

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Subchapter 1, Title Blocks for Professional Engineers, was repealed and Subchapter 1, Title Blocks and Seals for Professional Engineers and Land Surveyors, was adopted as new rules, and Subchapter 2, Title Blocks for Land Surveyors, was repealed by R.1985 d.694, effective January 21, 1986.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; 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 completion 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 trans-

mission. 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.”

### 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.

(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.

(k) The grading of land and water forms, natural drainage, and determination of related impacts, assessments, and problems of land disturbance including erosion and sedimentation, blight, or other hazards: By an architect, 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).

Amended by R.2015 d.011, effective January 5, 2015.

See: 46 N.J.R. 1411(a), 47 N.J.R. 119(a).

In (a), substituted a comma for "or" following the first occurrence of "architect", and inserted ", or licensed landscape architect"; and added (k).

Petition for Rulemaking.

See: 47 N.J.R. 1677(b), 2190(d), 2680(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".

Petition for Rulemaking.

See: 47 N.J.R. 1677(b), 2190(d), 2680(a).

### 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".