

**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.2000 d.355, effective August 1, 2000.  
See: 32 N.J.R. 1906(a), 32 N.J.R. 3328(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 40, State Board of Professional Engineers and Land Surveyors, expires on August 1, 2005.

**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. 206(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Subchapter 1, Title Blocks for Professional Engineers, was repealed and Subchapter 1, Title Blocks and Seals for Professional Engineers and Land Surveyors, was adopted as new rules, and Subchapter 2, Title Blocks for Land Surveyors, was repealed by R.1985 d.694, effective January 21, 1986.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: Source and Effective Date.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. TITLE BLOCKS AND SEALS FOR  
PROFESSIONAL ENGINEERS AND LAND  
SURVEYORS**

- 13:40-1.1 Sealing documents
- 13:40-1.2 Title block on drawings; forms; removal
- 13:40-1.3 Title block contents
- 13:40-1.4 Proposed title block form
- 13:40-1.5 Title block use for professional engineer and land surveyor work project
- 13:40-1.6 Subtitle block of independent professional

**SUBCHAPTER 2. APPLICATION REQUIREMENTS**

- 13:40-2.1 Application submission
- 13:40-2.2 Failure to timely submit application
- 13:40-2.3 Cancellation of application; reapplication
- 13:40-2.4 Engineer-in-training: application procedure; eligibility requirements
- 13:40-2.5 Professional engineer: application procedure; eligibility requirements
- 13:40-2.6 Surveyor-in-training; application procedure; eligibility requirements
- 13:40-2.7 Land surveyor; application procedures; eligibility requirements
- 13:40-2.8 Education requirements; engineer-in-training and professional engineer
- 13:40-2.9 Education requirements: land surveyor-in-training; land surveyor
- 13:40-2.10 Experience requirements; professional engineer
- 13:40-2.11 Experience requirements; land surveyor
- 13:40-2.12 Waiver of the fundamentals of engineering examination
- 13:40-2.13 References
- 13:40-2.14 Language comprehension requirement
- 13:40-2.15 Scheduling of examination
- 13:40-2.16 Comity
- 13:40-2.17 Review of examination

**SUBCHAPTER 3. MISCONDUCT**

- 13:40-3.1 Enumeration of prohibited acts
- 13:40-3.2 Reporting incidents of professional misconduct

**SUBCHAPTER 4. GENERAL PROVISIONS**

- 13:40-4.1 Notification of change of address; service of process
- 13:40-4.2 (Reserved)

**SUBCHAPTER 5. LAND SURVEYORS; PREPARATION  
OF LAND SURVEYS**

- 13:40-5.1 Land surveyors; preparation of land surveys

**SUBCHAPTER 6. FEES**

- 13:40-6.1 Fee schedule

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

- 13:40-7.1 General provisions
- 13:40-7.2 Depiction of existing conditions on a site plan
- 13:40-7.3 Preparation of site plan
- 13:40-7.4 Preparation of a major subdivision plan
- 13:40-7.5 Effect of local ordinances

SUBCHAPTER 8. MAINTENANCE OF PROJECT RECORDS

13:40-8.1 Release of project records

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

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

13:40-10.1 Contract requirement

SUBCHAPTER 11. LAND SURVEYORS; CONTINUING COMPETENCY

- 13:40-11.1 Continuing professional competency requirements; failure to comply
- 13:40-11.2 Definitions
- 13:40-11.3 Credit-hour requirements
- 13:40-11.4 Approval of course offerings
- 13:40-11.5 Continuing competency programs and other sources of continuing competency credits
- 13:40-11.6 Credit calculation
- 13:40-11.7 Reporting and documenting of PDHs
- 13:40-11.8 Waiver of continuing competency requirement
- 13:40-11.9 License restoration
- 13:40-11.10 Out-of-jurisdiction resident
- 13:40-11.11 Criteria for continuing competency programs
- 13:40-11.12 Responsibilities of program providers

SUBCHAPTER 12. RETIRED LICENSE AND NO-FEE RETIRED LICENSE STATUS

- 13:40-12.1 Eligibility requirements
- 13:40-12.2 Retired licensee; application; entitlement
- 13:40-12.3 No-fee retired licensee
- 13:40-12.4 Resumption of practice

SUBCHAPTERS 13 THROUGH 14. (RESERVED)

SUBCHAPTER 15. HOME INSPECTION ADVISORY COMMITTEE

- 13:40-15.1 Purpose; scope; applicability
- 13:40-15.2 Definitions
- 13:40-15.3 Office of the Committee
- 13:40-15.4 Requirements for initial licensure as home inspector (grandfathering)
- 13:40-15.5 Requirements for licensure as associate home inspector
- 13:40-15.6 Requirements for initial licensure as home inspector
- 13:40-15.7 Supervision of associate home inspectors
- 13:40-15.8 Insurance requirement
- 13:40-15.9 Identification cards
- 13:40-15.10 License renewal
- 13:40-15.11 Change of license status: inactive to active
- 13:40-15.12 Reinstatement of suspended license
- 13:40-15.13 Change of address provision; service of process
- 13:40-15.14 Continuing education requirements
- 13:40-15.15 Pre-inspection agreements
- 13:40-15.16 Standards of practice
- 13:40-15.17 Mandatory tools and equipment
- 13:40-15.18 Advertising; identification of licensee
- 13:40-15.19 Prohibited practices
- 13:40-15.20 Suspension, revocation or refusal to renew license
- 13:40-15.21 Requirements for licensure as a home inspector or associate home inspector by comity
- 13:40-15.22 Inspection services requiring additional experience, education, training, or license or certification
- 13:40-15.23 Fee schedule

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. 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 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).

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.

(b) The out-of-State license relied upon by an applicant for purposes of comity licensure in New Jersey must be current and in good standing. In the case of multiple state licensure, all out-of-state licenses obtained prior to applying for comity licensure in New Jersey must be in good standing whether active or inactive, in order for licensure pursuant to N.J.S.A. 45:8-35(1) (e) and (2)(d) to be granted.

(c) A record book from the National Council of Examiners for Engineering and Surveying (NCEES) shall be acceptable to the Board only if it is sent directly to the Board office from the National Council of Examiners for Engineering and Surveying. The applicant shall complete the personal data portion of the Board application form in its entirety. The record book shall meet the following requirements:

1. The book shall be labeled with the application number;
2. References over one year old will not be accepted; and
3. All references and transcripts shall be submitted to the Board in conformance with N.J.A.C. 13:40-2.4 through 2.13.

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

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

Recodified from N.J.A.C. 13:40-2.7 and amended by R.2000 d.195, effective May 15, 2000.

See: 31 N.J.R. 2459(a), 32 N.J.R. 1773(c).

Rewrote (a) and (b); and in (c)3, changed N.J.A.C. reference.

### 13:40-2.17 Review of examination

(a) An applicant who has taken the fundamentals of engineering examination, fundamentals of land surveying examination, or the principles and practices of engineering and/or land surveying and the New Jersey Land Surveying examination, may request that his or her examination be hand-scored and review the score tabulations of the examination. The applicant may not personally review the exams.

(b) An applicant who has taken the principle and practices examination may request to review his or her solution pamphlet and the correct solution answers. The applicant may not retain or photocopy any of the materials provided during the review of the examination.

(c) All requests for scoring or review must be made in writing within 30 days of the postmark of the scores mailed to the applicant.

(d) An applicant may not appeal, or request a re-evaluation of any examination.

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

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

Recodified from N.J.A.C. 13:40-2.10 and amended by R.2000 d.195, effective May 15, 2000.

See: 31 N.J.R. 2459(a), 32 N.J.R. 1773(c).

Rewrote the section.

## SUBCHAPTER 3. MISCONDUCT

### 13:40-3.1 Enumeration of prohibited acts

(a) Misconduct in the practice of professional engineering or land surveying shall include, without limitation:

1. Acting for his or her client or employer in professional matters otherwise than as a faithful agent or trustee; accepting any remuneration other than his or her stated recompense for services rendered.

2. Disregarding the safety, health and welfare of the public in the performance of his or her professional duties: preparing or signing and sealing plans, surveys or specifications which are not of a safe design and/or not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the proper authorities and withdraw from further service on the project.

3. Advertising his work or merit using claims of superiority which cannot be substantiated.

4. Engaging in any activity which involves him in a conflict of interest, including without limitation:

- i. A licensee shall inform his client or employer of any business connection, interest or circumstance which might be deemed as influencing his judgment or the quality of his services to the client or employer.

- ii. When in public service as a member, advisor or employee of a governmental agency, a licensee shall not participate in the deliberations or actions of such agency with respect to services rendered or to be rendered by the licensee or any firm or organization with which he is associated in private practice.

- iii. A licensee shall not solicit or accept a professional contract from a governmental agency upon which a principal, officer or employee of his firm or organization serves as a member, advisor or employee.

- iv. A licensee shall not accept compensation or remuneration, financial or otherwise, from more than one interested party for the same service or for services pertaining to the same work, unless there has been full disclosure to and consent by all interested parties.

- v. A licensee shall not accept compensation or remuneration, financial or otherwise, from material or equipment suppliers for specifying their product.

- vi. A licensee shall not accept commissions or allowances, directly or indirectly, from contractors or other persons dealing with his client or employer in connection with work for which he is responsible to the client or employer.

5. Affixing his or her \*signature and\* seal to any plans, specifications, plats or reports or surveys which were not prepared by him or her or under his or her supervision by his or her employees or subordinates.

6. Failure to comply with Federal, state or local laws, rules or regulations relating to the practice of the profession.

7. Permitting or allowing any person not appropriately licensed pursuant to N.J.S.A. 45:8-27 to act for or on behalf of the licensee as his representative, surrogate or agent while appearing before any public or private body for the purpose of rendering professional engineering or land surveyor services.

8. Failure to determine and document the identity of the client prior to commencing any work. All correspondence, contracts, bills shall be addressed to that client, unless expressly directed otherwise, in writing, by the client.

9. Failure to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

10. Failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions.

11. Failure of a licensee to respond in writing within 30 days to a written communication from the Board of Professional Engineers and Land Surveyors with respect to any investigative inquiry relating to the possible violation of any statute or regulation administered by the Board, and to make available any relevant records with respect to such an inquiry. The 30 day period shall begin on the day when such communication was sent from the Board by certified mail with return receipt requested to the address appearing on the last registration.

12. Rendering engineering or land surveying services and/or professional opinions when not qualified by training, education, and experience in the specific discipline of professional engineering and/or land surveying that is involved.

13. Engaging in any activity which results in suspension, revocation or surrender of a professional license or certification in another jurisdiction.

R.1970 d.67, eff. June 8, 1970.

See: 2 N.J.R. 35(a), 2 N.J.R. 55(g).

As amended, R.1976 d.228, eff. July 21, 1976.

See: 8 N.J.R. 250(a), 8 N.J.R. 402(a).

As amended, R.1983 d.16, eff. February 7, 1983.

See: 14 N.J.R. 1196(b), 15 N.J.R. 158(a).

Deleted reference to N.J.S.A. 45:8-38. Also deleted language concerning "practice likely to discredit or reflect unfavorably upon the dignity or honor of the profession." Also deleted limitations on listings.

As amended, R.1984 d.486, eff. November 5, 1984.

See: 16 N.J.R. 1321(a), 16 N.J.R. 3055(a).

Section recodified.

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)8, 9 and 10.

Amended by R.1988 d.394, effective August 15, 1988.

See: 20 N.J.R. 736(a), 20 N.J.R. 2068(a).

Substantially amended.

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

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

#### Case Notes

License revocation. (Decided on statutory grounds). *Hyland v. Ponzio*, 159 N.J.Super. 233, 387 A.2d 1206 (App.Div.1978).

#### 13:40-3.2 Reporting incidents of professional misconduct

If a licensee has knowledge or reason to believe that another person or firm may be in violation of or has violated any of the statutes or rules administered by the Board of Professional Engineers and Land Surveyors, he or she shall present such information to the Board in writing and shall cooperate with the Board in furnishing such information or assistance as may be required by the Board.

New Rule, R.1985 d.465, effective September 3, 1985.

See: 17 N.J.R. 799(a), 17 N.J.R. 2140(a).

### SUBCHAPTER 4. GENERAL PROVISIONS

#### 13:40-4.1 Notification of change of address; service of process

(a) A licensee of the Board of Professional Engineers and Land Surveyors shall notify the Board in writing of any change of address from that currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, not later than 30 days following the change of address.

1. All addresses of licensees shall contain street names and numbers. Post office box numbers without street addresses shall not be acceptable.

(b) Failure to notify the Board of any change of address pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).

(c) Service of an administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purpose of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.

New Rule, R.1985 d.465, effective September 5, 1985.

See: 17 N.J.R. 799(a), 17 N.J.R. 2140(a).

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

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

#### 13:40-4.2 (Reserved)

### SUBCHAPTER 5. LAND SURVEYORS; PREPARATION OF LAND SURVEYS

#### 13:40-5.1 Land surveyors; preparation of land surveys

(a) The practice of land surveying includes surveying of areas for their correct determination and description and for conveyancing, and for the establishment or reestablishment of land boundaries and the plotting of lands and subdivisions thereof, and such topographical survey and land development as is incidental to the land survey.