
NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 40
STATE BOARD OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS.....	6
13:40-1.1 Purpose.....	6
13:40-1.2 Scope	6
13:40-1.3 Definitions.....	6
13:40-1.4 (Reserved).....	10
13:40-1.5 (Reserved).....	10
13:40-1.6 (Reserved).....	10
SUBCHAPTER 2. APPLICATION REQUIREMENTS; LICENSING; BIENNIAL RENEWAL; INACTIVE STATUS.....	10
13:40-2.1 Application submission.....	10
13:40-2.2 Scheduling of examination	10
13:40-2.3 Cancellation of application; reapplication.....	11
13:40-2.4 Engineer-in-training: application procedure; eligibility requirements; requirements for juniors and seniors to sit for Part F portion; applicants seeking credit for military education or training	11
13:40-2.5 Professional engineer: application procedure; eligibility requirements; applicants seeking credit for military education, training, or experience	13
13:40-2.6 Surveyor-in-training; application procedure; eligibility requirements; applicants seeking credit for military education or training.....	14
13:40-2.7 Professional land surveyor; application procedures; eligibility requirements; applicants seeking credit for military education, training, and experience	15
13:40-2.8 Education requirements: engineer-in-training and professional engineer; applicants seeking credit for military education or training	17
13:40-2.9 Education requirements: land surveyor-in-training; professional land surveyor; applicants seeking credit for military education or training	18
13:40-2.10 Experience requirements; professional engineer; applicants seeking credit for military training or experience.....	18
13:40-2.11 Experience requirements; professional land surveyor; applicants seeking credit for military training or experience.....	19
13:40-2.12 Waiver of the fundamentals of engineering examination	20
13:40-2.13 References	20
13:40-2.14 Language comprehension requirement	21
13:40-2.15 Biennial license renewal; license suspension; reinstatement of suspended license; inactive status.....	21
13:40-2.16 Comity.....	23
13:40-2.17 Credit towards licensure or certification for education, training, and experience received while serving as a member of the Armed Forces	24

SUBCHAPTER 3. LICENSURE REQUIREMENT; EXEMPTIONS; STANDARDS OF PRACTICE; MISCONDUCT	25
13:40-3.1 Licensure requirement; issuance and display of certificate; advertising	25
13:40-3.2 Licensure exemptions	26
13:40-3.3 Advertising	28
13:40-3.4 Release of project records	28
13:40-3.5 Enumeration of prohibited acts	29
13:40-3.6 Reporting incidents of professional misconduct	31
SUBCHAPTER 4. GENERAL PROVISIONS	32
13:40-4.1 Notification of change of address; service of process	32
13:40-4.2 Scope of practice; home inspections	32
SUBCHAPTER 5. PROFESSIONAL LAND SURVEYORS; PREPARATION OF LAND SURVEYS	33
13:40-5.1 Professional land surveyors; preparation of land surveys	33
13:40-5.2 Waiver of corner marker	39
SUBCHAPTER 6. FEES	42
13:40-6.1 Fee schedule	42
SUBCHAPTER 7. PERMISSIBLE DIVISION OF RESPONSIBILITY IN SUBMISSION OF SITE PLANS AND MAJOR SUBDIVISION PLATS	43
13:40-7.1 General provisions	43
13:40-7.2 Depiction of existing conditions on a site plan	44
13:40-7.3 Preparation of site plan	44
13:40-7.4 Preparation of a major subdivision plan	45
13:40-7.5 Effect of local ordinances	45
SUBCHAPTER 8. SEALING AND TITLE BLOCK REQUIREMENTS FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS	46
13:40-8.1 Signing and Sealing of documents	46
13:40-8.1A Digital signatures and seals	47
13:40-8.2 Title block on drawings; forms; removal	48
13:40-8.3 Title block contents	48
13:40-8.4 Proposed title block form	49
13:40-8.5 Title block use for professional engineer and professional land surveyor work project	49
13:40-8.6 Subtitle block of independent professional	49
SUBCHAPTER 9. RESPONSIBLE CHARGE OF ENGINEERING OR LAND SURVEYING WORK	50
13:40-9.1 Supervision of subordinates; maintaining records of adequate supervision; acts reflecting inadequate supervision	50

project for which the professional engineer or professional land surveyor was originally retained.

- b) Originals of records shall remain in the possession of the professional engineer or professional land surveyor unless otherwise provided by statute or written contractual agreement.
- c) The client of a professional engineer or professional land surveyor shall be entitled to complete copies of all records, whether electronic, digital or written form, 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 professional 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 document reflects conditions as of (insert place, date of the original document) and may not show current conditions as of (insert the present date)."
- d) The professional engineer or professional land surveyor shall be compensated for the reasonable costs of research and reproduction for copies of records released pursuant to this section.

13:40-3.5 ENUMERATION OF PROHIBITED ACTS

- a) Misconduct in the practice of professional engineering or professional 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 in violation of N.J.A.C. 13:40-3.3.
 - 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 et seq. or this chapter 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 professional land surveying 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 State 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 professional 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.
- 14) Failure to comply with the requirements set forth in N.J.A.C. 13:40-5.1(d) and 5.2 concerning the waiver of the setting of corner markers.

13:40-3.6 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 State 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.