

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;
4. The failure to personally be available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

## SUBCHAPTER 10. CONTRACT TO PROVIDE PROFESSIONAL SERVICES; CERTIFICATION OF AUTHORIZATION

### 13:40-10.1 Contract requirement

(a) Any business corporation which does not have an officer or full time employee who is licensed as a professional engineer and/or land surveyor in this State and which offers or renders such services shall, prior to the offer or rendering of any such service, have a written contract with a New Jersey licensed professional engineer or land surveyor, and have obtained a certificate of authorization pursuant to N.J.S.A. 45:8-56. Such written contract shall clearly indicate the licensee to be in responsible charge of the engineering or land surveying services. For the purposes of this subchapter, full-time employment is the amount of employment necessary to provide effective supervision of the work performed as required throughout N.J.A.C. 13:40.

(b) A licensed professional engineer or a licensed land surveyor rendering engineering or surveying services for a business corporation which is required to obtain a certificate of authorization pursuant to N.J.S.A. 45:8-56 shall not perform such services unless he or she is an officer or a full time employee of the corporation or has a written contract with the corporation prior to rendering professional services and is listed as being in responsible charge on the corporation's certificate of authorization.

(c) Any corporation that offers or renders engineering and land surveying services without a Certificate of Authorization or with a lapsed Certificate of Authorization shall be subject to civil penalties as authorized by N.J.S.A. 45:1-25. This subsection shall not apply to a professional service corporation established pursuant to the "Professional Service Corporation Act," N.J.S.A. 14A:17-1 et seq.

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

## SUBCHAPTER 11. LAND SURVEYORS; CONTINUING COMPETENCY

### 13:40-11.1 Continuing professional competency requirements; failure to comply

Any land surveyor who fails to comply with the continuing professional competency requirements set forth in this subchapter shall be subject to the penalties set forth in N.J.S.A. 45:8-35.9.

Repeal and New Rule, R.1998 d.566, effective December 7, 1998.  
See: 29 N.J.R. 5051(b), 30 N.J.R. 4248(a).  
Section was "License renewal".

### 13:40-11.2 Definitions

As used in this subchapter, the following terms shall have the following meanings:

"Approved course or activity" means any course or activity with a clear technical purpose and objective or whose purpose and objective is to enhance the skills and knowledge in ethical and business practices, which will maintain, improve or expand skills and knowledge and develop new and relevant technical skills and knowledge in the discipline being practiced by the licensee.

"College/unit semester/unit quarter/hour" means the credit for an ABET (Accreditation Board for Engineering and Technology) approved course or other related college course approved in accordance with N.J.A.C. 13:40-11.6(a)1.

"Continuing education unit" (CEU) means the unit of credit customarily used for continuing education courses. One continuing education unit equals 10 contact hours of instruction in an approved continuing education course.

"Contact hour" means 50 minutes of in-class instruction and participation.

"Professional development hour" (PDH) means one contact hour of professional/technical development in seminars, conferences or workshops. A PDH is the common denominator for other units of credit.

Amended by R.1998 d.566, effective December 7, 1998.  
See: 29 N.J.R. 5051(b), 30 N.J.R. 4248(a).

Added "Approved course or activity" and deleted "Core course/activity" and "Non-core course/activity".

### 13:40-11.3 Credit-hour requirements

(a) Each applicant for license renewal shall be required to have completed, during the preceding biennial period, a minimum of 24 professional development hours (PDHs).

(b) A maximum of 12 PDHs may be carried over into a succeeding biennial renewal period.

Amended by R.1998 d.566, effective December 7, 1998.  
See: 29 N.J.R. 5051(b), 30 N.J.R. 4248(a).

Deleted former (b) and recodified former (c) as (b).

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).

In (a), deleted “; except that for the period May 1, 1994 to April 30, 1996, PDHs may have been accumulated from January 1, 1993”; in (b), substituted “12” for “eight”.

#### 13:40-11.4 Approval of course offerings

(a) A continuing competency provider may receive approval for a continuing competency course or program pursuant to the provisions of N.J.A.C. 13:40-11.11 and 11.12. Prior to the offering of the course or program, the provider may apply for approval. However, the provider may apply also after the event to eliminate the need for individual licensees to apply under (b) below.

(b) A licensee seeking to take a course or program which the provider has not had pre-approved by the Board may apply to the Board for pre-approval or post-approval of the course or program offering. The licensee shall submit information similar to that which is required to be supplied by course providers pursuant to N.J.A.C. 13:40-11.11(b).

(c) The Board shall maintain a list of all approved programs and courses at the Board offices and shall furnish this information upon request.

(d) An individual, group or association seeking course or program approval may impose a reasonable differential in course or program fees based upon membership within a group or association. However, in no event shall a sponsoring individual, group or association completely exclude from the course or program any licensee who is not a member of the group or association.

#### 13:40-11.5 Continuing competency programs and other sources of continuing competency credits

(a) The Board shall grant credit for successful completion of the following, provided that the course or program meets the criteria of N.J.A.C. 13:40-11.11 and that any other source of credit directly and materially relates to the practice of land surveying:

1. College courses;
2. Continuing education courses;
3. Correspondence, televised, videotaped and other short courses/tutorials;
4. Seminars, in-house courses, workshops and technical programs at professional meetings and conferences;
5. Teaching or instruction in (a)1, 2 and 4 above;
6. Published papers, articles or books authored by the licensee; and
7. A land surveying examination in another jurisdiction.

#### 13:40-11.6 Credit calculation

(a) Credit for PDHs will be granted as follows for each biennial renewal period:

1. Successful completion of approved college level courses;
  - i. Fifteen PDHs for each semester hour credit awarded by the college; or
  - ii. Ten PDHs for each quarter hour credit awarded by the college;
2. Successful completion of approved continuing education courses: 10 PDHs for each continuing education unit (CEU);
3. Successful completion of approved correspondence, televised, videotaped and other short courses/tutorials:
  - i. The amount of credit to be allowed for approved correspondence and individual study programs, including taped study programs, shall be recommended by the program provider based upon one-half the average completion time calculated by the provider after it has conducted appropriate “field tests.” Although the program provider must make recommendations concerning the number of credit hours to be granted, the number of credit hours granted shall be determined by the Board; and
  - ii. Credit for approved correspondence and other individual study programs will be given only in the renewal period in which the course is completed with a successful final examination;
4. Active participation in and successful completion of approved seminars, in-house courses, workshops and technical programs at professional meetings and conferences: one PDH for each hour of attendance at an approved course. Credit will not be granted for courses which are less than one contact hour in duration. Completion of an entire course is required in order to receive any credit;
5. Teaching or instruction in (a)1, 2 and 4 above:
  - i. Service as an instructor, or workshop leader: one PDH for each instructional hour;
  - ii. The instructor or workshop leader will be given no credit for subsequent sessions in the same year involving substantially identical subject matter, except that after one year has elapsed the Board may give one additional PDH for each instructional hour of service as an instructor or workshop leader for the initial presentation, provided the original material has been updated; and
  - iii. The maximum credit given for service as an instructor or workshop leader may not exceed 50 percent of the required PDHs for any biennial renewal period;