

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Subchapter 1 was repealed and a new subchapter adopted; Subchapter 2 "Title blocks for land surveyors" was repealed, effective January 21, 1986 as R.1985 d.694.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 This subchapter was repealed effective January 21, 1986 as R.1985 d.694.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(b).

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 was readopted as R.1995 d.474. 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;
2. The name of the engineering or land surveying individual firm, partnership, corporation, professional association or professional service corporation;
3. The full name and certificate number of the person(s) in responsible charge;
4. The title "professional engineer" and/or "land surveyor" spelled out;
5. The handwritten signature of the person(s) in responsible charge and the date when signed.

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

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

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

1. Title block complying with N.J.A.C. 13:40-2.1 et seq.;

2. The State, county and municipality in which the property is located and specific data as provided by the owner identifying the property or other pertinent identifying data as deemed appropriate by the surveyor, including block, lot number and address;

3. North arrow (with reference used) and scale;

4. The point of beginning;

5. Metes and bounds of the property in question; all measurements are to be indicated in feet and decimals of a foot except when legal requirements or professional custom and usage require another form of measurement;

6. Property corner markers, both found and set, or the relation of existing markers to the property corner or, if appropriate, to the boundary lines;

7. Street and street names and widths when such streets abut or adjoin the property in question. If the street is not open, the survey should so indicate;

8. Encroachments of structures both on the premises in question and/or adjoining properties;

9. Fences, tree rows, hedges, streams, ditches, building locations, easements and any physical occupation influencing property line determination;

10. In all cases, survey work shall be performed in accordance with currently accepted accuracy standards, but such accuracy standards may be limited by contractual agreements. Such limitations shall be appropriately noted on the final drawing.

(g) Notwithstanding any other provisions of these rules to the contrary, the following items may be omitted where written contractual agreements with the client so provide:

1. Areas of established city lots or recorded subdivision map lots, unless the area is recited in the record deed of the property in question;

2. Fences and streams and ditches, unless such fences, streams and ditches are on or in close proximity to the property lines and affect the property in question;

3. Sidewalks, driveways, walkways or other traveled ways, unless such ways affect the property in question;

4. Utility lines, easements of right-of-way lines, except when recited in the record deed or when such utility lines,

easements of right-of-way lines affect the use of adjacent properties or the property in question;

5. Location and type of building and other structures on the property in question.

(h) When any of the various items listed above are omitted, the plat or plan of survey should indicate in a factual way that such omissions are made.

(i) Upon completing the plat or plan of survey, the licensed land surveyor shall provide the client an agreed upon number of prints of the survey drawing. Such print copies of the plat or plan of survey shall bear the signature and impression seal of the licensed land surveyor. Certification by the licensed land surveyor may be given when requested by the client.

1. The licensed land surveyor shall also supply a description of the property surveyed when the survey is to be used for conveyancing (title transfer or mortgage). This description must be suitable for use in a deed. The description may be by metes and bounds or by reference to a filed plan, block and lot. If a filed plan, block and lot is utilized, the entire title of the filed plan shall be set forth along with, the filed plan number and the date on which the plan was recorded in the office of the County Recording Officer. If there is any deviation from the filed plan to the completed survey, a description by filed plan, block and lot, shall not be utilized. The deed description shall be consistent with both the survey provided and the documentation upon which the survey was based and shall be written in such a manner as to define the boundary lines of real property unambiguous and sufficient for a surveyor to lay it out on the ground. This description may be reproduced on the survey plat itself or may be by separate document. If the deed description is provided on the survey plat, it must be titled "Deed Description." If a separate document is provided, the description shall be signed and sealed by the licensed land surveyor responsible for its preparation.

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

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

(k) Tax assessment maps must be prepared by a licensed land surveyor, who is obligated to prepare such maps in full

compliance with the legal requirements pertaining to such maps.

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

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

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

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

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

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

R.1977 d.160, effective May 5, 1977.
 See: 8 N.J.R. 560(b), 9 N.J.R. 290(a).
 As amended, R.1984 d.401, effective September 4, 1984.
 See: 15 N.J.R. 1834(a), 16 N.J.R. 2369, 16 N.J.R. 2824(a).
 Section substantially amended. Correction in (d): "corner not previously".
 Amended by R.1985 d.465, effective September 3, 1985.
 See: 17 N.J.R. 799(a), 17 N.J.R. 2140(a).
 Added text in (d)3: "including monuments set in accordance with the map filing law."
 Amended by R.1987 d.215, effective May 18, 1987.
 See: 18 N.J.R. 2367(b), 19 N.J.R. 881(b).
 Subsection (i) amended to clarify policies of the Board which may not have been expressly understood by all land surveyors.
 Amended by R.1988 d.45, effective January 19, 1988.
 See: 19 N.J.R. 1631(a), 20 N.J.R. 203(a).
 Added text to (d) defining the "ultimate user".
 Amended by R.1993 d.60, effective February 1, 1993.
 See: 24 N.J.R. 51(a), 24 N.J.R. 554(a), 25 N.J.R. 596(a).
 Revised (d).
 Amended by R.1994 d.77, effective February 7, 1994.
 See: 25 N.J.R. 5447(b), 26 N.J.R. 822(a).

Statutory References

N.J.S.A. 45:8-28(e).

SUBCHAPTER 6. FEES

13:40-6.1 Fee Schedule

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

1. Application fees:
 - i. Engineer-in-training \$30.00
 - ii. Professional engineer \$75.00
 - iii. Land surveyor \$75.00
2. Examination fees:
 - i. Engineer-in-training (fundamentals of engineering). \$70.00
 - ii. Professional engineer:
 - (1) Fundamentals \$70.00
 - (2) Specialized training \$85.00
 - iii. Land surveyor:
 - (1) Fundamentals \$70.00
 - (2) Specialized training (Principles of land surveying and New Jersey State portion) \$150.00
3. Initial license fee:
 - i. During the first year of a biennial renewal period \$80.00
 - ii. During the second year of a biennial renewal period \$40.00
4. Biennial renewal fee \$80.00
5. Late renewal fee \$50.00
6. Reinstatement fee \$125.00
7. Duplicate license fee \$20.00
8. Replacement wall certificate \$40.00
9. Continuing competency program review fee:
 - i. For each program provider who seeks approval \$100.00
 - ii. For each course for which a licensee seeks approval \$10.00

10. All licensees, and the clerks of each municipality in the State, shall receive without charge one copy of the roster of licensed professional engineers and land surveyors. Additional copies, if and when available, may be purchased at a fee of \$20.00 each.

11. Fees shall be nonrefundable and nontransferable.

12. Any applicant who is required under N.J.A.C. 13:40-2 to have his or her degree evaluated must pay via certified check or money order the actual cost of the evaluation.

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

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

R.1978 d.193, effective June 9, 1978.

See: 10 N.J.R. 71(a), 10 N.J.R. 295(d).

Amended by R.1980 d.417, effective September 25, 1980.

See: 12 N.J.R. 493(a), 12 N.J.R. 671(b).

(a)7: Material concerning fees for transmittal of grades or certification repealed; renumbered (a)8 as (a)7.

Amended by R.1983 d.148, effective May 16, 1983.

See: 15 N.J.R. 78(b), 15 N.J.R. 807(c).

Increased professional engineering specialized training fee from \$15.00 to \$30.00 and land surveyor two parts from \$15.00 to \$60.00. Amended by R.1986 d.37, effective February 18, 1986.

See: 17 N.J.R. 2860(a), 18 N.J.R. 421(b).

Fees were raised and section was substantially amended.

Amended by R.1987 d.355, effective September 8, 1987.

See: 19 N.J.R. 851(a), 19 N.J.R. 1649(a).

Added (a)9 and 10.

Amended by R.1991 d.285, effective June 3, 1991.

See: 22 N.J.R. 3315(a), 23 N.J.R. 1816(a).

Added (b).

Amended by R.1992 d.247, effective June 15, 1992.

See: 24 N.J.R. 1231(a), 24 N.J.R. 2285(a).

Revised (a).

Amended by R.1995 d.305, effective June 19, 1995.

See: 26 N.J.R. 4314(a), 27 N.J.R. 2415(a).

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

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

Amended by R.1996 d.580, effective December 16, 1996.

See: 28 N.J.R. 4169(a), 28 N.J.R. 5182(a).

Added (a)9i.

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

13:40-7.1 General provisions

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

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

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

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

1. Survey information may be transferred to the site plan if duly noted as to the date of the survey, by whom, and for whom. A signed and sealed copy of the survey

shall be submitted to the reviewing governmental body with the site plan submission.

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

Amended by R.1991 d.550, effective November 4, 1991.

See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).

In (b), added "certified landscape architect."

Amended by R.1994 d.322, effective July 5, 1994.

See: 26 N.J.R. 1221(a), 26 N.J.R. 2796(a).

Administrative Correction.

See: 26 N.J.R. 3180(b).

13:40-7.3 Preparation of site plan

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

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

(c) Drainage facilities for site plans of 10 acres or more; or involving stormwater detection facilities; or traversed by a water course: By an engineer only.

(d) Other drainage facilities: By an architect or engineer.

(e) Utility connections and on tract extensions: By an engineer or architect.

(f) Off tract utility extensions: By an engineer only.

(g) On site sanitary sewage disposal or flow equalization facilities: By an engineer only.

(h) Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: By an architect, except when the building is part of an engineering or industrial project, floor plans and elevation views may be by an engineer.

(i) Landscaping, signs, lighting, screening or other information not specified above: By an architect, planner, engineer, certified landscape architect, or other person acceptable to the reviewing governmental body.

(j) The general layout of a conceptual site plan for a multiple building project, showing the development elements including their relationship to the site and immediate environs: By an architect, planner, engineer, or certified landscape architect.

Amended by R.1991 d.550, effective November 4, 1991.

See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).

In (b), (i) and (j) added "certified landscape architect."

In (j), changed "preliminary" to "conceptual."

13:40-7.4 Preparation of a major subdivision plan

(a) The general location of facilities, site improvements, and lot layouts: By an architect, engineer, land surveyor, planner, or certified landscape architect.

(b) The design and construction details of all public improvements including street pavements, curbs, sidewalks, sanitary sewage, storm drainage facilities: By an engineer only.

(c) Final subdivision map with metes and bounds: By a land surveyor only.

Amended by R.1991 d.550, effective November 4, 1991.

See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).

In (a), added "certified landscape architect."

13:40-7.5 Effect of local ordinances

(a) Informal site plans, not required by local ordinances are excluded from this rule.

(b) No municipal or county ordinance, policy or action purporting to define the scope of professional activity of architects, engineers, land surveyors, planners, or certified landscape architects in the preparation of site plans or major subdivision shall reduce or expand the scope of professional practice recognized by the boards.

Amended by R.1991 d.550, effective November 4, 1991.

See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).

In (b), added " , or certified landscape architects."

SUBCHAPTER 8. MAINTENANCE OF PROJECT RECORDS
13:40-8.1 Release of project records

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

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

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

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

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

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

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

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

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

SUBCHAPTER 9. RESPONSIBLE CHARGE OF ENGINEERING OR LAND SURVEYING WORK
13:40-9.1 Supervision of subordinates; maintaining records of adequate supervision; acts reflecting inadequate supervision

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

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

(c) A licensee engaged in any of the following acts or practices shall be deemed not to have rendered the regular and effective supervision required herein:

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

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

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

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 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.

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.