

(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, preliminary or final, shall be prepared by a licensed land surveyor and shall be based on a new or existing current and accurate 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).

Amended by R.2002 d.322, effective October 7, 2002.
 See: 33 N.J.R. 3241(a), 34 N.J.R. 1768(a), 34 N.J.R. 3532(c), 35 N.J.R. 618(b).

Rewrote (d); in (g), substituted "or otherwise" for "and" and inserted "lines" preceding "in question" in 2 and inserted "lines" preceding "in question" in 3; in (m), rewrote the introductory paragraph.

Amended by R.2002 d.321, effective February 3, 2003.

See: 33 N.J.R. 3241(a), 34 N.J.R. 1768(a), 35 N.J.R. 618(a).

In (d), deleted "Waiver and Direction not to set corner markers" statement.

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-in-training \$30.00
 - iv. 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. Retired license fee
6. Late renewal fee \$50.00
7. Reinstatement fee \$125.00
8. Reinstatement fee:
 - i. Retired licensee \$40.00
 - ii. No-fee retired licensee \$80.00
9. Duplicate license fee \$20.00
10. Replacement wall certificate \$40.00
11. 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

12. 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.

13. Fees shall be nonrefundable and nontransferable.

14. 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.

15. 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.

Amended by R.1998 d.224, effective May 4, 1998.

See: 30 N.J.R. 290(a), 30 N.J.R. 1618(a).

Inserted a new (a)liii and recodified former iii as iv; inserted a new (a)5 and recodified former 5 and 6 as 6 and 7; and inserted a new (a)8 and recodified former 7 through 13 as 9 through 15.

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, engineer, or certified landscape architect.

(c) Drainage facilities for site plans of 10 acres or more; or involving stormwater detention 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."

Administrative correction.

See: 30 N.J.R. 2261(a).

Administrative correction.

See: 31 N.J.R. 1204(a).

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;