted "N.J.S.A." preceding "45:4B-1".

### 13:40-3.2 Licensure exemptions

(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 professional 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 professional land surveying in any State or county 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 professional 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 professional 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 professional land surveying for the government;

5. 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, 24 Stat. 379, and as amended, when practicing professional engineering or professional 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 professional 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), 1323(a).

“Significance of findings” means an explanation of the reason the home inspector reported that a system or component designated for inspection pursuant to this subchapter contained a material defect, for the purpose of advising the client of the need for appropriate action.

“Structural component” means an integral part of a residential building, including the masonry structure and foundation, that supports non-variable forces or weights, that is, dead loads, and variable forces or weights, that is, live loads.

“System” means a combination of interacting or interdependent components, assembled to carry out one or more functions.

“Trainee” means any person who performs a home inspection in the presence of and under the direct supervision of a licensed home inspector pursuant to the provisions of N.J.A.C. 13:40-15.6 and N.J.S.A. 45:8-68c(2).

“Unsafe” means a condition of a readily accessible, installed component or system caused by obsolescence, damage, deterioration, improper installation or inherent defects which presents a significant risk of injury or property damage under normal, day-to-day operation.

“Under-floor crawl space” means the area within the confines of the foundation and between the ground and the underside of the floor.

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

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

Rewrote definitions “Additional inspection services,” “Home inspection,” “Home inspection report,” “Licensee” and “Significance of findings”; and deleted definitions “Associate home inspector” and “Regular and effective, direct supervision.”

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, inserted “words and”; substituted definition “Direct supervision” for definition “Direct, on-site supervision”; in definition “Home inspection training report”, substituted “15.6(b)” for “15.5(a)4”; and rewrote definition “Trainee”.

### 13:40-15.3 Office of the Committee

The office of the Committee shall be maintained with the Board at 124 Halsey Street, Newark, New Jersey. The mailing address of the Committee is PO Box 45043, Newark, New Jersey 07101.

### 13:40-15.4 (Reserved)

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.

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

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

Section was “Requirements for initial licensure as home inspector (grandfathering)”.

### 13:40-15.5 (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 “Requirements for licensure as associate home inspector”.

### 13:40-15.6 Requirements for initial licensure as home inspector

(a) An applicant for licensure as a home inspector shall complete and submit to the Committee an application that will require information that the applicant:

1. Is of good moral character;
2. Has successfully completed high school or its equivalent;
3. Has successfully completed an approved course of study of 180 hours, as prescribed by the Board, after consultation with the New Jersey Department of Education, which shall include not less than 40 hours of unpaid field-based inspections in the presence of and under the direct supervision of a licensed home inspector. The inspections shall be provided by the school administering the approved course of study; or
4. Has performed at least 250 home inspections as defined in N.J.A.C. 13:40-15.2 for which the client was charged a fee. The inspections shall be performed in the presence of and under the direct supervision of a New Jersey licensed home inspector who possesses a current and active license, has performed at least 500 home inspections and has at least three years of experience. The inspector must oversee and take full responsibility for the inspection and any report produced by monitoring the progress of the trainee and ensuring compliance with the home inspection training reports requirements;
5. Has submitted a list of the 250 inspections performed under (a)4 above, if an applicant is seeking licensure under that paragraph;
6. Shall secure and maintain an errors and omissions insurance policy in the minimum amount of \$500,000 per occurrence;
7. Has passed the Home Inspector Examination, administered by the Examination Board of Professional Home Inspectors (EBPHI); and
8. Pay an application fee as set forth in N.J.A.C. 13:40-15.23.

(b) The Committee shall randomly audit applications to verify that applicants for licensure as a home inspector under this section performed at least 250 home inspections as required by (a)4 above. Applicants that are audited shall submit copies of home inspection reports as requested by the Committee.

(c) Pursuant to N.J.S.A. 45:1-21 and N.J.A.C. 13:40-15.20, the Committee may deny, refuse to renew, temporarily suspend or revoke a license, or issue a civil penalty, upon proof that an applicant has obtained a license through fraud, deception or misrepresentation.

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

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

Deleted former (a)3; added new (a)3; rewrote (a)4.

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 "that" for "which"; rewrote (a)4; added new (a)5 and (a)7; recodified former (a)5 and (a)6 as (a)6 and (a)8; and in (a)6, deleted "and" from the end.

### 13:40-15.7 (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 "Supervision of associate home inspectors".

### 13:40-15.8 Insurance requirement

(a) All licensed home inspectors engaged in the profession of home inspection shall maintain an errors and omissions insurance policy in the minimum amount of \$500,000 per occurrence and file proof of the policy with the Committee.

(b) Every proof of an errors and omissions policy required to be filed with the Committee shall provide that cancellation or nonrenewal of the policy shall not be effective unless and until the Committee has received at least 10 days written notice of intention to cancel or nonrenew.

(c) Both the home inspector and the insurance company shall provide written notification to the Committee at least 10 days prior to the discontinuation of the errors and omissions policy.

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) and (c), deleted "associate home inspector."

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), deleted "and" preceding "engaged".

### 13:40-15.9 Identification cards

(a) All licensed home inspectors shall, during the performance of a home inspection, carry an identification card issued by the Committee. The identification card shall contain the name, photograph, license number and signature of the person to whom the identification card has been issued.

(b) Identification cards shall not be transferable. A duplicate identification card to replace one lost or destroyed may be issued upon notice to the Committee and payment of a fee as established by rule by the Division.

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), deleted "and associate home inspectors."

### 13:40-15.10 License renewal

(a) All licenses issued by the Committee shall be issued for a two year period. A licensee who seeks renewal of the license shall submit a license renewal application and the license renewal fee set forth in N.J.A.C. 13:40-15.23 to the Committee prior to the expiration of the license.

(b) Renewal applications shall provide the applicant with the option of either active or inactive status. A licensee

electing inactive status shall pay the inactive license fee as set forth in N.J.A.C. 13:40-15.23 and shall not engage in the practice of home inspection.

(c) If the licensee does not renew the license prior to its expiration date, the licensee may renew it within 30 days of its expiration by submitting a renewal application, a license renewal fee and a late fee, as set forth in N.J.A.C. 13:40-15.23.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license shall be deemed to be engaged in unlicensed practice.

### 13:40-15.11 Change of license status: inactive to active

(a) A licensee, upon application to the Committee, may change from inactive to active status upon payment of the renewal fee as set forth in N.J.A.C. 13:40-15.23 and submission of evidence of having completed the following:

1. Forty units of Committee-approved continuing education within the two year period preceding the application for reinstatement if the license has been inactive for a period of two years or less;

2. Sixty units of Committee-approved continuing education within the three-year period immediately preceding the application for reinstatement if the license has been inactive for a period of more than two and less than five years; or

3. Twenty units of Committee-approved continuing education per year to a maximum of 120 units of Committee-approved continuing education within the three-year period immediately preceding the application for reinstatement if the license has been inactive for a period of five or more years.

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)2, substituted "three-year" for "three year" and deleted "or the course of study as required by N.J.A.C. 13:40-15.5(a)3 within one year immediately preceding the application for reinstatement" preceding "if"; and rewrote (a)3.

### 13:40-15.12 Reinstatement of suspended license

(a) An individual whose license has been suspended for nonpayment of a biennial renewal fee may be reinstated by the Committee, provided the applicant otherwise qualifies for licensure pursuant to N.J.S.A. 45:8-68 and N.J.A.C. 13:40-15.6, and submits one of the following to the Board:

1. A certification or licensure in good standing from any other state or jurisdiction in which the applicant has practiced as a home inspector during the period the license was suspended in this State;

2. An affidavit by the applicant stating that he or she has practiced as a home inspector in a state or jurisdiction