

1. Advise the ultimate user in writing as set forth in (c) below of the impact of signing the corner marker waiver. Such advice shall include, but not be limited to:

- i. The possible need for a future survey as a result of physical improvements to the property; and
- ii. The potential inability of the ultimate user to identify the boundary of the property;

2. Review the waiver to ensure that it is properly signed by the ultimate user and witnessed by a person other than a professional land surveyor; and

3. Perform a physical measurement of the property.

(c) The corner marker waiver shall be in the following form:

WAIVER AND DIRECTION NOT TO SET CORNER MARKERS  
 To: \_\_\_\_\_  
 (Name, address and telephone number of the Land Surveyor)  
 FROM: \_\_\_\_\_  
 (Name, address and telephone number of the Ultimate User)  
 Re: \_\_\_\_\_  
 Property (Lot and block number, municipality or other identifier)

This is to advise that I have been made aware of my right to have corner markers set as part of a survey to be performed on the aforementioned property. In addition, I have been made aware of the potential impact of signing the waiver including: (1) the possible need for a future survey as a result of physical improvements to the property, such as a fence, addition, deck, pool, or shed, and (2) the potential inability of the ultimate user to identify the boundary of the property which could result in a boundary dispute with an adjoining property owner and/or property improvements not accurately situated on my property. The right to have corner markers set is hereby waived, and you are directed to perform the land survey without the setting of corner markers as provided by the regulation (N.J.A.C. 13:40-5.2) of the State Board of Professional Engineers and Land Surveyors.

\_\_\_\_\_  
 Ultimate User's Signature  
 Date: \_\_\_\_\_

\_\_\_\_\_  
 Witness' Signature  
 Date: \_\_\_\_\_

\_\_\_\_\_  
 Name of Witness (Typed or Printed)

\_\_\_\_\_  
 Address of Witness (Typed or Printed)

I hereby certify that I have:

1. Advised the ultimate user of the impact of signing the corner marker waiver, which shall include, but not be limited to, the possible need for a future survey as a result of physical improvements to the property and the potential inability of the ultimate user to identify the boundary of the property;

2. Reviewed the waiver to ensure that it was properly signed by the ultimate user and witnessed by a person other than a land surveyor; and

3. Performed a physical measurement of the property.

\_\_\_\_\_  
 New Jersey Licensed Land Surveyor  
 Date: \_\_\_\_\_

(d) Whenever a written waiver to omit corner markers is obtained, the following notation shall be included on the plat or plan of survey: "A written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L. 2003, c.14 (N.J.S.A. 45:8-36.3) and N.J.A.C. 13:40-5.1(d)."

(e) The licensee shall maintain the signed corner marker waiver for a minimum of six years.

(f) The licensee shall submit documentation of any waiver to the Board upon its request.

(g) The Board may review the records of licensees periodically to determine compliance with this section.

(h) Failure to comply with the provisions of this section shall be deemed professional misconduct. Any violation of the provisions of (d) or (e) above shall subject the licensee to a penalty of not more than \$2,500 per violation.

New Rule by R.2005 d.280, effective September 6, 2005.  
 See: 36 N.J.R. 3500(a), 37 N.J.R. 3440(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 the introductory paragraph of (b) and in (b)2, inserted "professional" preceding "land".

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. 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
- 3. Biennial renewal fee ..... \$80.00
- 4. Retired license fee ..... \$40.00
- 5. Inactive license fee ..... (to be determined by the Director by rule)
- 6. Late renewal fee ..... \$50.00
- 7. Reinstatement fee ..... \$125.00

- 8. Reactivation fee
  - i. Retired licensee ..... \$40.00
  - ii. No-fee retired licensee ..... \$80.00
  - iii. Inactive licensee ..... \$80.00
- 9. Duplicate certificate 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. Fees shall be nonrefundable and nontransferable.

13. 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.

(b) For a Certificate of Authorization issued pursuant to P.L. 1989, c. 276, general business corporations and limited liability companies 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)1iii 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.  
 Administrative correction.  
 See: 38 N.J.R. 829(a).  
 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, including removing examination fees.

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 Law, N.J.S.A. 40:55D-1 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.

Public Notice: Notice Regarding Preparation of Topographic Surveys and Existing Conditions Depicted on Site Plans.  
 See: 36 N.J.R. 5008(a).  
 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), corrected the statutory citation to Municipal Land Use Law.

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, licensed 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).  
 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), deleted a comma following "determination", "buildings" and "architect" and substituted "licensed" for "certified".

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 licensed 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, licensed 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 licensed 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).

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), (i) and (j), substituted "licensed" for "certified"; in (i), deleted a comma following "architect"; and in (j), inserted a comma following "elements" and deleted a comma following "engineer".

Petition for Rulemaking.

See: 45 N.J.R. 1190(b), 1675(a), 1971(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 licensed 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."

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 a comma following "improvements" and "planner" and substituted "licensed" for "certified".

### 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 licensed landscape architects in the preparation of site plans or major subdivisions 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."

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

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

In (b), made a grammatical correction.

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), deleted a comma following "planners" and substituted "licensed" for "certified".

## SUBCHAPTER 8. SEALING AND TITLE BLOCK REQUIREMENTS FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

### 13:40-8.1 Sealing documents

(a) All sealing of documents shall be done with an impression-type seal, the design of which shall be authorized by the Board and shall contain the name and license number of the professional engineer or professional land surveyor and the legend "Licensed Professional Engineer," "Licensed Land Surveyor" or "Licensed Professional Engineer and Land Surveyor," as the case may be. Alternatives, such as digital seals or rubber stamp facsimiles of the seal shall not be permitted.

(b) The application of a signature and seal to documents relating to the practice of professional engineering and/or professional land surveying shall indicate that the licensee has provided regular and effective supervision to those individuals performing services that 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 and shall contain the name of the professional business entity and, if appropriate, the entity's certificate of authorization number:

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 or she has performed. See N.J.A.C. 13:40-8.6 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 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).

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), rewrote the second sentence.

Recodified from N.J.A.C. 13:40-1.1 and amended by R.2006 d.80, effective February 21, 2006.

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

Rewrote (a) and (b)1; in (d), substituted "he or she" for "he/she" and updated N.J.A.C. cross-reference; former N.J.A.C. 13:40-8.1, Release of project records, recodified as N.J.A.C. 13:40-3.4.

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

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

In (a) and the introductory paragraph of (b), inserted "professional" preceding "land surveyor"; in (a), inserted a comma following the first occurrence of "seal" and following "Alternatives", and deleted a comma following the first occurrence of "Surveyor"; in the introductory paragraph of (b), substituted the second occurrence of "that" for "which"; and in (f), deleted "all" preceding "draft".

### 13:40-8.2 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 and reports constituting the practice of the profession.

(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 manually drafted or digital drawing, or 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).

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), substituted "and reports constituting the practice of the profession" for "which are prepared and sealed"; in (e), inserted "manually drafted or digital drawing, or from any" preceding "print".

Recodified from N.J.A.C. 13:40-1.2 by R.2006 d.80, effective February 21, 2006.

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

### 13:40-8.3 Title block contents

(a) The title block shall contain:

1. The name and location of the project;
2. The name and address of the engineering or land surveying individual firm, partnership, limited liability partnership, limited liability company, corporation, professional association or professional service corporation. The name of the firm in the case of a limited liability partnership shall be followed by the words "Limited Liability Partnership" or the abbreviation "LLP" or "L.L.P." The name of the firm in the case of a limited liability company shall be followed by the words "Limited Liability Company" or the abbreviation "LLC" or "L.L.C."
3. The full name and license number of the person(s) in responsible charge;
4. The title "professional engineer" and/or "professional land surveyor" spelled out;
5. The manually handwritten signature of the person(s) in responsible charge and the date when signed; and
6. If applicable, the certificate of authorization number as required by N.J.S.A. 45:8-56 and N.J.A.C. 13:40-10.1.

(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 professional land surveyor who performed the land surveying work.

(c) The title block may contain the initials of the draftsmen or checker, and dates, drawing numbers, revision numbers and such similar incidental items as are customary in practicing engineers' or land surveyors' offices, provided that the name of the person(s) in responsible charge is readily discernible from the other information on the document and contained within the heavy borderline of the title block.

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.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), inserted "manually" preceding "handwritten" in 5 and added 6. Recodified from N.J.A.C. 13:40-1.3 and amended by R.2006 d.80, effective February 21, 2006.

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

Rewrote (a)2; in (a)3, substituted "license" for "certificate"; in (a)6, added "and N.J.A.C. 13:40-10.1."

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 and (b), inserted "professional" preceding "land surveyor"; and in (b), inserted a comma following the first occurrence of "plan".