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New Jersey Laws and Rules for Engineers

by

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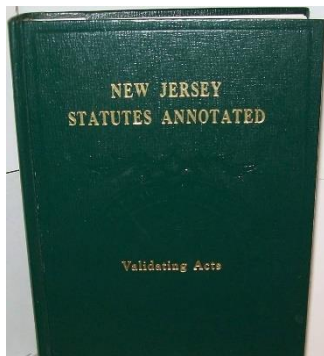
Course Outline:

New Jersey Statutes
Laws of the Board
New Jersey Administrative Code
Rules of the Board
State Board
Practice of Professional Engineering
Responsible Charge
Engineering Disciplines
Building Design Services
Professional Conduct and Ethics
Sign and Seal Requirements
Title Block Requirements
Continuing Education
Helpful References
Examination

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New Jersey Statutes

State laws (called statutes) are enacted by the New Jersey Legislature, which is a bicameral body made up of the Senate and General Assembly. When a bill has passed, it is transmitted to the Governor for signature and then becomes law. If the Governor vetoes the bill, the Legislature must override a veto with a two-thirds majority vote in both the Senate and General Assembly for the bill to become law.



Passed bills (acts) from each legislative session are published in Chapter Laws, also called Session Laws or Pamphlet Laws and abbreviated P.L. Next, the laws (called statutes) are added to the *New Jersey Statutes* in the appropriate locations with numbering, formatting, and removal of replaced or repealed statutes. Annotations are also added such as notes and references, with the resulting publication called the *New Jersey Statutes Annotated* (N.J.S.A. or NJSA).

The N.J.S.A. is divided into dozens of titles. Laws with relevance to engineering are in Title 45, Chapter 8, Sections 27 to 60, which is cited as N.J.S.A. 45:8-27 to 8-60 or “Laws of the Board”. The organization is as follows:

New Jersey Statutes Annotated

- Title 45: Professions and Occupations
 - Chapter 8: Licensed Professions
 - Sections 27 to 60: Board of Professional Engineers and Land Surveyors
 - Paragraphs: Various

See the “Helpful Resources” section for the website addresses with the latest laws, rules, and Board information. The laws and rules in this course are current as of October 2024.



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Laws of the Board

The law dedicated to the practice of engineering is N.J.S.A. 45:8-27 to 8-60, known as the "Laws of the Board". The Laws of the Board gives authority to the *New Jersey State Board of Professional Engineers and Land Surveyors* (Board) to enact the laws and manage licensing. The following is the contents with **bold** sections being of particular importance for practicing professional engineers.

N.J.S.A. 45:8-27 to 8-60: Board of Professional Engineers and Land Surveyors

45:8-27 - License required; display of license; exceptions; corporations, firms, partnerships and associations

45:8-28 - Definitions

45:8-29 - Examining board

45:8-30 - Board of Professional Engineers, Land Surveyors

45:8-31 - Oath of members; filing; duty of Attorney General; powers of board; compelling compliance with subpoena

45:8-32 - Meetings; officers

45:8-33 - Itemized account to be kept; report; filing; forwarding to Attorney-General

45:8-34 - Records; proceedings of examining board; applicants for licenses; evidence

45:8-35 - Application for licensure for professional engineers, land surveyors

45:8-35.1 - Licensed architects may be licensed as professional engineers; examination

Land Surveying CPC

45:8-35.2 - Continuing professional competency credits required for certification

45:8-35.3 - Duties of board

45:8-35.4 - Board to establish procedures

45:8-35.5 - Board may waive requirements

45:8-35.6 - Credits not required for initial registration

45:8-35.7 - Prorating of credits

45:8-35.8 - Proof of completion of credits

45:8-35.9 - Failure to complete professional competency requirements; penalty

45:8-35.10 - Carryover of credits

Engineering CPC

45:8-35.11 - Continuing education required for licensure

45:8-35.12 - Duties of board relative to subject matter, contents



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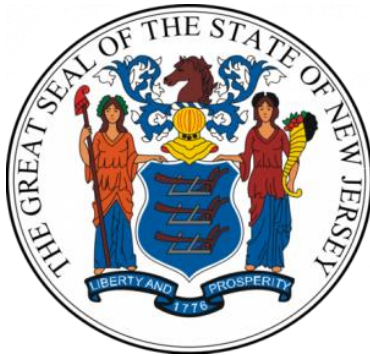
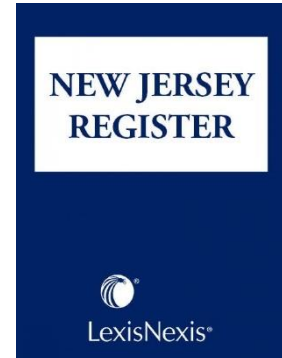
- 45:8-35.13 - Procedures established by board**
- 45:8-35.14 - Discretionary waiver of requirements**
- 45:8-35.15 - Inapplicability to initial registration**
- 45:8-35.16 - Commencement of continuing education requirements**
- 45:8-35.17 - Proof of completion**
- 45:8-35.18 - Requirements for professional engineer, land surveyor**
- 45:8-35.19 - Carryover of credits**

- 45:8-36 - Certificates**
 - 45:8-36.1 - Use of title "professional land surveyor"
 - 45:8-36.2 - Retirement procedures; resuming practice after retirement**
 - 45:8-36.3 - Waiver of corner marker requirements for certain land surveying work
- 45:8-37 - Expiration and renewal of licenses; fees; revocation on failure to renew license
- 45:8-39 - Practice without license and other violations; penalties; actions for penalties**
- 45:8-40 - Persons exempt**
- 45:8-41 - Licensed engineers and surveyors on public contracts or works required**
- 45:8-42 - Employment of licensed engineers by governmental departments**
- 45:8-43 - Filing of name of engineer engaged by governmental departments; employment of engineers and land surveyors**
- 45:8-44.1 - Authority of land surveyors to go on, over and upon lands of others during reasonable hours
- 45:8-44.2 - Entry not trespass; immunity from arrest or civil action
- 45:8-44.3 - Destruction, injury or damage to land; prohibition; liability
- 45:8-44.4 - Nonliability of owner or lessee of land
- 45:8-44.5 - Inapplicability of act to lands traversed by operating railroad
- 45:8-45 - Certificate and seal of licensed engineer, surveyor or architect on plans and specifications on public work**
- 45:8-47 - Effect on other professions**
- 45:8-48 - Partial invalidity; construction of chapter
- 45:8-56 - Certificate of authorization
- 45:8-57 - Contents of application; biennial renewal fee
- 45:8-58 - Powers of board
- 45:8-59 - Records to establish regular, effective supervision
- 45:8-60 - Responsibility for acts of agents, employees, officers**

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New Jersey Administrative Code

State laws are often high-level and lack details required for implementation. The New Jersey Legislature delegates state agencies to manage the implementation of laws and to create rules and regulations that complement the laws. The compilation of agency regulations is called the *New Jersey Administrative Code* and can be cited as N.J.A.C. or NJAC. Regulations are published in the New Jersey Register (N.J.R.). The regulations are enforceable just like state statutes.



The N.J.A.C. is grouped into dozens of titles and chapters, each representing a different state agency (departments, divisions, districts, boards, councils, authorities, and commissions). Professional engineering is under Title 13, Chapter 40. This is cited as 13 N.J.A.C. 40 or N.J.A.C. 13:40, and referred to as “Rules of the Board” in this course.

The organization is as follows:

N.J.A.C.

- Title 13: Law And Public Safety
 - Chapter 40: State Board of Professional Engineers and Land Surveyors
 - Subchapters 1 to 15
 - Sections (Various)



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Rules of the Board

N.J.A.C. 13:40 is known as the “Rules of the Board”. It covers the professional engineering. The following are the contents with sections in **bold** of particular importance for practicing professional engineers.

N.J.A.C. 13:40 - State Board of Professional Engineers and Land Surveyors

- SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS
 - § 13:40-1.1 Purpose
 - § 13:40-1.2 Scope
 - **§ 13:40-1.3 Definitions**

- SUBCHAPTER 2. LICENSURE REQUIREMENTS AND APPLICATION PROCESSES
 - § 13:40-2.1 Engineers-in-training: eligibility requirements and application process
 - § 13:40-2.2 Professional engineers: eligibility requirements and application process
 - § 13:40-2.3 Surveyors-in-training: eligibility requirements and application process
 - § 13:40-2.4 Professional land surveyor: eligibility requirements and application process
 - § 13:40-2.5 Waiver of Fundamentals of Engineering examination
 - § 13:40-2.6 Credit towards licensure or certification for education, training, and experience received while serving as a member of the Armed Forces
 - § 13:40-2.7 Application; reapplication
 - **§ 13:40-2.8 Biennial license renewal**
 - § 13:40-2.9 Reactivation of license
 - § 13:40-2.10 Reinstatement of suspended license
 - § 13:40-2.11 Licensure by comity

- SUBCHAPTER 3. PROHIBITED ACTIONS; EXEMPTIONS; STANDARDS OF PRACTICE; MISCONDUCT
 - **§ 13:40-3.1 Prohibited actions; issuance and display of certificate; advertising**
 - **§ 13:40-3.2 Licensure exemptions**



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- **§ 13:40-3.3 Advertising**
- **§ 13:40-3.4 Release of project records**
- **§ 13:40-3.5 Enumeration of prohibited acts**
- **§ 13:40-3.6 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 Scope of practice; home inspections

- SUBCHAPTER 5. PROFESSIONAL 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

- SUBCHAPTER 8. SEALING AND TITLE BLOCK REQUIREMENTS FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS
 - **§ 13:40-8.1 Signing and sealing of documents**
 - **§ 13:40-8.1A Digital signatures and seals**
 - **§ 13:40-8.2 Title block on drawings; forms; removal**
 - **§ 13:40-8.3 Title block contents**
 - **§ 13:40-8.4 Proposed title block form**
 - **§ 13:40-8.5 Title block use for professional engineer and professional land surveyor work project**
 - **§ 13:40-8.6 Subtitle block of independent professional**

- SUBCHAPTER 9. RESPONSIBLE CHARGE OF ENGINEERING OR LAND SURVEYING WORK
 - **§ 13:40-9.1 Professional engineers: supervision of subordinates; maintaining records of adequate supervision; acts reflecting inadequate supervision**
 - § 13:40-9.2 Professional land surveyor: supervision of subordinates; maintaining records of adequate supervision; acts reflecting inadequate supervision



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- SUBCHAPTER 10. CERTIFICATES OF AUTHORIZATION
 - § 13:40-10.1 Issuance of certificates of authorization
 - § 13:40-10.2 Biennial renewal of certificates of authorization
 - § 13:40-10.3 Contract requirement

- SUBCHAPTER 11. LAND SURVEYORS; CONTINUING COMPETENCY

- 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

- SUBCHAPTER 13. PROFESSIONAL ENGINEERS; CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS
 - **§ 13:40-13.1 Continuing professional competency requirements**
 - **§ 13:40-13.2 Definitions**
 - **§ 13:40-13.3 Carry over of excess CPC credits; dual licensees; reinstatement of license**
 - **§ 13:40-13.4 Sources of CPC credits**
 - **§ 13:40-13.5 Approval procedures for CPC providers; exceptions**
 - **§ 13:40-13.6 Compliance with CPC credits; audit**
 - **§ 13:40-13.7 Credit calculation**
 - **§ 13:40-13.8 Waiver of CPC requirements**
 - § 13:40-13.9 Responsibilities of program providers

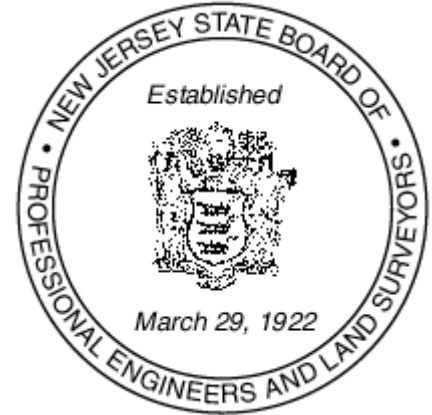
- SUBCHAPTER 15. HOME INSPECTION ADVISORY COMMITTEE



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State Board

The state agency for professional engineering is the *New Jersey State Board of Professional Engineers and Land Surveyors* (NJ PE/LS Board, or PELS), herein referred to as the Board. The Board is under the Division of Consumer Affairs (DCA).



The Board oversees over 19,000 professional engineers. The Board has the authority to manage and further regulate professional engineering and land surveying. The Home Inspection Advisory Committee is a separate agency.

The Board can make modifications to Rules of the Board (N.J.A.C. 13:40).

Board Website

The website < <https://www.njconsumeraffairs.gov/pels/> > contains the following topics:

Alerts
Members
Meetings
Actions (Disciplinary & Other)
Applications, Forms and Fees

Tips for Applicants
Laws and Regulations
Licensee Information
Phases and Timelines
Continuing Ed.
License Verification

Frequently Asked Questions
Useful Links
Request a List
Change of Address
Contact



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Practice of Professional Engineering

The following is a copy-paste of the relevant laws and rules that help define the practice of professional engineering:

Laws of the Board

45:8-27. License required; display of license; exceptions; corporations, firms, partnerships and associations

In order to safeguard life, health and property, and promote the public welfare, any person practicing or offering to practice professional engineering or professional land surveying in this State shall hereafter be required to submit evidence that he is qualified so to practice and shall be licensed as hereinafter provided. After the date upon which this chapter becomes effective, it shall be unlawful for any person to practice or to offer to practice engineering or land surveying in this State, or to use the title professional engineer or land surveyor or any other title, sign, card or device in such manner as to tend to convey the impression that such person is practicing engineering or land surveying or is a professional engineer or land surveyor, unless such person is duly licensed under the provisions of this chapter. Every holder of a license shall display it in a conspicuous place in his principal office, place of business or employment.

No corporation, firm, partnership or association shall be granted a license under this chapter; however, certain corporations shall be required to obtain a certificate of authorization as provided pursuant to P.L.1989, c.276 (C.45:8-56 et al.). No corporation, firm, partnership or association shall use or assume a name involving the word "engineers" or "engineering" or any modification or derivative of such terms, unless an executive officer, if a corporation, or a member, if a firm, partnership or association, shall be a licensed professional engineer of the State of New Jersey.

No corporation, firm, partnership or association shall use or assume a name involving the words "surveyors," "land surveyors," "surveying," or "land surveying," or any modification or derivative of such terms, unless an executive officer, if a corporation, or a member, if a firm, partnership, or association, shall be a licensed land surveyor of the State of New Jersey.

No corporation, firm, partnership or association shall practice or offer to practice



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engineering or land surveying in this State unless the person or persons in responsible charge of engineering or land surveying work shall be so licensed to practice in this State. The person or persons carrying on the actual practice of professional engineering or land surveying on behalf of or designated as "engineers" or "surveyors" or "professional engineers" or "land surveyors," with or without qualifying or characterizing words, by any such corporations, firms, partnerships or associations, shall be licensed to practice professional engineering or land surveying as provided in this chapter.

Services constituting the practice of professional engineering shall not be rendered or offered through any business association other than a sole proprietorship of a professional engineer, a partnership of professional engineers, a partnership of closely allied professionals including at least one professional engineer, a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1 et seq.) or a corporation authorized pursuant to P.L.1989, c.276 (C.45:8-56 et al.).

Services constituting the practice of land surveying shall not be rendered or offered through any business association other than a sole proprietorship of a land surveyor, a partnership of land surveyors, a partnership of closely allied professionals including at least one land surveyor, a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1 et seq.) or a corporation authorized pursuant to P.L.1989, c.276 (C.45:8-56 et al.).

Nothing in this act shall be construed as required licensing for the purpose of practicing professional engineering or land surveying by any person, firm, or corporation upon property owned or leased by such person, firm or corporation, unless the same involves the public safety, public health or public welfare.

45:8-28 Definitions.

2. (a) The term "professional engineer" within the meaning and intent of this chapter shall mean a person who by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as hereinafter defined as attested by his license as a professional engineer.



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(b) The terms "practice of engineering" or "professional engineering" within the meaning and intent of this chapter shall mean 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 design of buildings by professional engineers shall be consistent with section 7 of the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-7).

The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment. The provisions of this chapter shall not be construed to prevent or affect the employment of architects in connection with engineering projects within the scope of the act to regulate the practice of architecture and all the amendments and supplements thereto.

A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title utilizing or including the word engineer, implies that he is a professional engineer; or who represents himself as able to perform, or who does perform any engineering service or work or any other professional service recognized by the board as professional engineering.

Nothing herein shall prohibit licensed architects from providing or offering services consistent with the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).



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(c) The term "engineer-in-training" as used in this chapter shall mean a person who is a potential candidate for license as a professional engineer who is a graduate in an approved engineering curriculum of four years or more from a school or college accredited by the board as of satisfactory standing, and who, in addition, has successfully passed an examination in the fundamental engineering subjects, as defined elsewhere herein.

...

(f) The term "board" as used in this chapter shall mean the State Board of Professional Engineers and Land Surveyors.

...

(h) The term "certificate of authorization" shall mean a certificate issued by the board pursuant to this amendatory and supplementary act.

(i) The term "joint committee" shall mean the Joint Committee of Architects and Engineers established pursuant to the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.).

(j) The term "closely allied professional" as used in this chapter shall mean and is limited to licensed architects, professional engineers, land surveyors, licensed landscape architects, and professional planners.

(k) The term "telecommunications" as used in this chapter, shall mean, as it is applied to the practice of engineering, 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 transmission. 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.

...

45:8-35.1. Licensed architects may be licensed as professional engineers; examination

Any architect who is duly licensed to practice architecture in this State, provided he has a college degree in a program or curriculum of four years or more, shall be



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entitled to be licensed to engage in the practice of professional engineering upon application therefor to the State Board of Professional Engineers and Land Surveyors, and upon satisfactorily passing that part of an examination limited solely to specialized training of engineers, and which is now designated as Part P thereof. Such applicant shall be examined, according to the limitation herein provided, at a regularly conducted examination for applicants for license as professional engineer.

45:8-35.18 Requirements for professional engineer, land surveyor.

8. Notwithstanding the provisions of section 1 of P.L.1993, c.39 (C.45:8-35.2) and section 1 of this act, the board shall require each person licensed as both a professional engineer and a land surveyor, as a condition for biennial certification, to complete not less than 36 credits of continuing professional competency relating to the practice of professional engineering and land surveying, with not less than 12 credits to be completed in professional engineering and not less than 12 credits to be completed in land surveying.

45:8-35.19 Carryover of credits.

9. The board shall allow a professional engineer to carry over a maximum of 12 continuing professional competency credits to the next biennial licensure period.

45:8-36. Certificates

10. Certificates. The board shall issue a license certificate upon payment of the application fee as provided in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter, and who has paid the license fee to cover licensure for the year or fraction thereof in which such license is issued. In the case of a licensed professional engineer the certificate shall authorize the practice of the applicant as a "professional engineer" and in the case of a licensed land surveyor as a "land surveyor," or as "professional engineer and land surveyor" when the applicant qualifies in both classifications. Certificates of license shall show the full name of the licensee, shall have a license number and shall be signed by the president and the secretary-director of the board under the seal of the board. The issuance of a license certificate by this board shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed professional engineer or a licensed land surveyor, or as both as the case may be, while said certificate remains unrevoked, unexpired, or is not on a retired status list.

...

All professional engineers licensed by this board prior to the passage of this chapter, shall continue to practice under the various classifications heretofore granted and within the branches of engineering indicated or may, upon application therefor, and the payment of a fee of \$5.00 receive a new certificate under the title "professional engineer"; provided, said professional engineer presents evidence satisfactory to the



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board of his qualifications to practice in the field of general engineering comprehended in the title "professional engineer."

All license certificates shall be recorded by the board in the office of the Secretary of State, in a book kept for that purpose and any recording fee as may be provided by law shall be paid by the applicant before the license certificate is delivered.

The examining board shall be empowered to issue a certificate of registration as "Engineer-in-Training" or "Surveyor-in-Training," as the case may be, to an applicant who meets the qualifications outlined elsewhere herein.

An applicant who meets the requirements of this act shall receive a certificate of registration as "Engineer-in-Training," or "Surveyor-in-Training," whichever is applicable, which certificate may remain in effect for a period of 10 years from the date of issuance.

45:8-36.2. Retirement procedures; resuming practice after retirement

3. A licensed professional engineer or land surveyor who has been licensed for a minimum of 25 years and is 62 years of age or older may apply to the board for retirement license status on a form furnished by the board. Upon receipt of the completed retired status application form and the board's determination that the licensee meets these requirements, the board shall declare the licensee retired and shall place the licensee on a retired status list. A person whose license is retired shall not offer or practice professional engineering or land surveying, or both, as the case may be, within the State.

A person on the retired status list who wants to resume the practice of professional engineering or land surveying, or both, as the case may be, shall make application in the manner determined by the board for reinstatement of licensure to the board as a professional engineer or land surveyor, as the case may be, and pay the prescribed reinstatement fee as required by regulation of the board. Any person who has been on the retired status list for five or more years shall furnish the board with satisfactory evidence of current knowledge, competency and skill in the practice of professional engineering or land surveying as required by law or any regulation of the board.



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45:8-37. Expiration and renewal of licenses; fees; revocation on failure to renew license

License certificates shall expire on the thirtieth day of April following issuance, renewal or reinstatement and shall become invalid on that day unless renewed. Licensees shall apply for renewal on or before the thirtieth day of April of each year. It shall be the duty of the secretary of the board to notify all persons licensed under this chapter of the date of the expiration of their certificates and the amount of the fee that shall be required for their renewal for one year; such notice shall be mailed to each licensee at his post-office address known to the board at least one month in advance of the date of expiration of said certificate. Renewal of any certificate issued under this chapter may be effected at any time during the month of April by the payment of the fee of five dollars (\$5.00).

The failure on the part of the licensee to renew his certificate annually in the month of April as required shall not deprive such person of the right of renewal during the ensuing year but the fee to be paid if the license be renewed in any month during the current year subsequent to April shall be seven dollars (\$7.00) instead of five dollars (\$5.00); and, if the license certificate be not renewed in the current year, the licensee shall pay a reinstatement fee of ten dollars (\$10.00) plus five dollars (\$5.00) for each year in which the licensee is in arrears. One notice to the licensee, by mail, on or before April fifteenth, addressed to his last post-office address known to the board, informing him of his failure to have applied for a renewal of his license certificate, shall constitute legal notification of such delinquency by the board.

The failure on the part of the licensee to renew his certificate within one year from the date of the expiration of said license certificate will automatically revoke such license certificate and the right of the person to practice thereafter shall be restored only upon the payment of the ten dollar (\$10.00) reinstatement fee plus all arrearages. Continuing to practice as a "professional engineer" or as a "land surveyor" after the expiration of his license shall render the person so doing liable to all the penalties prescribed for practicing without a license certificate.

45:8-40. Persons exempt

The following shall be exempted from the provisions of this chapter:

- (1) A person not a resident of and having no established place of business in this State, practicing or offering to practice herein professional engineering or land



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surveying within the meaning and intent of this chapter, when such practice does not exceed in the aggregate 30 consecutive days in any calendar year; provided, such person is legally qualified by license to practice said professional engineering or land surveying in any State or country in which the requirements and qualifications for a certificate of license are at least comparable to those specified in this chapter.

However, no final plans or reports may be submitted under this provision.

(2) A person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice herein for more than 30 days in any calendar year professional engineering or land surveying, if he shall have filed with the board an application for a certificate of license and shall have paid the fee required by this chapter; provided, that such a person is legally qualified to practice said professional engineering or land surveying in any State or country in which the requirements and qualifications for obtaining a license are at least comparable to those specified in this chapter. Such exemption shall continue only for such time as the board requires for the consideration of the application for license certificate.

(3) An employee or a subordinate of a person holding a license under this chapter or an employee of a person exempted from license by subsections (1) and (2) of this section; provided, this practice does not include responsible charge of design or supervision.

(4) Officers and employees of the Government of the United States while engaged within this State in the practice of professional engineering or land surveying, for said government.

(5) The practice of engineering or land surveying solely as an officer or employee of a corporation engaged in interstate commerce as defined in an act of Congress entitled "Act to regulate commerce," approved February 4, 1887, and as amended, unless the same affects public safety or health.

45:8-41. Licensed engineers and surveyors on public contracts or works required

Hereafter no county, city, town, township, village, borough or other municipal corporations or other political subdivisions in the State shall engage in the design,



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construction or maintenance of any public work involving professional engineering for which plans, specifications and estimates have not been made by and the construction and maintenance supervised by a licensed professional engineer or a registered architect, nor shall any county, city, town, township, village, borough or other municipal corporation or other political subdivision in the State employ any person to perform work involving land surveying except a licensed land surveyor.

45:8-42. Employment of licensed engineers by governmental departments

No department, institution, commission, board or body of the State Government, or of any political subdivision thereof shall designate, appoint or employ an engineer or any person to be in responsible charge of professional engineering work other than a duly qualified professional engineer who has been licensed by the State of New Jersey, prior to the designation, appointment or employment by such department, institution, commission, board or body of the State Government, or any political subdivision thereof.

Notwithstanding anything in this chapter to the contrary no professional engineer licensed in this State prior to the passage of this chapter and holding an appointment by the State or by any department, institution, commission, board or body of the State Government, or any political subdivision thereof, shall be deprived of the right of reappointment to the same office or position or appointment to any other office or position requiring similar qualifications.

45:8-43. Filing of name of engineer engaged by governmental departments; employment of engineers and land surveyors

The clerk of such department, institution, commission, board or body of the State Government or of any political subdivision thereof shall file with the secretary-director of the State Board of Professional Engineers and Land Surveyors the name of any engineer designated, appointed or employed, within 30 days after appointment. Where professional engineers or land surveyors are employed, subject to the provisions of the civil service law, the appointment of any such person shall be understood to mean and include appointment after such person has been certified as having satisfactorily passed a civil service examination. No person, firm, association or corporation engaged in engineering or land surveying, shall employ an engineer or land surveyor, in responsible charge of any work, within the meaning and intent of this act, other than a duly qualified professional engineer or land surveyor, who has been licensed pursuant to the provisions of this chapter, prior to



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such employment by the person, firm, association or corporation so engaged in engineering or land surveying; provided, however, that nothing in this chapter shall apply to any public utility as defined in chapter 2 of Title 48 of the Revised Statutes, or any employee thereof or to any improvement or proposed improvement made by any such public utility or by any employee of or any contractor or agent for said public utility.

Nothing in this chapter shall apply to a corporation or any of its affiliated companies any of which are in the field of telecommunications or any employee thereof where either said corporation or any of its affiliated companies is subject to the jurisdiction of the State Board of Public Utilities or the Federal Communications Commission.

Nothing in this chapter shall apply to a corporation in the field of telecommunications, or to its affiliates, or any employees thereof in which the primary business is research and technical development manufacturing or product design.

45:8-45. Certificate and seal of licensed engineer, surveyor or architect on plans and specifications on public work

No department, institution, commission, board or body of the State Government, or any political subdivision thereof, being the depository or having the custody of any plan or specification involving professional engineering, shall receive or file any such plan or specification unless there is affixed thereto the seal of a professional engineer licensed pursuant to the provisions of this chapter, or the seal of a registered architect thereon nor receive or file any plan involving land surveying unless there is affixed thereto the seal of a land surveyor licensed pursuant to this chapter.

45:8-47. Effect on other professions

This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession. Nothing in this act shall be construed as prohibiting, regulating or interfering with persons duly licensed under any laws of this State in the operation and maintenance of equipment and in the supervision of operation of steam power plants, portable machinery and equipment, and refrigeration plants, or from engaging in such engineering activities as may be incident to such operating, maintenance or supervision as is customarily a part of the services rendered by such licensed persons in the course of their employment.



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45:8-56. Certificate of authorization

The board shall issue a certificate of authorization to certain corporations and those corporations shall be authorized to offer professional engineering and land surveying services or both, as follows:

a. No corporation shall offer to provide engineering services in this State unless issued a certificate of authorization pursuant to this amendatory and supplementary act. This subsection shall not apply to a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1 et seq.).

b. No corporation shall offer to provide land surveying services in this State unless issued a certificate of authorization pursuant to this act. This subsection shall not apply to a professional service corporation established pursuant to the "Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1 et seq.).

...

45:8-57. Contents of application; biennial renewal fee

Prior to the issuance of a certificate of authorization, a corporation shall file with the board an application, on forms designated by the board, listing, where applicable, the name and address of the corporation and its satellite offices, and the name, address and signature of all officers, corporate board members, directors, principals and any licensees who shall be in responsible charge of the practice of engineering or the practice of land surveying or both, through the corporation, together with such other information as may be required by the board to ensure compliance with its regulations. The same information shall accompany the biennial renewal fee. A change in any of this information shall be reported to the board within 30 days after the effective date of that change.

45:8-60. Responsibility for acts of agents, employees, officers

No corporation shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of compliance with the provisions of P.L.1989, c.276 (C.45:8-56 et al.).



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Rules of the Board

§ 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.

§ 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.

§ 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:

"ABET" means the Accreditation Board for Engineering and Technology.

"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 professional 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.



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"Electronic transmission" means the transmission of electronic data files from one electronic device to another. The term includes manual delivery of electronic data storage media from one person or entity to another.

"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.

...

"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



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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.

"NCEES" means the National Council of Examiners for Engineering and Surveying.

"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.

"Seal" means a digital or impression type seal meeting the requirements of N.J.A.C. 13:40-8.1A and affixed to a document by a licensee.

"Signature" means a digital or handwritten signature of a licensee affixed to a document in accordance with N.J.A.C. 13:40-8.1A.

...

"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 transmission. Subjects relevant to telecommunications include but are not limited to: analog and digital circuits,



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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.

§ 13:40-2.8 Biennial license renewal

(a) The Board shall send a notice of renewal to each licensee at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew provided that the licensee is renewed within 60 days from the date the notice is sent or within 30 days following the date of license expiration, whichever is later.

(b) A licensee shall renew his or her license for a period of two years from the last expiration date. The licensee shall submit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:40-6.1, prior to the date of license expiration.

(c) A licensee may renew his or her license by choosing inactive status. A licensee electing to renew his or her license as inactive shall not engage in the practice of professional engineering or professional land surveying, or hold themselves out as eligible to engage in the practice of professional engineering or professional land surveying, in New Jersey until such time as the license is returned to active status.

(d) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration, by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:40-6.1. During this 30-day period, the license shall be valid and the licensee shall not be deemed practicing without a license.

(e) A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.

(f) A licensee who continues to engage in the practice of professional engineering or professional land surveying with a suspended license shall be deemed to be engaging in the unauthorized practice of professional engineering or professional land surveying and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.



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§ 13:40-3.2 Licensure exemptions

(a) The following persons shall be exempt from the licensure requirements of N.J.A.C. 13:40-3.1:

- 1.** An individual not a resident of and having no established place of business in this State who practices or offers to practice professional engineering or professional land surveying when such practice does not exceed in the aggregate 30 consecutive days in any calendar year provided that the individual is legally qualified by license to practice professional engineering or professional land surveying in any State or county in which the requirements and qualifications for licensure are at least comparable to those required by the Board and no final plans or reports are submitted by the individual;
- 2.** An individual not a resident of and having no established place of business in this State or who recently becomes a resident of this State, who practices or offers to practice professional engineering or professional land surveying for more than 30 days in any calendar year if the individual has filed with the Board an application for licensure and has paid the requisite fees, provided that the individual is legally qualified to practice professional engineering or professional land surveying in any State or country in which the requirements and qualifications for obtaining a license are at least comparable to those required by the Board and this exemption shall continue only for such time as the Board requires for its consideration of the application for licensure;
- 3.** An employee or a subordinate of an individual holding a valid license issued by the Board or an employee of a person exempted from licensure by (a)1 or 2 above, provided that this practice does not include responsible charge of design or supervision;
- 4.** An officer or employee of the Government of the United States while engaged within this State in the practice of professional engineering or professional land surveying for the government;
- 5.** An officer or employee of a corporation engaged in interstate commerce as defined in an act of Congress entitled "Act to regulate commerce," approved February 4, 1887, 24 Stat. 379, and as amended, when practicing professional engineering or professional land surveying solely for that corporation unless such practice affects public safety or health;
- 6.** An employee of a corporation or any of its affiliated companies, any of which are in the field of telecommunications and subject to the jurisdiction of the State Board of Public Utilities or the Federal Communications Commission, when acting on behalf of that corporation or any of its affiliated companies;



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7. An employee of a corporation or any of its affiliated companies, any of which are in the field of telecommunications and in which the primary business is research and technical development manufacturing or product design, when acting on behalf of that corporation or any of its affiliated companies; and

8. A person when exclusively practicing professional engineering or professional land surveying on property owned or leased by the person unless such practice involves the safety, health or welfare of the public.

(b) The design of buildings by professional engineers shall be consistent with section 7 of the Building Design Services Act, N.J.S.A. 45:4B-7.

(c) Nothing in this subchapter shall prohibit licensed architects from providing or offering services consistent with the Building Design Services Act, N.J.S.A. 45:4B-1 et seq.

§ 13:40-3.4 Release of project records

(a) As used in this section, the term "records" whether electronic, digital, or in written form, shall include, but not be limited to, any plans, reports, documents, field notes, computer-aided drafting files, or other items of work product generated for an engineering or land surveying project as contractually defined, which would be reasonably necessary to the completion of the 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)."



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(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.

§ 13:40-4.2 Scope of practice; home inspections

(a) An engineer licensed by the State Board of Professional Engineers and Land Surveyors may apply to the Board for certification of eligibility for licensure as a home inspector.

(b) The licensed professional engineer shall submit to the Board an application provided by the Board and the application fee in the amount set forth at N.J.A.C. 13:40-15.23. The licensed professional engineer shall document through submission of the application that the engineer possesses the requisite training, education and experience to conduct home inspections specifically related to the following systems and components:

1. Structural components;
2. Exterior components;
3. Roofing system;
4. Plumbing system;
5. Electrical system;
6. Heating system;
7. Cooling system;
8. Interior component system;
9. Insulation system;
10. Ventilation system;
11. Fireplace system;
12. Solid fuel burning appliances or systems; and
13. Related residential housing component systems.

(c) The Board shall review the qualifications of the licensed professional engineer to determine whether the engineer is qualified to perform a home inspection pursuant to the requirements of (b) above. If the Board determines that the applicant is qualified to perform home inspections, the Board shall refer the application to the Home Inspection Advisory Committee which shall issue a home inspector license to the engineer in accordance with the requirements of N.J.A.C. 13:40-15.

(d) Upon issuance of a home inspection license by the Committee, the licensed professional engineer shall be subject to the license fees set forth in N.J.A.C. 13:40-15.23 and shall perform home inspections in accordance with the rules of the Committee as set forth in N.J.A.C. 13:40-15.



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§ 13:40-10.3 Contract requirement

(a) Any business corporation or limited liability company that does not have an officer or employee who is in responsible charge and is licensed as a professional engineer and/or professional 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 licensed professional land surveyor, and have obtained a certificate of authorization pursuant to N.J.S.A. 45:8-56 and N.J.A.C. 13:40-10.1. Such written contract shall clearly indicate the licensee to be in responsible charge of the engineering or land surveying services.

(b) A licensed professional engineer or licensed professional land surveyor rendering engineering or surveying services for a business corporation or limited liability company that is required to obtain a certificate of authorization pursuant to N.J.S.A. 45:8-56 and N.J.A.C. 13:40-10.1 shall not perform such services unless he or she is an officer or an 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) A licensed professional engineer or licensed professional land surveyor rendering engineering or surveying services who is listed as being in responsible charge of the engineering or surveying work on a corporation's or limited liability company's certificate of authorization shall notify the Board in writing within 30 days of any change of status regarding the individuals in responsible charge of the corporation or limited liability company. It shall be the duty of the corporation or limited liability company and the licensed professional engineer or licensed professional land surveyor listed as being in responsible charge on the certificate of authorization to provide such notification.

(d) Any corporation or limited liability company 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.



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Responsible Charge

Engineering design work must have a professional engineer with “**responsible charge**”, including regular and effective supervision of subordinates, as described in the laws and rules below. The engineer with **responsible charge** signs and seals documents produced under their responsibility, and is often referred to as the “engineer of record”, although that term is not used in the laws and rules. A typical project has multiple responsible engineers, one for each design discipline (civil, structural, mechanical, electrical, etc.).

Responsible charge can also refer to the management of a field of engineering services within an organization.

Laws of the Board

45:8-28 Definitions.

(g) The term "**responsible charge**" as used in this chapter for professional engineers shall mean the provision of regular and effective supervision by a competent professional engineer who shall provide personal direction to, and quality control over, the efforts of subordinates of the licensee which directly and materially affect the quality and competence of the professional services rendered by the licensee. A licensee engaged in any of the following acts or practices shall be deemed not to have rendered regular and effective supervision:

- (1) (Deleted by amendment, P.L.2015, c.200);
- (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 providing sufficient direction to, and quality control over, the efforts of subordinates of the licensee;
- (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.



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45:8-56. Certificate of authorization

...

The certificate of authorization shall designate a New Jersey licensee or licensees who are in **responsible charge** of the engineering or land surveying activities and decisions of the corporation. All final drawings, papers or documents involving the practice of engineering or the practice of land surveying, when issued by the corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in **responsible charge** of the work.

45:8-59. Records to establish regular, effective supervision

A licensee shall maintain such records as are reasonably necessary to establish that the licensee exercised regular and effective supervision of professional services of which such licensee was in **responsible charge**.

Rules of the Board

§ 13:40-8.1 Signing and sealing of documents

...

(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.

...

(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.

...

(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.

§ 13:40-9.1 Professional engineers: supervision of subordinates; maintaining records of adequate supervision; acts reflecting inadequate supervision

(a) A licensee in **responsible charge** of an engineering project shall be a competent professional engineer who provides **regular and effective supervision** through personal direction to, and quality control over, the efforts of subordinates of the



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licensee that directly and materially affect the quality and competence of engineering work rendered by the licensee.

(b) A licensee shall maintain such records as are reasonably necessary to establish that the licensee provided regular and effective supervision by personally directing, and having quality control over, the efforts of subordinates of the licensee of which he or she was in **responsible charge**.

(c) A licensee engaged in any of the following acts or practices shall be deemed not to have rendered the regular and effective supervision required if:

1. The failure to personally inspect or review the work of subordinates where necessary and appropriate;
2. The rendering of a limited, cursory, or perfunctory review of plans or projects in lieu of providing sufficient direction to, and quality control over, the efforts of subordinates of the licensee; and
3. The failure to personally be available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

NSPE

Responsible charge is also defined in a National Society of Professional Engineers (NSPE) reference document, and copied below for convenience.

NSPE Position Statement No. 10-1778

- Defines “**responsible charge**” as the direct control and personal supervision of engineering work.
- The professional engineer in **responsible charge** is actively engaged in the engineering process, from conception to completion.
- Engineering decisions must be personally made by the professional engineer or by others over which the professional engineer provides supervisory direction and control authority.
- Reviewing drawings or documents after their completion without involvement in the design and development process appears not to satisfy the definition of **responsible charge**.



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Engineering Disciplines

An engineers initial area of practice (a.k.a. area of competency, discipline, specialty discipline, or branch) is typically identified through NCEES P.E. examination and initial licensure. A licensee can take additional exams and apply to be recognized in multiple disciplines. The Board does not make discipline designations or track a licensee's discipline(s). Discipline names are not listed on seals.

Licensees should only undertake assignments in which are competent to perform, as **qualified by training, education or experience**, and should only seal documents with subject matter within their areas of competence.

Laws of the Board

45:8-36. Certificates

...

All professional engineers licensed by this board prior to the passage of this chapter, shall continue to practice under the various classifications heretofore granted and **within the branches of engineering indicated...**

Rules of the Board

§ 13:40-3.5 Enumeration of prohibited acts

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

...

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.



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Building Design Services

Engineers may perform “building design services” that include incidental architectural work based on the building classification and requirements of the New Jersey "Building Design Services Act," cited as N.J.S.A. 45:4B-1 to 4B-15, with relevant sections copied below.

Building Design Services Act

45:4B-7. Classification of buildings, structures

a. For the purposes of this act, buildings and structures are classified by their use into use groups as determined by the BOCA National Building Code. The following chart based on the BOCA National Building Code/1987, tenth edition, designates projects by use groups and sets forth those which may be designed, prepared, signed, and sealed by licensed architects and professional engineers, or both, as indicated. In the event that the BOCA National Building Code's provisions are altered in subsequent editions nothing herein contained shall be deemed to be altered.

BUILDING DESIGN CATEGORIES

BOCA Use Group	Architects	Engineers
Classification	May Design	May Design
-Assembly	All	A-5 Outdoor Assembly use or as an incidental use.
B-Business	All	None other than Note 1 or as an incidental use.
-Educational	All	None except for an incidental use.
-Factory and Industrial	All	All
H-High Hazard	All	All
-Institutional	All	None except for an incidental use.
M-Mercantile	All	None except for an incidental use.
R-Residential	All	None except for an incidental use.
S-Storage	All	All
U-Utility	All	All



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Note 1. Professional engineers may design the following projects within the B Use group:

- (a) Car wash facilities;
- (b) Materials testing laboratories; and,
- (c) Telephone exchanges and data processing relay or equipment facilities.

b. An engineering work such as a sewage or water treatment plant, power plant, or transportation system, shall be prepared, designed, signed, and sealed by a professional engineer only.

c. Professional engineers may prepare, design, sign and seal buildings or portions of buildings in a non-permitted use group classification only as an incidental use.

A portion of a building shall be deemed to be an incidental use where the portion is an ancillary part of an engineering project and the building or portion is of a building design category prohibited to engineers. The area of the incidental use shall not constitute more than 10% of the building's total floor area or 2000 square feet whichever is greater.

In the design of traditional engineering works projects such as sewage or water treatment plants, power plants or transportation systems, the area of the incidental use shall not constitute more than 10% of the total square footage of all structures in the project, or 2000 square feet, whichever is greater. Where public access is a primary consideration in buildings such as transportation terminals, railroad stations, or administration buildings, those buildings shall be designed by architects only.

45:4B-9. Professional engineer; contracts for services; conditions

A sole proprietor or business association, which may by law render or offer to render architectural services, shall enter into a contract with an owner to provide architectural and engineering services under the following conditions:

- a. The contract with the owner is in writing and provides for a coordinated rendering of architectural and engineering services.
- b. Engineering services shall be provided pursuant to a separate, written, independent subcontract which clearly delineates the responsibility of the



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professional engineer or business association and the contracting entity.

c. Any subcontract for the providing of engineering services pursuant to this act shall provide that:

(1) The professional engineer or business association shall render services contracted for as an independent professional and not as an employee of a sole proprietor or business association which may by law provide or offer to provide architectural services.

(2) The professional engineer shall exercise independent professional judgment consistent with accepted standards of the practice of engineering with regard to the project as its circumstances may dictate.

d. A licensed architect may design any architectural additions to an engineering work.

45:4B-12. Engineers may perform building design services, not architectural services

Notwithstanding the provisions of this act, an individual or business association, which may by law practice engineering, but not architecture, shall not use the title architect or advertise or use any title, sign, card or device to indicate that that sole proprietor or business association may perform architectural services. A sole proprietor or business association in advertising or offering to perform services pursuant to section 7 or 8 of this act, shall designate or describe those services as "building design services" or the substantial equivalent but shall not utilize the term "architectural services" or its substantial equivalent.



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Professional Conduct and Ethics

The following laws and rules help define professional conduct and ethical requirements.

Laws of the Board

45:8-39. Practice without license and other violations; penalties; actions for penalties

13. a. Any person who, hereafter, is not legally authorized to practice professional engineering or land surveying in this State according to the provisions of this act, who shall so practice or offer so to practice in this State, except as provided in section 14 of this act, or any person presenting or attempting to file as his own the certificate of license of another, or who shall give false or forged evidence of any kind to the board, or to any member or representative thereof, in obtaining a certificate of license, or who shall falsely impersonate another licensed practitioner of like or different name, or who shall use or attempt to use an expired certificate of license, an unexpired and revoked certificate of license, or a certificate of license which is on a retired status list, or who shall use either the title "Engineer-in-Training" or "Surveyor-in-Training" without holding a valid certificate of registration issued by the board, or who shall otherwise violate any of the provisions of this act, shall be subject to a penalty of not more than \$200.00 for the first offense and not more than \$500.00 for each and every subsequent offense. The penalties provided for by this section shall be sued for and recovered in civil actions by the State Board of Professional Engineers and Land Surveyors.

b. Pursuant to the provisions of the "Building Design Services Act," P.L.1989, c.277 (C.45:4B-1 et seq.) the board:

(1) May refer any complaint, question or controversy involving the application of that act to the joint committee.

(2) Shall take no disciplinary action against any licensed architect alleged to have engaged in a violation of that act or the unlicensed practice of engineering.

(3) Shall refer a request for a declaratory ruling to the joint committee.



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(4) Shall provide any and all documents in its possession regarding any matter referred to the joint committee.

(5) Shall, when necessary and appropriate, exercise the investigation or enforcement powers conferred by law to aid and assist the joint committee in its functions.

(6) Shall, consistent with that act, discipline any professional engineer who, or business association authorized to offer engineering services which, violates that act. Such a violation shall be deemed professional misconduct. Any violation of that act by an unlicensed individual or unauthorized business association shall be disciplined by the New Jersey State Board of Architects pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.). Such a violation shall be deemed the unlicensed practice of architecture. However, the design of an engineering work by an unlicensed individual or unauthorized business association shall be disciplined by the State Board of Professional Engineers and Land Surveyors pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.). Such a violation shall be deemed the unlicensed practice of engineering.

c. No person, firm, partnership, association or corporation shall bring or maintain any action in the courts of this State for the collection of compensation for services constituting the practice of engineering or land surveying without alleging and proving that he was duly licensed in accordance with this chapter at the time the alleged cause of action arose.

d. The Superior Court shall have jurisdiction of actions for penalties under this act.

Rules of the Board

§ 13:40-3.1 Prohibited actions; issuance and display of certificate; advertising

(a) A person shall not use the title "professional engineer," "engineer" or its substantial equivalent or otherwise represent to the public that the person is licensed to practice engineering in this State unless that person is licensed by the Board.

(b) A person shall not use the title "professional land surveyor," "surveyor" or its substantial equivalent or otherwise represent to the public that the person is licensed



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to practice professional land surveying in this State unless that person is licensed by the Board.

(c) All professional engineering and professional land surveying performed for or by a department, institution, commission, board or body of the State Government or for or by any county, city, township, village, borough or other municipal corporation or other political subdivision in the State shall be performed by a licensed individual in conformance with N.J.S.A. 45:8-27 et seq., 45:4B-1 et seq. and N.J.A.C. 13:40.

(d) Every holder of a license shall display the license certificate in a conspicuous place in the licensee's principal office, place of business or employment.

(e) Each license number and license certificate containing the license number issued by the Board shall remain the property of the State of New Jersey, If the Board suspends, fails to renew, or revokes a license, the licensee shall immediately return all certificates to the Board and shall remove the license number from all advertising and anything else on which the license number is displayed or otherwise communicated.

(f) The Board shall issue a replacement license certificate to a licensee upon payment of the replacement certificate fee as set forth in N.J.A.C. 13:40-6.1 and receipt by the Board of an affidavit or certified statement attesting that the original was either lost destroyed, mutilated or is otherwise no longer in the custody of and cannot be recovered by the licensee.

(g) The Board shall issue a duplicate license certificate to a licensee upon payment of the duplicate certificate fee as set forth in N.J.A.C. 13:40-6.1 and receipt by the Board of an affidavit or certified statement that the licensee has multiple places of business in which the licensee must display a certificate. A licensee shall not possess more certificates than the number of places of business utilized by the licensee.

(h) Failure to return a license certificate which has been rendered invalid shall subject the individual to such penalties as provided by law and may be grounds for the Board to refuse to reinstate a license.

§ 13:40-3.3 Advertising

(a) Professional engineers and professional land surveyors shall meet the following requirements concerning advertisements:

1. An advertisement shall include a term which is descriptive of the professional services to be rendered, such as "professional engineer," "professional land surveyor," "professional engineering," "engineering," "professional land surveying," "surveying," "professional engineer on staff," "professional land surveyor on staff,"



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"professional engineering services," "professional land surveying services" or the substantial equivalent thereof and may be made only by a professional business entity.

2. An advertisement shall include the name and license number of a professional engineer or professional land surveyor, as appropriate, and, if applicable, the name of the professional business entity and its certificate of authorization number.
3. Each professional engineer and professional land surveyor, who is a principal, partner or officer of a professional business entity, shall be responsible for the form and content of any advertisement, which offers to provide professional engineering and/or professional land surveying services.
4. A copy of each advertisement shall be retained by each professional engineer and professional land surveyor who is a principal, partner or officer of a professional business entity, for a period of three years from the date of the last authorized publication or dissemination of the advertisement and shall be made available for review upon request by the Board.
5. Any professional engineer, professional land surveyor or professional business entity that uses an advertisement containing false or misleading information, including claims of superiority that cannot be substantiated, or that fails to meet the requirements set forth in this subsection shall be deemed to be engaged in professional misconduct.

§ 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 that involves him or her in a conflict of interest, including without limitation:



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- i.** A licensee shall inform his or her client or employer of any business connection, interest, or circumstance that might be deemed as influencing his or her judgment or the quality of his or her 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 or she 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 or her 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 service, material, or equipment suppliers for specifying their services or products.
- vi.** A licensee shall not compensate or remunerate, financially or otherwise, any party for specifying that licensee's services to the exclusion of other licensees.
- vii.** 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.



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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.

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

(a) A licensee of the State 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.

(c) Service of an administrative complaint or other Board-initiated process at a licensee's address on file with the Board shall be deemed adequate notice when



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service by certified or regular mail is acceptable and shall allow the commencement of any disciplinary proceedings.



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Sign and Seal Requirements

Engineering seal and signature requirements are found in Laws and Rules of the Board. Here are highlights that may differ from requirements in other states:

- Seal outer diameter approx. 1-1/2" (1.5")
- Board guidance recommends sealing over the top of a hand signature
- Date signed can be in title block or had written
- Ink color not specified
- Seal each drawing per title block requirements
- If multiple licensees, indicate pages/portions responsible for each engineer
- Shop drawings for design requiring calculations requiring sealing but not catalog or product data
- Acceptable forms of signature:
 - Original hand sign with metal embossed (crimped, impression) seal
 - Rubber ink seal not acceptable
 - Digital/electronic signature
 - Digital seal image with digital signature
 - Comply with Digital Signature Standard (DSS), FIPS PUB 186-4 by NIST
 - Be unique to licensee
 - Under licensee's direct and exclusive control
 - Signature linked to document to detect or prevent changes
 - Licensee to protect digital key, for example:
 - Password protect digital ID and computer
 - Use strong password and update periodically
 - Avoid log-ins on public computers
 - Report a compromised key or security concern
 - Adobe, Bluebeam, & DocuSign e-signatures (latest versions as of 2024) appear acceptable



Laws and Rules

The following is a copy-paste of the relevant laws and rules:



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Laws of the Board

45:8-36. Certificates

...

Each professional engineer or land surveyor shall upon receipt of license certificate, obtain a seal of a design authorized by the board, bearing his name, license number and the legend "Licensed Professional Engineer," "Licensed Land Surveyor," or "Licensed Professional Engineer and Land Surveyor," as the case may be. Plans, specifications, plats, and reports issued by persons authorized under this chapter shall be sealed with said seal, during the life of the licensee's certificate, but it shall be unlawful for anyone to stamp or seal any documents with said seal after the certificate of the licensee named thereon has expired, has been revoked, or is on a retired status list, unless said certificate shall have been renewed, reissued or reinstated from retirement status as provided pursuant to section 3 of P.L. 1995, c.36 (C.45:8-36.2). The exact method of fulfilling the requirement as to the sealing of documents shall be regulated by the board.

Rules of the Board

§ 13:40-8.1 Signing and sealing of documents

(a) All sealing of documents shall be done with a digital or 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 rubber stamp facsimiles of the seal shall not be permitted. Digital seals may be used, so long as they are in compliance with N.J.A.C. 13:40-8.1A.

(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



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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, provided the licensee inserts the language that "This is not a sealed document" in place of the seal in the title block.

§ 13:40-8.1A Digital signatures and seals

(a) A digital signature and seal shall carry the same weight, authority, and effect as a handwritten signature and impression-type seal, when the following criteria are met:

1. The digital signing and sealing process satisfies the requirements of the Digital Signature Standard (DSS) established by the National Institute of Standards and Technology, FIPS PUB 186-4, Digital Signature Algorithm Validation System, (2013), which is incorporated herein by reference, as amended and supplemented. This standard may be obtained at the following website: <http://www.NIST.gov/>. The digital signature and seal must be:

i. Unique to the licensee;

ii. Verifiable by a trusted third party or some other approved process as belonging to the licensee; and

iii. Under the licensee's direct and exclusive control; or

2. A digital signature and seal must be linked to a document in such a manner that it is evident if the document has been modified after the digital signature and seal have been applied.

(b) A licensee who digitally signs and seals a document shall maintain an electronic copy of the electronically transmitted document that has also been digitally signed and sealed for future verification purposes in accordance with N.J.A.C. 13:40-3.4(b).

(c) The pictorial representation of the digital signature and seal shall be readily available to the Board upon Board request and shall be produced in a manner acceptable to the Board. It shall contain the same words and shall have substantially the same graphic appearance and size as when the image of the digitally transmitted document is viewed at the same size as the document in its original form.

(d) Licensees are responsible for the use of their private digital keys. A lost or compromised key shall not be used and the licensee shall cause a new key pair to be generated in



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accordance with the criteria described in (a) above. A licensee shall take all reasonable steps to ensure that a compromised key is invalidated, and shall inform all affected clients that the digital key has been compromised.

Board Guidelines

**STATE BOARD OF
PROFESSIONAL ENGINEERS AND
LAND SURVEYORS, NEWARK, NEW JERSEY
GUIDELINES ON SEALS AND TITLE BLOCKS**

SEALS

THE AUTHORIZED DESIGN OF A SEAL HAS THE FOLLOWING SPECIFICATIONS:

- (A) ROUND: 1½" DIAMETER
- (B) METAL-TYPE, EMBOSSING
- (C) NAME, LICENSE NUMBER AND LEGEND; REFER TO N.J.S.A. 45:8-36
- (D) SEE ILLUSTRATION OF SEAL ON ATTACHED SHEET

PLEASE NOTE:

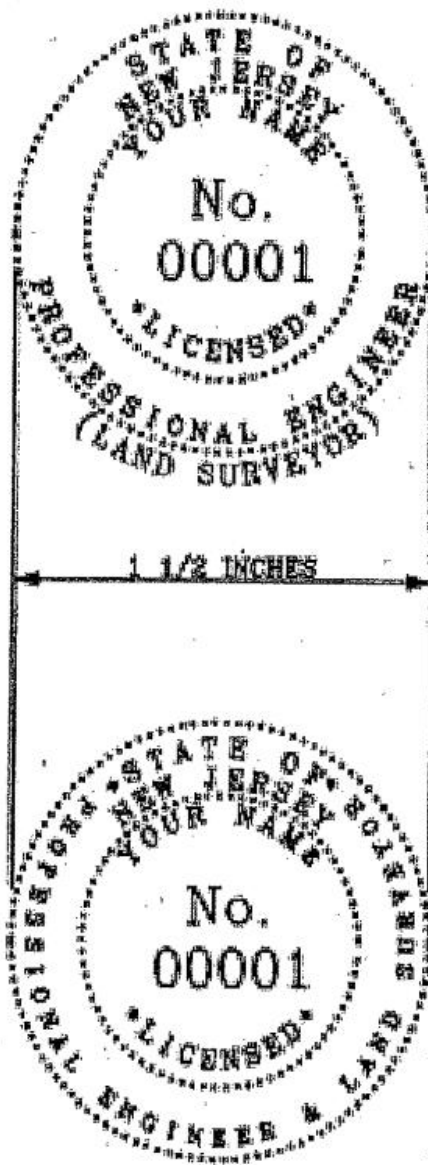
- (1) A RUBBER FACSIMILE OF A SEAL MAY NOT BE USED IN NEW JERSEY.
- (2) IT IS NOT ADVISABLE TO SEAL ORIGINALS OF MASTER DOCUMENTS, SINCE THESE DOCUMENTS COULD CONCEIVABLY BE ALTERED WITHOUT YOUR KNOWLEDGE. IT IS RECOMMENDED THAT YOU SEAL PRINTS OR COPIES OF THE ORIGINALS ONLY, SUBJECT TO THE REQUIREMENTS OF LAWS SUCH AS THE MAP FILING ACT, P.L. 1960, C. 141.
- (3) THE BOARD CAUTIONS AGAINST THE USE OF YOUR IMPRESSION SEAL IN A MANNER WHERE IT MIGHT BE REPRODUCED PHOTOGRAPHICALLY.
- (4) SEALING OVER YOUR SIGNATURE SAFEGUARDS YOUR WORK PRODUCT.
- (5) PLEASE REFER TO N.J.S.A. 45:8-36 FOR STATUTORY RESTRICTIONS ON THE SEALING OF DOCUMENTS.



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Note:
Use GE, GS or GB as part of
your license number

**STATE OF NEW JERSEY
MAY APPEAR ON ONE LIN





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Title Block Requirements

The following are requirements for title blocks on the borders of drawings.

Rules of the Board

§ 13:40-8.1 Signing and sealing of documents

...

(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, provided the licensee inserts the language that "This is not a sealed document" in place of the seal in the title block.

§ 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.

(f) A licensee shall not place his or her title block on any drawing, report, or other document that contains a title block of an individual, firm, or corporation that is not authorized to practice professional engineering or professional land surveying in the State.

§ 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 signature of the person(s) in responsible charge and the date when signed; and



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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.

§ 13:40-8.4 Proposed title block form

Any licensee may submit a proposed form of title block to the State Board of Professional Engineers and Land Surveyors for approval.

§ 13:40-8.5 Title block use for professional engineer and professional land surveyor work project

In the event the project contains the work of both a professional engineer and a professional land surveyor, any individual licensed in both professions may use the title "professional engineer and professional land surveyor," which can be spelled out in one title block.

§ 13:40-8.6 Subtitle block of independent professional

If a project includes the work of any other licensed professional, not under the immediate supervision of the licensee in responsible charge and not otherwise identified in accordance with N.J.A.C. 13:40-7, a subtitle block of that professional firm or individual must appear on all plans involving that profession and each professional shall sign and seal the document with clear reference to the work that he or she has performed.



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Board Guidelines

STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS, NEWARK, NEW JERSEY GUIDELINES ON SEALS AND TITLE BLOCKS


TITLE BLOCKS

N.J.A.C. 13:40-1.2 REGULATES THE FORM AND CONTENT OF TITLE BLOCKS. THE SAMPLE ATTACHED ILLUSTRATES THE STATUTORY REQUIREMENTS.

13:40-1.3 (C) THE TITLE BLOCK MAY CONTAIN THE INITIALS OF THE DRAFTSMEN OR CHECKER, AND DATES, DRAWING NUMBERS, REVISION NUMBERS AND SUCH SIMILAR INCIDENTAL ITEMS ARE AS 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.

13:40-1.3 (A) 2. THE NAME OF THE ENGINEERING OR LAND SURVEYING INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, PROFESSIONAL ASSOCIATION OR PROFESSIONAL SERVICE CORPORATION.

13:40-1.2 (A) 1. THE NAME AND LOCATION OF THE PROJECT;

DESIGNED BY: R.R.H.	DRAWN BY: R.R.H.	CHECKED BY: R.R.H.	SITE PLAN	
APPROVED BY:	REVISIONS			
JOHN L. DOE 		NO.		CANTERBURY COMMONS SECTION ONE WEST WINDSOR TOWNSHIP MERCER COUNTY NEW JERSEY INDIVIDUAL, FIRM, PARTNERSHIP, ETC. ANY STREET SOMEWHERE NEW JERSEY 00000
		DATE		
N.J. PROFESSIONAL ENGINEER AND/OR LAND SURVEYOR NO. 99999		SCALE: 1" = 200' OPTIONAL	DATE: OCT 6, 1992	DRAWING NO.: 123-45678 OPTIONAL
		SHEET NO.: 1 OF 1		

13:40-1.1 ALL SEALING OF DOCUMENTS MUST BE DONE WITH AN IMPRESSION TYPE SEAL. A RUBBER STAMP FACSIMILE OF THE SEAL MAY NOT BE USED.

13:40-1.3 (A) 3. THE FULL NAME AND CERTIFICATE NUMBER OF THE PERSON(S) IN RESPONSIBLE CHARGE;
4. THE TITLE "PROFESSIONAL ENGINEER" OR "LAND SURVEYOR";
5. THE HANDWRITTEN SIGNATURE OF THE PERSON(S) IN RESPONSIBLE CHARGE AND THE DATE WHEN SIGNED.



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Continuing Education

Per Rules of the Board, N.J.A.C. 13:40-13, the following continuing education is required every 2-year renewal period, where PDH is a professional development hour:

- 24 PDH
- 2 to 8 PDH in professional practice ethics
- Acceptable course/activity content:
 - Related to the practice of professional engineering
 - Have a clear purpose or objective to maintain, improve, or expand the skills and knowledge relevant to the practice of engineering
 - May include technical, ethical, leadership, or managerial subject matter
 - Correspondence/distance learning (online) course on engineering topics with an examination are acceptable
 - Practice/firm management and marketing is not acceptable
- Board pre-approves providers (SunCam and PDH Academy are approved)
- Board does NOT pre-approve specific courses for engineering
- Maximum 12 PDH can carry forward for next renewal
- Retain PDH records for 3 years
- Renewal date is April 30 of even years

Laws and Rules

Here is a copy-paste of the relevant laws and rules:

Laws of the Board

45:8-35.2. Continuing professional competency credits required for certification

1. The State Board of Professional Engineers and Land Surveyors shall require each person licensed as a land surveyor, as a condition for biennial certification pursuant to P.L.1938, c.342 (C.45:8-27 et seq.) and P.L.1972, c.108 (C.45:1-7), to complete not more than 24 credits of continuing professional competency relating to the practice of land surveying, as provided in section 2 of this act, during each biennial registration period.

45:8-35.11 Continuing education required for licensure.

1. The State Board of Professional Engineers and Land Surveyors shall require each person licensed as a professional engineer, as a condition for biennial licensure pursuant to P.L.1938, c.342 (C.45:8-27 et seq.) and P.L.1972, c.108 (C.45:1-7), to complete not more than 24 credits of continuing professional



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competency relating to the practice of professional engineering, as provided in section 2 of this act, during each biennial registration period.

45:8-35.12 Duties of board relative to subject matter, contents.

2. a. The board shall:

(1) Establish standards for continuing professional competency in professional engineering, including the subject matter and content of courses of study, which shall be in conformity with a national model, such as that of the National Council of Examiners for Engineering and Surveying;

(2) Approve educational programs offering credit towards the continuing professional competency in engineering requirements; and

(3) Approve other equivalent educational programs, including, but not limited to, meetings of constituents and components of professional engineering associations and other appropriate professional and technical associations when an engineering topic is presented as a principal part of the program, examinations, papers, publications, technical presentations, teaching and research appointments, technical exhibits, management, leadership or ethics courses, and correspondence courses on engineering topics where a final examination is required and shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.

b. In the case of education courses and programs, each hour of instruction shall be equivalent to one credit.

c. Two of the 24 credits of continuing professional competency required pursuant to section 1 of this act shall be in professional practice ethics.

45:8-35.13 Procedures established by board.

3. The board shall:

a. Establish procedures for monitoring compliance with the professional engineering continuing professional competency requirements; and

b. Establish procedures to evaluate and grant approval to providers of continuing professional competency in professional engineering.

45:8-35.14 Discretionary waiver of requirements.

4. The board may, in its discretion, waive requirements for continuing professional competency in professional engineering on an individual basis for



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reasons of hardship such as illness or disability, service in the armed forces of the United States of America, retirement of the license, or other good cause.

45:8-35.15 Inapplicability to initial registration.

5. The board shall not require completion of professional engineering continuing professional competency credits for initial registration.

45:8-35.16 Commencement of continuing education requirements.

6. a. The board shall not require completion of professional engineering continuing professional competency credits for any licensure periods commencing within 12 months of the effective date of this act.

b. The board shall require completion of professional engineering continuing professional competency credits on a pro rata basis for any licensure periods commencing more than 12 but less than 24 months following the effective date of this act.

45:8-35.17 Proof of completion.

7. The board may accept as proof of completion of continuing professional competency program credits:

a. documentation submitted by a person licensed as a professional engineer or by any entity offering a continuing professional competency program approved by the board pursuant to section 2 of this act; or

b. any other proof acceptable to the board.

Rules of the Board

§ 13:40-13.1 Continuing professional competency requirements

(a) Except as provided in (b) below, each applicant for biennial license renewal shall complete, during the preceding biennial period, 24 CPC credits as specified in N.J.A.C. 13:40-13.4, at least two, but no more than eight, of which shall be in professional practice ethics. Each applicant shall certify on the biennial renewal application form that he or she has completed, during the preceding biennial period, 24 CPC credits, subject to N.J.A.C. 13:40-13.3(a).

(b) For the renewal period beginning May 1, 2012, licensees shall have completed 15 CPC credits, of which two shall have been in professional practice ethics. A licensee who has completed CPC credits in courses meeting the requirements set forth in this section between May 1, 2010 and April 30, 2012, shall be



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permitted to apply such credits to qualify for the renewal of his or her license for the biennial period commencing on May 1, 2012.

§ 13:40-13.2 Definitions

As used in this subchapter, the following terms shall have the following meanings: "Continuing professional competency credit" or "CPC credit" means one 60-minute clock hour of an educational activity with no less than 50 minutes of instructional content within the hour relating to the practice of professional engineering in accordance with N.J.S.A. 45:8-35.12(b).

"Educational program" means any advanced course offered in an ABET, Inc. (ABET) accredited program that directly and materially relates to the practice of professional engineering with the clear purpose and objective to maintain, improve, or expand the skills and knowledge relevant to the practice of engineering. Those courses that must be completed in order to qualify for initial licensure are not considered to be advanced courses and shall not be considered qualifying courses.

"Equivalent educational program" means a program, other than an educational program, relating to the practice of professional engineering with the clear purpose or objective to maintain, improve, or expand the skills and knowledge relevant to the practice of engineering. Equivalent educational programs include, but are not limited to:

1. Meetings of members and subgroups of professional engineering associations and other appropriate professional and technical associations when an engineering topic is presented as a principal part of the program;
2. Research and preparation of examinations, papers, or publications;
3. Presentation of technical presentations, management, leadership or ethics courses, or exhibits;
4. Management or leadership courses relating to a licensee's responsibilities pursuant to N.J.A.C. 13:40-9.1 or ethics courses;
5. Correspondence or distance learning courses on engineering topics where a final examination is required;
6. Teaching or instruction of a course for the first time or teaching a course previously taught if substantial time was spent updating the material;
7. Employer sponsored in-house courses;
8. Workshops and seminars at professional meetings and conferences; and



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9. Courses taken at schools, universities, and colleges that are not part of an ABET accredited program.

§ 13:40-13.3 Carry over of excess CPC credits; dual licensees; reinstatement of license

(a) A maximum of 12 CPC credits may be carried over into the next biennial renewal period.

(b) Except as provided in (c) below, each person licensed as both a professional engineer and professional land surveyor shall complete at least 36 CPC credits relating to the practice of professional engineering and professional land surveying as a condition of biennial renewal. At least 12 of the required 36 credits must be completed in professional engineering, of which two, but no more than eight, shall be in professional practice ethics, and at least 12 credits must be completed in professional land surveying. The remaining 12 credits may be completed in either professional engineering or professional land surveying.

(c) For the renewal period beginning May 1, 2012, each person who is licensed as both a professional engineer and a professional land surveyor shall have completed at least 27 CPC credits relating to the practices of professional engineering and professional land surveying. At least 12 of the required 27 credits shall have been completed in professional land surveying and at least 12 credits shall have been completed in professional engineering, of which two shall be in professional practice ethics. The remaining three credits may have been completed in either professional engineering or professional land surveying.

(d) A licensee seeking reinstatement in accordance with N.J.A.C. 13:40-2.15 shall submit proof of completion of all delinquent CPC credits for each biennial period for which the license was suspended or inactive. If the total credits required to become current exceeds 30, then 30 shall be the maximum number required. In the case of a person licensed as both a professional engineer and professional land surveyor, if the total credits required to become current exceeds 45, then 45 shall be the maximum number required. However, an additional 24 CPC credits (or 36 CPC credits in the case of a dual licensee) will still be required at the next biennial renewal. The credits required to become current shall not be counted towards the CPC credits required for the next biennial renewal.

§ 13:40-13.4 Sources of CPC credits

A professional engineer may obtain the required CPC credits from educational programs or from equivalent educational programs sponsored by Board-approved



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providers as provided in N.J.A.C. 13:40-13.5. All educational programs and equivalent educational programs sponsored by Board-approved providers that directly and materially relate to the practice of professional engineering with the clear purpose to maintain, improve, or expand the skills and knowledge of the licensee relevant to the practice of professional engineering are approved for credit. Courses required for initial licensure or that primarily involve practice building, practice management, or practice marketing are not approved. The Board will post on its website at http://www.njconsumeraffairs.gov/pels/pels_licensee.htm a list of CPC providers that, pursuant to N.J.A.C. 13:40-13.5(a), have applied and have been approved to sponsor equivalent educational programs for the current biennial period. Regular duties are not considered qualifying activities for CPC credits.

§ 13:40-13.4 Sources of CPC credits

A professional engineer may obtain the required CPC credits from educational programs or from equivalent educational programs sponsored by Board-approved providers as provided in N.J.A.C. 13:40-13.5. All educational programs and equivalent educational programs sponsored by Board-approved providers that directly and materially relate to the practice of professional engineering with the clear purpose to maintain, improve, or expand the skills and knowledge of the licensee relevant to the practice of professional engineering are approved for credit. Courses required for initial licensure or that primarily involve practice building, practice management, or practice marketing are not approved. The Board will post on its website at http://www.njconsumeraffairs.gov/pels/pels_licensee.htm a list of CPC providers that, pursuant to N.J.A.C. 13:40-13.5(a), have applied and have been approved to sponsor equivalent educational programs for the current biennial period. Regular duties are not considered qualifying activities for CPC credits.

§ 13:40-13.6 Compliance with CPC credits; audit

(a) Each licensee shall be subject to audit by the Board and is responsible for maintaining records to be used to support CPC credits claimed. Records required include, but are not limited to:

1. A log showing the type of activity claimed, sponsoring organization, attendance date, location, duration, instructor or speaker's name, and the number of CPC credits claimed;
2. Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; and



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3. All documentation related to the educational program, including, but not limited to, course descriptions, printed program materials, and notes.

(b) A licensee shall maintain records for a period of five years after completion of the CPC course or equivalent educational program and shall submit such documentation to the Board upon request.

§ 13:40-13.7 Credit calculation

(a) CPC credits will be granted for each biennial renewal period as follows:

1. For educational programs:

i. Successful completion of approved educational program courses: 15 CPC credits for each semester-hour credit awarded by the college or university, or 10 CPC credits for each quarter-hour credit awarded by the college or university;

2. For equivalent educational programs:

i. Meetings of members and subgroups of professional engineering associations and other appropriate professional and technical associations when an engineering topic is presented as a principal part of the program: one CPC credit for each hour of instruction;

ii. Research and preparation of examinations, papers or publications: one CPC credit for each hour of research or preparation, not to exceed six CPC credits per biennial renewal period;

iii. Presentation of technical presentations, management, leadership or ethics courses, or exhibits: one CPC credit for each hour of preparation or presentation, not to exceed six CPC credits per biennial renewal period;

iv. Management, leadership or ethics courses: one CPC credit for each hour of instruction;

v. Correspondence or distance learning courses on engineering topics where a final examination is required: one CPC credit for each hour of instruction;

vi. Teaching or instruction of a course for the first time or teaching a course previously taught if substantial time was spent updating material: one CPC credit for each hour of preparation or instruction, not to exceed six CPC credits per biennial renewal period;

vii. Employer sponsored in-house courses: one CPC credit for each hour of instruction; and

viii. Workshops and seminars at professional meetings and conferences: one CPC credit for each hour of instruction; and

3. For courses taken at schools, universities, and colleges that are not part of an ABET accredited program: 15 CPC credits for each semester-hour credit awarded



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by the college or university, or 10 CPC credits for each quarter-hour credit awarded by the college or university.

§ 13:40-13.8 Waiver of CPC requirements

(a) The Board may waive all or part of the CPC requirements on an individual basis for reasons of hardship, such as illness or disability, retirement of licensee, service in the armed forces of the United States of America, or other good cause.

(b) Any licensee seeking a waiver of all or part of the CPC requirements shall apply to the Board in writing at least 90 days prior to the commencement of the next biennial renewal period and set forth with specificity the reasons for requesting the waiver. The licensee shall also provide such additional information as the Board may reasonably request in support of the waiver request.

(c) A licensee shall not be required to obtain CPC credits during the biennial renewal period in which the licensee obtained initial licensure.

(d) A new licensee by way of comity shall be responsible at the first biennial renewal for one CPC credit for each full calendar month since the New Jersey license was issued.

(e) A licensee serving on active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a calendar year shall have all CPC requirements waived for that year.

§ 13:40-13.9 Responsibilities of program providers

(a) Program providers shall:

1. Select and assign qualified instructors for the program;
2. Assure that the number of participants and the physical facilities are consistent with the teaching methods to be utilized;
3. Disclose in advance to prospective participants, the course objectives, prerequisites, experience level, content, required advanced preparation, teaching method, and the number of CPC credits that may be approved in the program;
4. Solicit evaluations from both the participants and the instructor at the conclusion of each program;
5. Evaluate the performance of the instructors at the conclusion of each program to determine their suitability for continuing to serve as instructors and advise instructors of their performance;
6. Systematically review the evaluation process to ensure its effectiveness;
7. Furnish to each enrollee who has successfully completed the program a verification of completion, which shall include at least the following information:
 - i. The title, date, and location of the course offering;



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- ii.** The name and license number of the attendee;
 - iii.** The number of credits that may be awarded; and
 - iv.** The name and signature of an authorized representative of the provider;
- 8.** Maintain and retain accurate records of program attendance and completion for a six-year period;
- 9.** Retain a written outline of course materials for a six-year period; and
- 10.** Provide the Board with such documentation as requested by the Board.



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Helpful References

New Jersey State Board of Professional Engineers and Land Surveyors

- General website: <https://www.njconsumeraffairs.gov/pels/>
- License renewal: <https://newjersey.mylicense.com/eGov/PersonSearchResults.aspx>
- Laws & Rules: <https://www.njconsumeraffairs.gov/pels/Pages/regulations.aspx>
- Laws of the Board: <https://www.njconsumeraffairs.gov/Statutes/Professional-Engineers-Land-Surveyors-Law.pdf>
<https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=Publish:10.1048/Enu>
- Rules of the Board: <https://www.njconsumeraffairs.gov/regulations/Chapter-40-State-Board-of-Professional-Engineers-and-Land-Surveyors.pdf>
<https://advance.lexis.com/container/?pdmfid=1000516&crid=ac2c90a5-b514-4aab-af72-6dde5fdbf76d&config=00JAA5OTY5MTdjZi1IMzYxLTQxNTEtOWFkNi0xMmU5ZTViODQ2M2MKAFBvZENhdGFsb2coFSYEAfv22IKqMT9DIHrf&ecomp=hh6ck>
- Approved Providers: <https://www.njconsumeraffairs.gov/pels/Documents/Continuing-Education-List-for-Professional-Engineers.pdf>
- FAQs: <https://www.njconsumeraffairs.gov/pels/Pages/FAQ.aspx>