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

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## **SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS**

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### **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.

"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.

"Land information systems" means any computer coded spatial database designed for multi-purpose public use developed from or based on property boundaries.

"Land surveying" or "surveying" or "practice of land surveying" means any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law to the act of measuring and locating distances, directions, elevations, natural and man-made topographical features in the air, on the surface of the earth, within underground workings, and on beds of bodies of water for the purpose of determining areas and volumes, and for the establishing of horizontal and vertical control as it relates to construction stake-out, for the monumentation of property boundaries and for platting and layout of lands and subdivisions thereof and for the preparation and perpetuation of maps, record plats, field notes, records and property descriptions in manual and computer coded form that represents these surveys. The practice of land surveying includes the establishment and maintenance of the base mapping and related control for land information systems that are developed from the practice of land surveying.

"Land surveyor" or "surveyor" means a person who has been duly licensed as a professional land surveyor by the Board.

"License" means official documents issued by the Board to an individual attesting to the fact that the individual has met the minimum requirements to practice professional engineering or professional land surveying in the State of New Jersey.

"Limited liability company," "LLC" or "L.L.C." means a business entity organized in compliance with the Limited Liability Company Act, N.J.S.A. 42:2B-1 et seq., to engage in and carry on any lawful business., purpose or activity that combines the attributes of both a corporation and a partnership and provides the limited liability generally associated with a corporation and the Federal tax treatment of a partnership.

"Limited liability partnership," "LLP" or "L.L.P." means an association of two or more persons to carry on as owners of a business for profit, which partnership is formed pursuant to an agreement governed by the law of New Jersey, is registered pursuant to N.J.S.A. 42:1-44 and is in compliance with N.J.S.A. 42:1-45.

"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.

"Surveyor-in-training" means a person who is registered as a surveyor-in-training by the Board.

"Telecommunications" means subjects which deal with the generation, transmission, receiving, and processing of information bearing signals for the purpose of fulfilling a particular communication need. The most common forms of signals are those encountered in voice, image, and data 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.

**13:40-1.4 (RESERVED)**

**13:40-1.5 (RESERVED)**

**13:40-1.6 (RESERVED)**

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**SUBCHAPTER 2.  
LICENSURE REQUIREMENTS & APPLICATION PROCESSES**

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**13:40-2.1 ENGINEERS-IN-TRAINING: ELIGIBILITY REQUIREMENTS AND APPLICATION PROCESS**

- a) To be eligible for a certificate of registration as an engineer-in-training, an applicant:
- 1) Shall demonstrate graduation from a program with a bachelor's degree in engineering that is accredited by the Engineering Accreditation Commission of ABET, Inc., or graduation from a program with a bachelor's degree in engineering technology that is accredited by the Technology Accreditation Commission of ABET, Inc.
  - i) An applicant with a degree from a college or university that is not accredited by ABET shall obtain, at his or her own expense, and submit to the Board a detailed evaluation of his or her degree from a credential evaluation service approved by the Board or from a credential evaluation service chosen by the applicant, which the Board will have the discretion to accept.
  - 2) Shall demonstrate passage of Part F – Fundamentals of Engineering, which may be waived by the Board pursuant to N.J.A.C. 13:40-2.5; and
  - 3) Seeking credit for military education, training, or experience shall follow the procedure set forth in N.J.A.C. 13:40-2.6.
- b) An applicant for a certificate of registration as an engineer-in-training must have the following submitted:
- 1) A completed and notarized application, which includes:
  - ii) Proof of education verified by the submission of an official transcript, sent to the Board by the institution or institutions at which the applicant studied, indicating that the applicant satisfied the educational requirements in either engineering or engineering technology. An applicant may satisfy this requirement if he or she

- submits an NCEES record that includes verification of education acceptable to the Board; and
- iii) A minimum of three references from persons who have personal knowledge of the applicant's engineering education, experience or training, one of whom shall be a licensed professional engineer in the United States. References from relatives of the applicant or current Board members will not be accepted. An applicant may satisfy this requirement by submitting an NCEES record that includes verification of references acceptable to the Board; and
- 2) The application fee set forth in N.J.A.C. 13:40-6.1(a)1.
- c) The applicant shall be responsible for verifying the receipt by the Board of all required materials listed in (b)1 and 2 by above.

### **13:40-2.2 PROFESSIONAL ENGINEERS: ELIGIBILITY REQUIREMENTS AND APPLICATION PROCESS**

- a) To be eligible for licensure as a professional engineer, an applicant:
  - 1) Shall demonstrate graduation from a program with bachelor's degree in engineering that is accredited by the Engineering Accreditation Commission of ABET, Inc., or graduation from a program with a bachelor's degree in engineering technology that is accredited by the Technology Accreditation Commission of ABET, Inc.;
  - iv) An applicant with a degree from a college or university that is not accredited by ABET shall obtain, at his or her own expense, and submit to the Board a detailed evaluation of his or her degree from a credential evaluation service approved by the Board or from a credential evaluation service chosen by the applicant, which the Board will have the discretion to accept;
  - 2) Shall demonstrate passage of Part F – Fundamentals of Engineering, which may be waived by the Board pursuant to N.J.A.C. 13:40-2.5;
  - 3) Shall demonstrate passage of Part P – Principles and Practice of Engineering;
  - 4) Shall demonstrate four years of professional experience for graduates of engineering programs or six years of professional experience for graduates of engineering technology programs, under the regular and effective supervision of a licensed professional engineer consistent with the requirements of N.J.S.A. 45:8-28(b), two years of which shall be obtained in the United States. Professional experience should demonstrate to the Board that the applicant is competent to design and supervise engineering projects and works to insure the safety of life, health, and property.

- i) Experience prior to graduation from a program pursuant to (a)1 above shall be evaluated by the Board on a case-by-case basis, if the experience is gained under the regular and effective supervision of a licensed professional engineer and if the applicant has passed the appropriate technical courses needed to perform the work experience.
  - ii) An applicant who has completed a master's or doctorate degree in engineering may obtain credit for one year of the required professional experience. An applicant who completed both master's and doctorate degrees may obtain credit for two years of the required professional experience.
    - (1) If any portion of the curriculum completed by the applicant as part of a master's or doctorate degree, or both, is required to be considered by the Board in order for the applicant to meet the minimum education standard required for licensure, the applicant shall not also receive experience credit for such education.
  - iii) Teaching experience may substitute for up to two years of engineering experience. The teaching experience shall be in engineering or engineering-related courses taught in the junior or senior years or in a graduate program at a college or university offering an engineering program of four years or more acceptable to the Board; and
- 5) Seeking credit for military education, training, or experience shall follow the procedure set forth in N.J.A.C. 13:40-2.6.
- b) An applicant for the Principles and Practice of Engineering examination or licensure as a professional engineer must have the following submitted:
- 1) A completed and notarized application, which includes:
    - i) A description of professional experience pursuant to (a)4 above. An applicant may satisfy this requirement if he or she submits an NCEES record that includes a verification of experience acceptable to the Board;
    - ii) Proof of education verified by the submission of an official transcript, sent to the Board by the institution or institutions at which the applicant studied, indicating that the applicant satisfied the educational requirements in either engineering or engineering technology. An applicant may satisfy this requirement if he or she submits either an NCEES record that includes verification of education acceptable to the Board or an engineer-in-training certificate issued by the Board pursuant to N.J.A.C. 13:40-2.1;

- iii) Proof of passage of Part F- Fundamentals of Engineering, unless the Board approved an applicant's waiver pursuant to N.J.A.C. 13:40-2.5. An applicant may satisfy this requirement if he or she submits either an NCEES record that includes verification of the passage of the examination or an engineering-in-training certificate issued by the Board pursuant to N.J.A.C. 13:40-2.1;
  - iv) An applicant who has passed Part P- the Principles and Practices of Engineering shall submit proof of passage of the examination. An applicant may meet this requirement if he or she submits an NCEES record that includes verification of passage; and
  - v) A minimum of five references from persons who have personal knowledge of the applicant's experience or training, three of whom shall be licensed professional engineers in the United States. References must be included from professional engineers in responsible charge of the work constituting the minimum experience required for licensure. Special circumstances may be considered by the Board at the time of the application in such cases where a licensed professional engineer in responsible charge of the work being claimed by the applicant is not available. An applicant may satisfy this requirement by submitting an NCEES record that includes verification of references acceptable to the Board;
- 2) The application fee set forth in N.J.A.C. 13:40-6.1(a)1; and
  - 3) The applicant shall be responsible for verifying the receipt of the Board of all required materials listed in (b)1 and 2 above.

### **13:40-2.3 SURVEYORS-IN-TRAINING; ELIGIBILITY REQUIREMENTS AND APPLICATION PROCESS**

- a) To be eligible for a certificate of registration as a land surveyor-in-training, an applicant:
  - 1) Shall demonstrate graduation from a program with a bachelor's degree in land surveying that is accredited by the Technology Accreditation Commission of ABET, Inc.
    - i) An Applicant with a degree from a college or university that is not accredited by ABET shall obtain, at his or her own expense, and submit to the Board, a detailed evaluation of his or her degree from a credential evaluation service approved by the Board or from a credential evaluation service chosen by the applicant, which the Board will have the discretion to accept;
  - 2) Shall demonstrate passage of Part F- Fundamentals of Land Surveying; and

- 3) Seeking credit for military education, training, or experience shall follow the procedure set forth at N.J.A.C. 13:40-2.6.
- b) An applicant for a certificate of registration as a land surveyor-in-training shall have the following submitted:
  - 1) A completed or notarized application, which includes:
    - i) Proof of education verified by the submission of an official transcript, sent to the Board by the institution or institutions at which the applicant studied, indicating that the application satisfied the educational requirements in land surveying. An applicant may satisfy this requirement if he or she submits an NCEES record that includes verification of education acceptable to the Board; and
    - ii) A minimum of three references from persons who have personal knowledge of the applicant's land surveying education, experience, or training, one of whom shall be a licensed professional land surveyor in the United States. References from relatives of the applicant or current Board members shall not be accepted. An applicant may satisfy this requirement by submitting an NCEES record that indicates verification of references acceptable to the Board; and
  - 2) The application fee set forth at N.J.A.C. 13:40-6.1(a)1.
- c) The applicant shall be responsible for verifying the receipt of all required materials listed in (b)1 and 2 above by the Board.

#### **13:40-2.4 PROFESSIONAL LAND SURVEYOR: ELIGIBILITY REQUIREMENTS AND APPLICATION PROCESS**

- a) To be eligible for licensure as a professional land surveyor, an applicant:
  - 1) Shall demonstrate graduation from a program with a bachelor's degree in land surveying that is accredited by the Technology Accreditation Commission of ABET, Inc.
    - i) An applicant with a degree from a college or university that is not accredited by ABET shall obtain, as his or her own expense, and submit to the Board, a detailed evaluation of his or her degree from a credential evaluation service approved by the Board or from a credential evaluation service chosen by the applicant, which the Board will have the discretion to accept;
  - 2) Shall demonstrate passage of Part F – Fundamentals of Land Surveying;

- 3) Shall demonstrate passage of Part P – Principles and Practices of Land Surveying;
  - 4) Shall demonstrate three years of professional experience gained in the United States under the regular and effective supervision of a licensed professional land surveyor and consistent with the requirements of N.J.S.A. 45:8(e), which shall include land surveying experience that the Board determines has demonstrated increased responsibility and technical expertise over time.
    - i) Experience prior to graduation from a Board-approved program shall be evaluated by the Board on a case-by-case basis if the experience is gained under the regular and effective supervision of a licensed land surveyor and if the applicant has passed the appropriate technical courses needed to perform the work experience.
    - ii) An applicant who has completed a master's or doctorate degree in land surveying may obtain credit for one year of the required professional experience. An applicant who completed both master's and doctorate degrees may obtain credit for two years of the required professional experience.
      - (1) If any portion of the curriculum completed by the applicant as part of a master's or doctorate degree, or both, is required to be considered by the Board in order for the applicant to meet the minimum education standard requirement for licensure, the applicant shall not also receive experience credit for such education.
    - iii) Teaching experience may substitute for up to two years of land surveying experience. The teaching experience shall be in land surveying or land surveying-related courses taught in the junior or senior year or in a graduate program at a college or university offering a land surveying program of four years or more, acceptable to the Board; and
  - 5) Seeking credit for military education, training, or experience shall follow the procedure set forth at N.J.A.C. 13:40-2.6.
- b) An applicant for licensure as a professional land surveyor shall have the following submitted to the Board:
- 1) A completed and notarized application, which includes:
    - i) A description of professional experience pursuant to (a)5 above. An applicant may satisfy this requirement if he or she submits an NCEES record that includes a verification of experience acceptable to the Board;

- ii) Proof of education verified by the submission of an official transcript, sent to the Board by the institution or institutions at which the applicant studied, indicating that the applicant satisfied the educational requirements in land surveying. An applicant may satisfy this requirement if he or she submits either an NCEES record that includes verification of education acceptable to the Board or a surveyor-in-training certificate issued by the Board pursuant to N.J.A.C. 13:40-2.3;
  - iii) Proof of passage of Part F- Fundamentals of Land Surveying. An applicant may satisfy this requirement if he or she submits either an NCEES record that includes verification of the passage of the examination or a surveyor-in-training certificate issued by the Board pursuant to N.J.A.C. 13:40-2.3;
  - iv) Proof of passage of Part P – the Principles and Practices of Land Surveying. An applicant may satisfy this requirement if he or she submits an NCEES record that includes verification of passage; and
  - v) A minimum of five references from persons who have personal knowledge of the applicant's experience or training, three of whom shall be licensed professional land surveyors in the United States. References must be included from professional land surveyors in responsible charge of the work constituting the minimum experience required for licensure. Special circumstances may be considered by the Board at the time of application in such cases where a licensed professional land surveyor in responsible charge of the work being claimed by the applicant is not available. An applicant may satisfy this requirement by submitting an NCEES record that includes verification of references acceptable to the Board;
- 2) The application fee set forth in N.J.A.C. 13:40-6.1(a)1; and
  - 3) The applicant shall be responsible for verifying the receipt of all required materials listed in (b)1 and 2 above by the Board.

### **13:40-2.5 WAIVER OF FUNDAMENTALS OF ENGINEERING EXAMINATION**

The Fundamentals of Engineering portion of the licensure examination may be waived, provided that, in addition to the education requirements set forth at N.J.A.C. 13:40-2.2, an applicant has an additional 15 years or more experience in engineering work that the Board determines is consistent with the requirements of N.J.S.A. 45:8-2.8(b). Eight of those years shall have been gained in the United States or acquired while working for a United States-based firm. Experience shall include engineering design experience demonstrating increased responsibility over time. All experiences shall be gained under the regular and effective supervision of a licensed professional engineer.

**13:40-2.6 CREDIT TOWARDS LICENSURE OR CERTIFICATION FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES**

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure or certificate of registration under this subchapter may apply to the Board for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Board shall consider, together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure or certificate of registration, as appropriate.
- b) The Board shall issue a license or certificate of registration, as appropriate, to the applicant, if the applicant presents evidence to the Board that:
  - 1) The applicant has been honorably discharged from active military service;
  - 2) The relevant training, experience, and education the applicant has received in the military, together with any education, training, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience and education required for licensure or certification under this subchapter.
    - i) An applicant seeking credit for military training and experience shall submit to the Board the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.
    - ii) An applicant seeking credit for education courses and/or training completed while in the military who does not hold a degree from an engineering or land surveying program accredited by the Engineering Accreditation Commission or Technology Accreditation Commission of ABET, Inc. shall submit to a credential evaluation service chosen by the applicant, which the Board will have the discretion to accept, a Joint Services Transcript of his or her education and training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to an ABET, Inc. accredited program. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Board shall consider only those courses and/or training relevant to the practice of engineering or land surveying, as applicable, that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

- 3) The applicant complies with all other requirements for licensure or certification under this subchapter, as appropriate, including, but not limited to, successful completion of any examination or examinations required for licensure or certification.
- i) An applicant who formerly served in the Armed Forces may satisfy the requirement for verification of education, examination, and/or experience by submitting to the Board an NCEES record as proof. An applicant may also submit an EIT or LSIT certificate to demonstrate education and/or passage of the Fundamentals of Engineering or Fundamentals in Land Surveying examination.
- c) An applicant shall be responsible for providing timely and complete evidence of the education, training, and experience gained in the military for review and consideration.
- d) If the applicant's military training, education and experience, or a portion thereof, is deemed not to be substantially equivalent to that required for licensure or certificate of registration, as appropriate, the Board shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under this subchapter for the issuance of the license or certificate of registration.
- e) Satisfactory evidence of such education, training, and experience shall be assessed on a case-by-case basis.

### **13:40-2.7 APPLICATION; REAPPLICATION**

- a) All applications shall be valid for two years from the date the application is received by the Board. If the application process is not complete after two years, the application shall be deemed abandoned.
- b) An applicant whose application has been deemed abandoned may reapply and shall satisfy the eligibility requirements of the rules applicable at the time of the new application.

### **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 the 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 the 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.

### **13:40-2.9 REACTIVATION OF LICENSE**

- a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:40-2.8(c) may apply to the Board for reactivation of the inactive license. A licensee seeking reactivation of an inactive license shall submit:
  - 1) A renewal application;
  - 2) A certification of employment listing each job held during the period the license was inactive, which shall include the name, address, and telephone number of each employer;
  - 3) The renewal fee for the biennial period for which reactivation is sought, as set forth in N.J.A.C. 13:40-6.1 or, in the discretion of the Board, a prorated fee if there is less than one year remaining in the biennial renewal period; and
  - 4) Evidence of having completed all continuing competency credits that were required to be completed during the biennial period immediately prior to the renewal period for which

reactivation is sought, consistent with the requirements set forth in N.J.A.C. 13:40-12 or 13.

- i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of professional engineering or professional land surveying and submits proof of having satisfied that state's continuing competency requirements for that license shall be deemed to have satisfied the requirements of this paragraph. If the other state does not have any continuing competency requirements, the requirements of this paragraph shall apply.
  - ii) To the extent that specific courses are required to satisfy the continuing competency requirement for, or are required to have been satisfied prior to, the biennial period for which reactivation is sought, the Board will allow applicants to take the courses within 12 months following reactivation. If the Board concludes, in accordance with, (b) below that there are practice deficiencies in need of remediation, (b) below shall apply.
- b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reactivation of licensure to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations as the Board determines is necessary to assure that the applicant practices with reasonable skill and safety. The Board, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following non-exhaustive issues:
- 1) Length of time license was inactive;
  - 2) Employment history;
  - 3) Professional history;
  - 4) Disciplinary history and any action taken against the applicant's license by any licensing body;
  - 5) Actions affecting the applicant's privileges taken by any institution, organization or employer related to the practice of professional engineering, land surveying, or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdictions.

- 6) Pending proceedings against a professional or occupational license issued to the licensee by a professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
- 7) Civil litigation related to the practice of professional engineering, land surveying, or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

### **13:40-2.10 REINSTATEMENT OF SUSPENDED LICENSE**

- a) A licensee who has had his or her license suspended pursuant to N.J.A.C. 13:40-2.8 may apply to the Board for reinstatement. A licensee applying for reinstatement shall submit:
  - 1) A reinstatement application;
  - 2) A certification of employment listing each job held during the period of suspended license, which includes the names, addresses, and telephone numbers of each employer;
  - 3) The renewal fee for the biennial period for which reinstatement is sought;
  - 4) The unpaid renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;
  - 5) The reinstatement fee is set forth in N.J.A.C. 13:40-6.1; and
  - 6) Evidence of having completed all continuing competency credits that were required to be completed during the biennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:40-12 or 13.
    - i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of professional engineering or professional land surveying and submits proof of having satisfied that state's continuing competency requirements for that license, shall be deemed to have satisfied the requirements of this paragraph. If the other state does not have any continuing competency requirements, the requirements of this paragraph shall apply.
    - ii) To the extent that specific courses are required to satisfy the continuing competency requirements for, or are required to have been satisfied prior to, the biennial period for which reinstatement is sought, the Board will allow applicants to take the courses within 12 months following reinstatement. If the Board concludes, in accordance with

(b) below, that there are practice deficiencies in need of remediation, (b) below shall apply.

b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements, as determined by the Board, prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Board may require the applicant as a condition of reinstatement of licensure to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations, as the Board determines is necessary to assure that the applicant practices with reasonable skill and safety. The Board, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following non-exhaustive issues:

- 1) Length of time license was suspended;
- 2) Employment history;
- 3) Professional history;
- 4) Disciplinary history and any action taken against the applicant's license by any licensing body;
- 5) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of professional engineering, land surveying, or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
- 6) Pending proceedings against a professional or occupational license issued to the licensee by a professional licensing body in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
- 7) Civil litigation related to the practice of professional engineering, land surveying, or other professional or occupational practice in New Jersey, any other state the District of Columbia, or in any other jurisdiction.

**13:40-2.11 LICENSURE BY COMITY**

- a) Upon receipt of a completed application and application fee, the Board shall issue a license to any person who documents that the person holds a valid, current corresponding license in good standing by another state, if:
- 1) The Board determines the state that issued the license has, or had at the time of issuance, education, training, and examination requirements for licensure substantially equivalent to current Board standards.
    - i) “Substantially equivalent” examination need not be identical to the current examination requirements for professional engineers or land surveyors licensed in New Jersey but such examination shall be nationally recognized and of comparable scope and rigor.
    - ii) An applicant’s experience may be considered by the Board to compensate for disparity in substantial equivalence in education and examination requirements. However, the applicant must have either an undergraduate or graduate degree in engineering, engineering technology, or land surveying;
  - 2) The applicant practiced as a professional engineer or professional land surveyor or the equivalent in another state within five years prior to the date of the application; and
  - 3) The requirements of (b) below have been satisfied.
- b) Prior to issuing a license, the Board shall have received or obtained the following:
- 1) Documentation reasonably satisfactory to the Board demonstrating the applicant’s license from each state in which the applicant is licensed is in good standing.
    - i) “Good standing” means the following:
      - (1) No action has been taken against the applicant’s license by any licensing board;
      - (2) No action adversely affecting the applicant’s privileges to practice as a professional engineer or professional land surveyor has been taken by any out-of-State institution, organization, or employer;
      - (3) No disciplinary proceeding is pending that could affect the applicant’s privileges to practice professional engineering or professional land surveying;

- (4) All fines levied by any out-of-state board have been paid; and
  - (5) There is no pending or final action by any criminal authority for violation of law, rule or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, this State, or any other state, including, but not limited to: criminal homicide; aggravated assault; sexual assault, criminal sexual contact, or lewdness; or an offense involving any controlled dangerous substance or controlled dangerous substance analog; and
- 2) Designation of an agent in New Jersey for service of process, if the applicant does not reside nor have an office in this State.
- c) If the education and examination requirements in the state in which the applicant is licensed are not substantially equivalent to the Board's current standards as required in (a) above, the Board shall consider an applicant's individual experience to compensate for such disparity. In making a determination whether an applicant's experience would compensate for such disparity in substantial equivalence in education or examination, the Board shall consider the following:
    - 1) The applicant's length of experience;
    - 2) Whether the experience was supervised by another individual;
    - 3) The applicant's professional engineering or professional land surveying history;
    - 4) The applicant's employment history; and
    - 5) The applicant's education.
  - d) An applicant shall satisfy, or shall have satisfied, all applicable prerequisites required for initial licensure in this State.
  - e) Not later than six months after the issuance of a license, an applicant shall provide the Board with evidence reasonably satisfactory to the Board verifying an applicant's education, training, and examination results. An applicant may satisfy the requirement for verification of education, examination, and experience by submitting to the Board an NCEES record as proof.
  - f) The Board, after the licensee has been given notice and an opportunity to be heard, may revoke any license based on a license issued by another state obtained through fraud, deception, or misrepresentation.

- g) The Board may grant a license to an applicant seeking reciprocity who holds a license from another state who does not meet the good standing requirements of (a) above due to a pending action by a licensing board's pending action by an out-of-State institution, organization, or employer affecting the applicant's privileges to practice, a pending disciplinary proceeding; or a pending criminal charge or arrest for a crime, provided the alleged conduct of the applicant that is subject of the action, proceeding, charge, or arrest, assuming it is true, does not demonstrate a serious inability to practice professional engineering or professional land surveying; adversely affect public health, safety, and welfare; or result in economic or physical harm to a person; or create a significant threat of such harm.

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**SUBCHAPTER 3.  
PROHIBITED ACTIONS; EXEMPTIONS; STANDARDS OF PRACTICE;  
MISCONDUCT**

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**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 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.

### **13:40-3.2 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;
  - 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.

### **13:40-3.3 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," "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.

#### **13:40-3.4 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)."

- d) The professional engineer or professional land surveyor shall be compensated for the reasonable costs of research and reproduction for copies of records released pursuant to this section.

### **13:40-3.5 ENUMERATION OF PROHIBITED ACTS**

- a) Misconduct in the practice of professional engineering or professional land surveying shall include, without limitation:
  - 1) Acting for his or her client or employer in professional matters otherwise than as a faithful agent or trustee; accepting any remuneration other than his or her stated recompense for services rendered.
  - 2) Disregarding the safety, health and welfare of the public in the performance of his or her professional duties: preparing or signing and sealing plans, surveys or specifications which are not of a safe design and/or not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the proper authorities and withdraw from further service on the project.
  - 3) Advertising in violation of N.J.A.C. 13:40-3.3.
  - 4) Engaging in any activity that involves him or her in a conflict of interest, including without limitation:
    - 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.
  - 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.

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## **SUBCHAPTER 4. GENERAL PROVISIONS**

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

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

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**13:40-5.1 PROFESSIONAL LAND SURVEYORS; PREPARATION OF LAND SURVEYS**

- a) The practice of land surveying includes surveying of areas for their correct determination and description and for conveyancing, and for the establishment or reestablishment of land boundaries and the plotting of lands and subdivisions thereof, and such topographical survey and land development as is incidental to the land survey.
- b) Prior to conducting a survey, the licensed professional land surveyor shall obtain all pertinent information and documentation in the client's possession relative to the property to be surveyed. Such information may include, but not be limited to, earlier surveys, record deeds, title reports, original tract maps, public records and State, county or municipal maps. When such information provided is not sufficient to meet the owner's needs, the surveyor shall make all reasonable efforts to obtain all information and documentation needed to render an accurate survey, but shall not rely on a tax map for purposes of defining metes and bounds.
- c) When a property survey is to be performed, a field survey must be made of the property in question and such field survey shall include all measurements and recording of all data as may be necessary to perform an accurate survey. The licensed professional land surveyor shall either perform the field survey or exercise sufficient supervision of the work as necessary to fulfill adequately all professional responsibilities.

- d) Appropriate corner markers, such as stakes, iron pipes, cut crosses, monuments and such other markers as may be authorized under (d)2 below, shall be set either by the licensed professional land surveyor or under the supervision of the licensed professional land surveyor. Such markers shall be set at each property corner not previously marked by a property marker, unless the actual corner is not accessible, or unless a written waiver signed by the ultimate user and witnessed by a person other than a professional land surveyor is obtained as set forth in N.J.A.C. 13:40-5.2. The failure to obtain a waiver when corner markers are not set shall be considered professional misconduct. Any violation of this subsection shall subject the licensee to a penalty of not more than \$2,500 for each violation.
- 1) All boundary or corner markers delineating the property surveyed, found or set, must be described on the plat of survey with data provided to show their relation to the property or corner or, if appropriate, to the boundary lines. When a property corner cannot be set because of physical constraints, a witness marker shall be set and so noted upon the plat of survey.
  - 2) Markers for property corners set by licensed surveyors shall be composed of durable material and be of the minimum length practical to reasonably assure permanence, with a recommended length of 18 inches or more. These markers may include:
    - i) Concrete monuments;
    - ii) Iron pins, one-half inch O.D. or larger;
    - iii) Reinforcing steel bars one-half inch O.D. or larger;
    - iv) Iron pipes, one-half inch O.D. or larger;
    - v) Commercially manufactured iron or aluminum monuments;
    - vi) Brass discs (or similar metal), set in durable material;
    - vii) Nails or spikes set in durable materials;
    - viii) Drill holes in durable materials; and
    - ix) Plastic stakes.
  - 3) The marker requirements in (d)2 above do not apply to intermediate points set on line or for random traverse points.

- 4) In all cases listed in (d)2 above the marker shall be identified with a durable cap, disc, shiner, or other appropriate identifier, bearing the full name of the surveyor or firm responsible for setting the corner.
  - 5) All markers set pursuant to (d)2 above shall be detectable with conventional instruments used to find ferrous or magnetic objects.
  - 6) Paragraph 2 of subsection (d) does not apply to individual condominium units where same are composed totally of buildings.
  - 7) Monuments where required to be set pursuant to the "Recordation Act" at N.J.S.A. 42:26B-3, shall be:
    - i) Composed of concrete, containing ferrous material detectable with conventional metal detecting instruments;
    - ii) At least 30 inches long below finished grade with the top and bottom at least four inches square; and
    - iii) Identified with a durable cap, disc, or shiner bearing the full name of the surveyor or firm responsible for setting the monument.
  - 8) In the event a monument as specified in (d)7 above is impracticable to install due to physical conditions, the surveyor shall install the most appropriate material necessary to establish permanent, metal detectable monumentation.
  - 9) In the event it is impossible to set a monument as specified in (d)7 above at the prescribed control points, an offset monument shall be set bearing a plate stamped with the word "offset."
  - 10) In all cases listed in (d)8 and 9 above, the surveyor shall acknowledge in the monument installation certification, use of substituted material and/or the use of offset monumentation. Proper instrument sights shall be established and complete offset data shall be recorded with the monument certification to the municipality.
- e) A plat, also referred to as a plan of survey, shall be prepared either by the licensed professional land surveyor or under the supervision of the licensed professional land surveyor. Such plat shall show all matter relevant to a complete and clear exposition of the property.

- f) The items that must always be shown are:
- 1) Title block complying with N.J.A.C. 13:40-8;
  - 2) The State, county and municipality in which the property is located and specific data as provided by the owner identifying the property or other pertinent identifying data as deemed appropriate by the surveyor, including block, lot number and address;
  - 3) North arrow, identifying the horizontal datum of the survey (for example, NAD27, NAD83, magnetic, deed book and page, etc.) and scale;
  - 4) The point of beginning;
  - 5) Metes and bounds of the property in question; all measurements are to be indicated in feet and decimals of a foot except when legal requirements or professional custom and usage require another form of measurement;
  - 6) Property corner markers, both found and set, and the relation of existing markers to the property corner or, if appropriate, to the boundary lines;
  - 7) Street and street names and location and widths of the traveling way, when such streets abut or adjoin the property in question. If the street is not open, the survey should so indicate;
  - 8) Encroachments of structures both on the premises in question and/or adjoining properties;
  - 9) Fences, tree rows, hedges, streams, ditches, building locations, easements and any physical occupation influencing property line determination;
  - 10) In all cases, survey work shall be performed in accordance with currently accepted accuracy standards, but such accuracy standards may be limited by contractual agreements. Such limitations shall be appropriately noted on the final drawing.
- g) Notwithstanding any other provisions of this subchapter to the contrary, the following items may be omitted where contractual agreements with the client so provide:
- 1) Areas of established city lots or recorded subdivision map lots, unless the area is recited in the record deed of the property in question;

- 2) Fences and streams and ditches, unless such fences, streams and ditches are on or in close proximity to the property lines or otherwise affect the property lines in question;
  - 3) Sidewalks, driveways, walkways or other traveled ways, unless such ways affect the property lines in question;
  - 4) Utility lines, easements of right-of-way lines, except when recited in the record deed or when such utility lines, easements of right-of-way lines affect the use of adjacent properties or the property in question;
  - 5) Location and type of building and other structures on the property in question; and
  - 6) Metes and bounds description of the property, except when the survey is being prepared for the purpose of conveyance of real property (title transfer, creation of easement, or mortgage).
- h) When any of the various items listed in (g) above are omitted, the plat or plan of survey should indicate the specific omitted items in a factual way that such omissions are made.
- i) Upon completing the plat or plan of survey, the licensed professional land surveyor shall provide the client an agreed upon number of prints of the survey drawing. Such print copies of the plat or plan of survey shall bear the signature and impression seal of the licensed professional land surveyor. Certification by the licensed professional land surveyor may be given when requested by the client.
- 1) The licensed professional land surveyor shall also supply a description of the property surveyed when the survey is to be used for conveyancing (title transfer, creation of easement, or mortgage). This description must be suitable for use in a deed. The description shall be by metes and bounds or by reference to a filed plan, block and lot. If a filed plan, block and lot is utilized, the entire title of the filed plan shall be set forth along with, the filed plan number and the date on which the plan was recorded in the office of the County Recording Officer. If there is any deviation from the filed plan to the completed survey, a description by filed plan, block and lot, shall not be utilized. The deed description shall be consistent with both the survey provided and the documentation upon which the survey was based and shall be written in such a manner as to define the boundary lines of real property unambiguous and sufficient for a surveyor to lay it out on the ground. This description may be reproduced on the survey plat itself or may be by separate document. If the deed description is provided on the survey plat, it must be titled "Deed Description." If a separate document is provided, the description shall be signed and sealed by the licensed professional land surveyor responsible for its preparation.

- 2) The term "referenced" shall not be utilized when referring to a filed plat when it is intended to meet the requirements of supplying the deed description listed in (i)1 above. It shall also be improper to use or reference a municipal tax map to comply with the requirements for deed description by reference to a filed plat. A tax map shall not be deemed a filed plan for the purpose of title transfer.
- j) No reproductions or photographic copies of a plan or survey shall be offered or issued by a licensee for use in any court, land transaction or filing in any public agency or office unless such copies shall bear the signature and impression seal of the licensed professional land surveyor.
- k) Tax assessment maps for submission to and approval by the New Jersey Division of Taxation must be prepared and revised by a licensed professional land surveyor, who is obligated to prepare and revise such maps in full compliance with the legal requirements pertaining to such maps.
- l) Failure to comply with the provisions of this subchapter and with applicable State laws and local ordinances may subject the licensed professional land surveyor to disciplinary action.
- m) Subdivision plats, whether classified as major or minor, preliminary or final, shall be prepared by a licensed professional land surveyor and shall be based on a new or existing current and accurate survey of the property being subdivided.
  - 1) The licensee shall provide appropriate survey information, including monumentation, as set forth above, to permit a subsequent licensed professional land surveyor to accurately lay out newly described lots.
  - 2) If a newly described lot will be adjacent to or abutting a perimeter line, the licensee shall ensure that the perimeter line is accurately established on the ground.
  - 3) In all instances, including where deeds are used to record minor subdivisions and/or where an existing plat or plan of survey is used, only the licensee who prepared the boundary map on which the subdivision is based may provide the certification on the subdivision plat that the boundary survey is accurate and was prepared under his or her supervision, as required by the Recordation Act, N.J.S.A. 46:26A, 26B, and 26C, and in accordance with N.J.A.C. 13:40-9, Responsible Charge of Engineering or Land Surveying Work.
- n) Maps prepared to show hydrographic, bathymetric, topographic data or planimetric data shall be prepared by a licensed professional land surveyor and shall identify the vertical datum and include reference to a benchmark on the site. Such survey information may be

transferred to construction plans or other drawings if duly noted as to the date of the survey, by whom, and for whom it was prepared.

- o) Existing flood elevations shall only be certified by a professional land surveyor.

### **13:40-5.2 WAIVER OF CORNER MARKER**

- a) For purposes of this section, "ultimate user" means the contract purchaser of the property. If no purchaser exists, the ultimate user is the owner of the property. In cases where there are multiple ultimate users of the property being surveyed, only one ultimate user is required to sign the waiver.
- b) Whenever the setting of corner markers is waived by the ultimate user, the professional land surveyor shall:
- 1) Advise the ultimate user in writing as set forth in (c) below of the impact of signing the corner marker waiver. Such advice shall include, but not be limited to:
    - i) The possible need for a future survey as a result of physical improvements to the property; and
    - ii) The potential inability of the ultimate user to identify the boundary of the property;
  - 2) Review the waiver to ensure that it is properly signed by the ultimate user and witnessed by a person other than a professional land surveyor; and
  - 3) Perform a physical measurement of the property.
- c) The corner marker waiver shall be in the following form:

#### WAIVER AND DIRECTION NOT TO SET CORNER MARKERS

To:

\_\_\_\_\_

(Name, address and telephone number of the Land Surveyor)

FROM:

\_\_\_\_\_

(Name, address and telephone number of the Ultimate User)

Re:

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Property (Lot and block number, municipality or other identifier)

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

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Ultimate User's Signature

Date: \_\_\_\_\_

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Witness' Signature

Date: \_\_\_\_\_

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Name of Witness (Typed or Printed)

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Address of Witness (Typed or Printed)

I hereby certify that I have:

1. Advised the ultimate user of the impact of signing the corner marker waiver, which shall include, but not be limited to, the possible need for a future survey as a result

of physical improvements to the property and the potential inability of the ultimate user to identify the boundary of the property;

- 2. Reviewed the waiver to ensure that it was properly signed by the ultimate user and witnessed by a person other than a land surveyor; and
- 3. Performed a physical measurement of the property.

\_\_\_\_\_  
New Jersey Licensed Land Surveyor

Date: \_\_\_\_\_

- d) Whenever a written waiver to omit corner markers is obtained, the following notation shall be included on the plat or plan of survey: "A written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L. 2003, c.14 (N.J.S.A. 45:8-36.3) and N.J.A.C. 13:40-5.1(d)."
- e) The licensee shall maintain the signed corner marker waiver for a minimum of six years.
- f) The licensee shall submit documentation of any waiver to the Board upon its request.
- g) The Board may review the records of licensees periodically to determine compliance with this section.
- h) Failure to comply with the provisions of this section shall be deemed professional misconduct. Any violation of the provisions of (d) or (e) above shall subject the licensee to a penalty of not more than \$2,500 per violation.

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**SUBCHAPTER 6.  
FEES**

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**13:40-6.1 FEE SCHEDULE**

a) The following fees shall be charged by the Board:

1) Application fees:

i) Engineer-in-training ..... \$30.00

i) Professional engineer .....	\$75.00
ii) Land surveyor-in-training .....	\$30.00
iii) Land surveyor .....	\$75.00
2) Initial license fee:	
i) During the first year of a biennial renewal period .....	\$80.00
ii) During the second year of a biennial renewal period .....	\$40.00
3) Biennial renewal fee.....	\$80.00
4) Retired license fee .....	\$40.00
5) Inactive license fee .....	(to be determined by the Director by rule)
6) Late renewal fee .....	\$50.00
7) Reinstatement fee .....	\$125.00
8) Reactivation fee:	
i) Retired licensee .....	\$40.00
ii) No-fee retired licensee .....	\$80.00
iii) Inactive licensee.....	\$80.00
9) Duplicate certificate fee.....	\$20.00
10) Replacement wall certificate .....	\$40.00
11) Continuing competency program review fee:	
i) For each program provider who seeks approval .....	\$100.00
ii) For each course for which a licensee seeks approval.....	\$10.00

- 12) Fees shall be nonrefundable and nontransferable.
- 13) Any applicant who is required under N.J.A.C. 13:40-2 to have his or her degree evaluated must pay via certified check or money order the actual cost of the evaluation.
- b) For a Certificate of Authorization issued pursuant to P.L. 1989, c. 276, general business corporations and limited liability companies offering to provide engineering or land surveying services in New Jersey shall pay a fee of \$120.00 for a biennial period, or \$60.00 per year. The late renewal fee for Certificate of Authorization is \$50.00. The reinstatement fee for Certificate of Authorization is \$125.00.

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

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**13:40-7.1 GENERAL PROVISIONS**

- a) Definitions: All words, terms, and phrases shall be as defined in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- b) Preparation and submission of the various elements of a preliminary or final site plan or major subdivision plat shall be within the professional scope of the various professions as listed in this subchapter.

**13:40-7.2 DEPICTION OF EXISTING CONDITIONS ON A SITE PLAN**

- a) Survey: Showing existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations, and easements: By a land surveyor.
- 1) Survey information may be transferred to the site plan if duly noted as to the date of the survey, by whom, and for whom. A signed and sealed copy of the survey shall be submitted to the reviewing governmental body with the site plan submission.
- b) Vegetation, general flood plain determination or general location of utilities, buildings or structures: By an architect, planner, engineer, land surveyor, licensed landscape architect or other person acceptable to the reviewing governmental body.

**13:40-7.3 PREPARATION OF SITE PLAN**

- a) The location of proposed buildings and their relationship to the site and the immediate environs: By an architect, engineer, or licensed landscape architect.

- b) The locations of drives; parking layout; pedestrian circulation; and means of ingress and egress: By an architect, planner, engineer, or licensed landscape architect.
- c) Drainage facilities for site plans of 10 acres or more; or involving stormwater detention facilities; or traversed by a water course: By an engineer only.
- d) Other drainage facilities: By an architect or engineer.
- e) Utility connections and on tract extensions: By an engineer or architect.
- f) Off tract utility extensions: By an engineer only.
- g) On site sanitary sewage disposal or flow equalization facilities: By an engineer only.
- h) Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: By an architect, except when the building is part of an engineering or industrial project, floor plans and elevation views may be by an engineer.
- i) Landscaping, signs, lighting, screening or other information not specified above: By an architect, planner, engineer, licensed landscape architect or other person acceptable to the reviewing governmental body.
- j) The general layout of a conceptual site plan for a multiple building project, showing the development elements, including their relationship to the site and immediate environs: By an architect, planner, engineer or licensed landscape architect.
- k) The grading of land and water forms, natural drainage, and determination of related impacts, assessments, and problems of land disturbance including erosion and sedimentation, blight, or other hazards: By an architect, engineer, or licensed landscape architect.

### **13:40-7.4 PREPARATION OF A MAJOR SUBDIVISION PLAN**

- a) The general location of facilities, site improvements and lot layouts: By an architect, engineer, land surveyor, planner or licensed landscape architect.
- b) The design and construction details of all public improvements including street pavements, curbs, sidewalks, sanitary sewage, storm drainage facilities: By an engineer only.

- c) Final subdivision map with metes and bounds: By a land surveyor only.

### **13:40-7.5 EFFECT OF LOCAL ORDINANCES**

- a) Informal site plans, not required by local ordinances are excluded from this rule.
- b) No municipal or county ordinance, policy or action purporting to define the scope of professional activity of architects, engineers, land surveyors, planners or licensed landscape architects in the preparation of site plans or major subdivisions shall reduce or expand the scope of professional practice recognized by the boards.

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

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### **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 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 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 that 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 hereby 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 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.

### **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
  - 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 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.

#### **13:40-8.4 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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**SUBCHAPTER 9.  
RESPONSIBLE CHARGE OF ENGINEERING OR LAND SURVEYING  
WORK**

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**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 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.

**13:40-9.2 PROFESSIONAL LAND SURVEYOR: SUPERVISION OF SUBORDINATES;  
MANTAINING RECORDS OF ADEQUATE SUPERVISION; ACTS REFLECTING  
INADEQUATE SUPERVISION**

- a) A licensee in responsible charge of a land surveying project shall render regular and effective supervision to those individuals performing services that directly and materially affect the quality and competence of land surveying work rendered by the licensee.
- b) A licensee shall maintain such records as are reasonably necessary to establish that the licensee exercised regular and effective supervision of a land surveying project of which he or she was in responsible charge.
- c) A licensee engaged in any of the following acts or practices shall be deemed to not have rendered the regular and effective supervision required if:
  - 1) The regular and continuous absence from principal office premises from which professional services are rendered; except for performance of field work or presence in a field office maintained exclusively for a specific project;
  - 2) The failure to personally inspect or review the work of subordinates where necessary or appropriate;
  - 3) The rendering of a limited, cursory, or perfunctory review of plans or projects in lieu of an appropriate detailed review; and
  - 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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**SUBCHAPTER 10.  
CERTIFICATES OF AUTHORIZATION**

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**13:40-10.1 ISSUANCE OF CERTIFICATES OF AUTHORIZATION**

- a) Upon review and approval by the Board of a completed application, the Board shall issue a certificate of authorization to a limited liability company (LLC) or a corporation, other than a professional service corporation established pursuant to the Professional Service Corporation Act, P.L. 1969, c. 232 (N.J.S.A. 14A: 17-1 et seq.), if the LLC or corporation meets the following requirements:

- 1) At least one of the LLC's or corporation's officers or full-time employees is a licensed professional engineer and/or professional land surveyor in this State who shall be in responsible charge of the professional services rendered by the LLC or corporation; or
  - 2) The LLC or corporation has entered into a written contract with a New Jersey licensed professional engineer or professional land surveyor pursuant to N.J.A.C. 13:40-10.3.
- b) In applying for a certificate of authorization, an applicant shall submit to the Board:
- 1) A completed application form designated by the Board, which shall include, at a minimum, the following:
    - i) The name and address of the LLC or corporation and its satellite offices;
    - ii) The names, addresses, license numbers and signatures of all officers, board members, directors, principals and any licensees who shall be in responsible charge of the practice of professional engineering and/or professional land surveying through the LLC or corporation;
    - iii) The names, addresses, license numbers, and amount and percentage of ownership interest of the LLC or corporation of persons who are licensees of the Board or who are closely allied professionals;
    - iv) The names, addresses, and amount and percentage of ownership interest of the LLC or corporation of persons who are not licensees of the Board nor closely allied professionals; and
    - v) The name and address of the LLC's or corporation's registered agent for service of process in New Jersey;
  - 2) A certified copy of the Certificate of Formation or Incorporation for an LLC or corporation created in this State or, for an LLC or corporation created outside New Jersey, a certified copy of a Certificate of Authority issued by the Division of Revenue in the New Jersey Department of Treasury and a certified copy of the Certificate of Formation or Incorporation, or its equivalent, issued by the home state;
  - 3) A copy of the most current annual report filed with the Division of Revenue in the New Jersey Department of Treasury;

- 4) If appropriate, a copy of the signed contract entered into pursuant to N.J.A.C. 13:40-10.3; and
  - 5) The certificate fee as set forth in N.J.A.C. 13:40-6.1.
- c) The certificate of authorization shall designate all New Jersey licensees who are in responsible charge of the professional engineering and/or professional land surveying activities and decisions of the LLC or corporation. All final drawings, papers and documents involving the practice of professional engineering and/or professional land surveying, when issued by the LLC or corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.
- d) The LLC or corporation that has been issued a certificate of authorization and its licensees who are in responsible charge of the professional engineering and/or professional land surveying activities and decisions of the LLC or corporation have a continuing duty to inform the Board within 30 days of any change in the information that was provided to the Board as required pursuant to (b) above, including a copy of each annual report filed with the Division of Revenue.
- e) Misrepresentation of any information provided to the Board or failure to provide updated information as required under (d) above may result in the suspension of the certificate of authority and/or may be deemed to be professional misconduct of the licensees found to be in responsible charge of the professional engineering and/or professional land surveying activities and decisions of the LLC or corporation.
- f) Failure by a licensee in responsible charge to render regular and effective supervision pursuant to N.J.A.C. 13:40-9.1 shall constitute professional misconduct.

### **13:40-10.2 BIENNIAL RENEWAL OF CERTIFICATES OF AUTHORIZATION**

- a) All certificates of authorization issued by the Board shall be issued for a biennial period. An LLC or corporation seeking renewal of the certificate shall submit a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of Treasury and the renewal fee as set forth in N.J.A.C. 13:40-6.1 prior to the expiration date of the license.
- b) The Board shall send a notice of renewal to each certificate holder at the address registered with the Board at least 60 days prior to the expiration of the certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the certificate holder for failure to renew.

- c) If a certificate holder does not renew the certificate prior to its expiration date, the certificate holder may renew the certificate within 30 days of its expiration by submitting a completed renewal application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of Treasury, and the renewal fee and late fee as set forth in N.J.A.C. 13:40-6.1. During this 30-day period the certificate shall be valid, and the certificate holder shall not be deemed to be engaged in unauthorized practice.
- d) A certificate of authorization that is not renewed within 30 days of its expiration shall be automatically suspended. An LLC or corporation, other than a professional service corporation established pursuant to the Professional Service Corporation Act, P.L. 1969, c. 232 (N.J.S.A. 14A:17-1 et seq.), that provides or advertises professional engineering and/or professional land surveying services while its certificate of authority is suspended shall be in violation of N.J.S.A. 45:8-56.
- e) A certificate of authorization that has been automatically suspended for non-renewal may be reinstated upon the LLC or corporation submitting a completed reinstatement application, a copy of the current annual report filed with the Division of Revenue in the New Jersey Department of Treasury, and the renewal fee and reinstatement fee as set forth in N.J.A.C. 13:40-6.1.

### **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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## **SUBCHAPTER 11. LAND SURVEYORS; CONTINUING COMPETENCY**

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### **13:40-11.1 CONTINUING PROFESSIONAL COMPETENCY REQUIREMENTS; FAILURE TO COMPLY**

Any professional land surveyor who fails to comply with the continuing professional competency requirements set forth in this subchapter shall be subject to the penalties set forth in N.J.S.A. 45:8-35.9.

### **13:40-11.2 DEFINITIONS**

As used in this subchapter, the following terms shall have the following meanings:

"Approved course or activity" means any course or activity with a clear technical purpose and objective or whose purpose and objective is to enhance the skills and knowledge in ethical and business practices, which will maintain, improve or expand skills and knowledge and develop new and relevant technical skills and knowledge in the discipline being practiced by the licensee.

"College/unit semester/unit quarter/hour" means the credit for an ABET (Accreditation Board for Engineering and Technology) approved course or other related college course approved in accordance with N.J.A.C. 13:40-11.6(a)1.

"Contact hour" means 50 minutes of in-class instruction and participation.

"Continuing professional competency credit" or "CPC credit" means one hour of instruction.

**13:40-11.3 CREDIT-HOUR REQUIREMENTS; DUAL LICENSEES**

- a) Each applicant for license renewal shall be required to have completed, during the preceding biennial period, a minimum of 24 credits of continuing professional competency.
- b) A maximum of eight credits of continuing professional competency may be carried over into a succeeding biennial renewal period.
- c) Except as provided in (d) 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, 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.
- d) Each person who is licensed as both a professional engineer and 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 27 required credits shall have been completed in professional land surveying, and at least 12 shall have been completed in professional engineering, of which two shall have been in professional practice ethics. The remaining three credits may have been completed in either professional engineering or professional land surveying.

**13:40-11.4 APPROVAL OF COURSE OFFERINGS**

- a) A continuing competency provider may receive approval for a continuing competency course or program pursuant to the provisions of N.J.A.C. 13:40-11.11 and 11.12. Prior to the offering of the course or program, the provider may apply for approval. However, the provider may apply also after the event to eliminate the need for individual licensees to apply under (b) below.
- b) A licensee seeking to take a course or program which the provider has not had pre-approved by the Board may apply to the Board for pre-approval or post-approval of the course or program offering. The licensee shall submit information similar to that which is required to be supplied by course providers pursuant to N.J.A.C. 13:40-11.11(b).
- c) The Board shall maintain a list of all approved programs and courses at the Board offices and shall furnish this information upon request.
- d) An individual, group or association seeking course or program approval may impose a reasonable differential in course or program fees based upon membership within a group or association. However, in no event shall a sponsoring individual, group or association

completely exclude from the course or program any licensee who is not a member of the group or association.

### **13:40-11.5 CONTINUING COMPETENCY PROGRAMS AND OTHER SOURCES OF CONTINUING COMPETENCY CREDITS**

- a) The Board shall grant credit for successful completion of the following, provided that the course or program meets the criteria of N.J.A.C. 13:40-11.11 and that any other source of credit directly and materially relates to the practice of land surveying:
  - 1) College courses;
  - 2) Continuing education courses;
  - 3) Correspondence, televised, videotaped and other short courses/tutorials;
  - 4) Seminars, in-house courses, workshops and technical programs at professional meetings and conferences;
  - 5) Teaching or instruction in (a)1, 2 and 4 above;
  - 6) Published papers, articles or books authored by the licensee; and
  - 7) A land surveying examination in another jurisdiction.

### **13:40-11.6 CREDIT CALCULATION**

- a) Continuing professional competency credits will be granted as follows for each biennial renewal period:
  - 1) Successful completion of approved college level courses.
    - i) Fifteen continuing professional competency credits for each semester hour credit awarded by the college or university, or 10 continuing professional competency credits for each quarter hour credit awarded by the college or university;
  - 2) Successful completion of approved continuing education courses: one continuing professional competency credit for each contact hour of the course.
  - 3) Successful completion of approved correspondence, televised, videotaped and other short courses/tutorials:

- i) The amount of credit to be allowed for approved correspondence and individual study programs, including taped study programs, shall be recommended by the program provider based upon one-half the average completion time calculated by the provider after it has conducted appropriate "field tests." Although the program provider must make recommendations concerning the number of credit hours to be granted, the number of credit hours granted shall be determined by the Board; and
  - ii) Credit for approved correspondence and other individual study programs will be given only in the renewal period in which the course is completed with a successful final examination;
- 4) Active participation in and successful completion of approved seminars, in-house courses, workshops and technical programs at professional meetings and conferences: one continuing professional competency credit for each hour of attendance at an approved course. Credit will not be granted for courses that are less than one contact hour in duration. Completion of an entire course is required in order to receive any credit;
- 5) Teaching or instruction in (a)1, 2 or 4 above:
  - i) Service as an instructor or workshop leader: one continuing professional competency credit for each instructional hour;
  - ii) The instructor or workshop leader will be given no credit for subsequent sessions in the same year involving substantially identical subject matter, except that after one year has elapsed the Board may give one additional continuing professional competency credit for each instructional hour of service as an instructor or workshop leader for the initial presentation, provided the original material has been updated; and
  - iii) The maximum credit given for service as an instructor or workshop leader may not exceed 50 percent of the required continuing professional competency credits for any biennial renewal period;
- 6) Authoring published papers, articles or books on technical surveying subjects that contribute to the professional competence of surveyors: one continuing professional competency credit may be requested for each hour of preparation time on a self-declaration basis, not to exceed a total of 25 percent of the biennial requirement. A copy of the publication shall be submitted to the Board with the request for credit; and
- 7) Successfully passing a land surveying examination in another jurisdiction: one continuing professional competency credit for each hour of examination. All parts of the examination

must be passed to receive credit for any part. The maximum credit given for successfully passing a land surveying examination in another jurisdiction may not exceed three continuing professional competency credits for each biennial renewal period.

### **13:40-11.7 REPORTING AND DOCUMENTING OF CONTINUING PROFESSIONAL COMPETENCY CREDITS**

- a) At the time of application for biennial professional land surveyor license renewal, licensees shall provide, on forms approved by the Board, a signed statement certifying that the required number of continuing professional competency credits have been completed. The statement shall include, where applicable, the following:
  - 1) The dates attended;
  - 2) Continuing professional competency credits claimed;
  - 3) The title of the course and a description of its content;
  - 4) The school, firm, or organization providing the course;
  - 5) The instructor; and
  - 6) The course location.
- b) Licensees shall maintain all evidence, as set forth in (e) below, of completion of continuing professional competency credit requirements for two biennial periods after completion and shall submit such documentation to the Board upon request.
- c) Failure to maintain records or falsification of any information submitted with the renewal application may result in an appearance before the Board and, upon notice to the licensee and the opportunity for a hearing, penalties and/or suspension of the license.
- d) The Board will review the records of licensees from time to time, on a random basis, to determine compliance with continuing competency requirements.
- e) Documentation of continuing competency requirements shall consist of the following:
  - 1) A log showing the type of activity claimed, providing organization, location, duration, instructor's or speaker's name and credits claimed;

- 2) Attendance verification records in the form of college transcripts, completion certificates, paid receipts, and any other documents supporting evidence of attendance;
- 3) For publications, submission of the published article; and
- 4) For teaching, a statement of appropriate authority verifying the activity.

### **13:40-11.8 WAIVER OF CONTINUING PROFESSIONAL COMPETENCY REQUIREMENT**

- a) The Board may, in its discretion, waive, extend or otherwise modify continuing competency requirements on an individual basis for reasons of hardship, such as illness or disability, or other good cause.
- b) Any licensee seeking a waiver, extension or other modification of the continuing competency requirement shall apply to the Board in writing 90 days prior to renewal of licensure and set forth with specificity the reasons for the request. The licensee shall also provide the Board with such additional information as it may reasonably request in support of the request.
- c) A new licensee by way of examination shall have all continuing competency requirements waived for the first renewal period.
- d) A new licensee by way of comity shall be responsible at the first biennial renewal for one continuing professional competency credit for each 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 continuing competency requirements waived for that year.

### **13:40-11.9 LICENSE RESTORATION**

The failure on the part of a licensee to renew his or her biennial certificate as required shall not relieve such person of the responsibility to maintain professional competence. At the time of application for restoration, the licensee shall submit satisfactory proof to the Board that he or she has successfully completed all delinquent CPC credits. 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.

### **13:40-11.10 OUT-OF-JURISDICTION RESIDENT**

Licensees who are residents of jurisdictions other than New Jersey must meet the continuing professional competency requirements for their resident jurisdiction. The requirements for New Jersey will be deemed as satisfied when a licensee provides evidence as having met the requirements of his or her resident jurisdiction, provided the requirements are not less than 24 continuing professional competency credits per biennial renewal period. If the licensee resides in a jurisdiction that has no continuing professional competency requirements, the licensee must meet the requirements of New Jersey.

### **13:40-11.11 CRITERIA FOR CONTINUING COMPETENCY PROGRAMS**

- a) A course of acceptable subject matter shall directly and materially relate to the practice of land surveying, shall have the purpose and objective to maintain, improve or expand skills and knowledge or enhance skills and knowledge in ethics and business practices related to the profession of land surveying, and shall be:
  - 1) A formal course of learning which contributes directly to the maintenance of professional competence of a licensee;
  - 2) At least one instructional hour in duration; and
  - 3) Conducted by a qualified instructor or workshop leader.
- b) A program provider or a licensee seeking Board approval for a course of acceptable subject matter shall submit the following to the Board:
  - 1) The program provider fee (for providers) or program review fee (for licensees) as set forth in N.J.A.C. 13:40-6.1; and
  - 2) Information to document the elements of (a) above, in writing and on a form provided by the Board, including, but not limited to:
    - i) A detailed description of course content and estimated hours of instruction; and

- ii) The curriculum vitae of the lecturer, including specific background which qualifies the individual as a lecturer of repute in the area of instruction.
- c) Courses which meet the requirements set forth in (a) above shall be approved for continuing competency credit if taught by:
  - 1) Undergraduate, post-graduate or adjunct instructors from accredited educational institutions with five years of experience in the lecture subject. The curriculum vitae must reflect the instructor's status and experience;
  - 2) Recognized authorities in the specific subject areas with five years of experience in the lecture subject whose expertise is documented and approved by the Board;
  - 3) Licensees with five years experience in specific subject areas whose expertise is documented and approved by the Board; or
  - 4) Any of the above with less than five years experience who submit curriculum vitae, and are evaluated and approved by the Board on a case-by-case basis.

### **13:40-11.12 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 number of continuing professional competency credits or contact hours involved in the program;
  - 4) Solicit evaluations from both the participants and the instructor at the conclusion of each program. Evaluations may take the form of pre-tests for advanced preparation, post-tests for effectiveness of the program, questionnaires completed at the end of the program or later, oral feedback from participants to the instructor or provider or such other mechanism as may be appropriate to an effective evaluation. Programs should be evaluated to determine whether:
    - i) Objectives have been met;

- ii) Prerequisites were necessary or desirable;
  - iii) Facilities were satisfactory;
  - iv) The instructor was effective;
  - v) Advanced preparation materials were satisfactory; and
  - vi) The program content was timely and effective;
- 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;
    - ii) The name and license number of the attendee;
    - iii) The number of credits awarded; and
    - iv) The name and signature of officer or responsible party and seal of the organization;
  - 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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## **SUBCHAPTER 12. RETIRED LICENSE AND NO-FEE RETIRED LICENSE STATUS**

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### **13:40-12.1 ELIGIBILITY REQUIREMENTS**

- a) A licensed professional engineer or professional land surveyor who has been licensed for a minimum of 25 years and is at least 62 years of age may apply to the Board for status as a retired licensee or a no-fee retired licensee.
- b) A licensee who obtains retired license status or no-fee retired license status shall not offer or practice professional engineering or professional land surveying within the State.

### **13:40-12.2 RETIRED LICENSEE: APPLICATION; ENTITLEMENT**

- a) A licensee who seeks retired license status shall forward to the Board the following:
  - 1) A completed application form furnished by the Board which contains the licensee's current address, telephone number, and information concerning disciplinary matters; and
  - 2) The retired license fee pursuant to N.J.A.C. 13:40-6.1.
- b) The Board shall review the submission set forth in (a) above and if the applicant meets the requirements of N.J.A.C. 13:40-12.1(a), the Board shall declare the licensee retired and place the licensee on the retired status list.
- c) Each retired licensee shall be entitled to the following:
  - 1) A retired licensee when using the titles "Professional Engineer" or "Professional Land Surveyor" or any substantial equivalent shall use the designation "Retired" following his or her name;
  - 2) The name of each retired licensee shall appear in the roster of licensees;
  - 3) Each retired licensee shall receive a certificate from the Board; and
  - 4) Each retired licensee shall receive any mailings from the Board that are sent to active licensees.
- d) Each retired licensee who wishes to maintain retired status shall renew the license biennially and shall remit the retired license fee pursuant to N.J.A.C. 13:40-6.1.

**13:40-12.3 NO-FEE RETIRED LICENSEE**

- a) A licensee who seeks no-fee retired licensee status shall submit a completed application form furnished by the Board which contains the licensee's current address, telephone number, and information concerning disciplinary matters.
  
- b) The Board shall review the submission as set forth in (a) above. If the applicant meets the requirements of N.J.A.C. 13:40-12.1(a), the Board shall declare the licensee retired, and shall place the licensee on the retired status list. The licensee shall not be required to renew the no-fee status biennially.

**13:40-12.4 RESUMPTION OF PRACTICE**

- a) A professional engineer or professional land surveyor who has been on retired license status or no-fee retired license status who wishes to resume the practice of professional engineering or professional land surveying shall forward the following to the Board:
  - 1) A completed resumption of practice application form furnished by the Board which contains the licensee's current address, telephone number, details of any disciplinary matters, information concerning whether the licensee has signed and sealed any projects while on retired status, and proof of current competency pursuant to (a)3 below;
  
  - 2) The reactivation fee for retired licensees or no-fee retired licensees pursuant to N.J.A.C. 13:40-6.1; and
  
  - 3) For a professional engineer or professional land surveyor who has been on the retired status list for five or more years, satisfactory evidence of current knowledge, competency, and skill in the practice of professional engineering or professional land surveying as follows:
    - i) Each retired licensee shall provide information on the resumption of practice application regarding current knowledge, competency and skill. The Board shall review the information submitted by the applicant and determine if the applicant has demonstrated the ability to practice in such a way, so as to insure the safety of life, health and property.
  
    - ii) Each retired licensee seeking to resume practice shall submit satisfactory proof to the Board that he or she has successfully completed all delinquent CPC credits. 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.

- b) For the purposes of this section, the reactivation fee shall mean the reinstatement fee provided in N.J.S.A. 45:8-36.2.

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**SUBCHAPTER 13.**  
**PROFESSIONAL ENGINEERS; CONTINUING PROFESSIONAL**  
**COMPETENCY REQUIREMENT**

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**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 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
- 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 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.njconsumersaffairs.gov/pels/pels\\_licensee.htm](http://www.njconsumersaffairs.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.

#### **13:40-13.5 APPROVAL PROCEDURES FOR CPC PROVIDERS; EXCEPTIONS**

- a) A provider seeking Board approval to sponsor equivalent educational programs for CPC credit shall submit an application on a form prescribed by the Board, that shall include

course and program descriptions, instructor qualifications, locations, dates and times of courses, and other information as required by the Board, unless the provider is exempted from this requirement pursuant to (c) below. Upon approval, the Board will issue an approved provider number, which shall be used by the provider in identifying the courses and programs to be provided.

- b) A licensee seeking Board approval of equivalent educational programs for CPC credit for a provider that has not been approved pursuant to (a) above or (c) below, may submit an application on a form prescribed by the Board, which shall include course and program descriptions, instructor qualifications, locations, dates and times of courses, number of CPC credits, and other information as required by the Board. The Board shall notify the licensee, in writing, of its determination.
- c) Accredited schools, universities, and colleges; national and state professional engineering and closely allied professional organizations; and Federal, State, and New Jersey bi-state government agencies and independent authorities that sponsor CPC courses or programs, and CPC providers registered with the National Council of Examiners for Engineering and Surveying are approved providers and are exempt from the requirement of submitting an application to the Board and obtaining a CPC provider number.
  - 1) For the purpose of this section, a school, university, or college shall be deemed accredited if it is:
    - i) Accredited by the New Jersey Department of Education;
    - ii) Approved by the New Jersey Commission on Higher Education; or
    - iii) Approved by an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education or New Jersey Commission on Higher Education.

### **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
  - 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 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;
  - 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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**SUBCHAPTER 14.  
(RESERVED)**

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**SUBCHAPTER 15.  
HOME INSPECTION ADVISORY COMMITTEE**

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**13:40-15.1 PURPOSE; SCOPE; APPLICABILITY**

- a) The purpose of the rules in this subchapter is to implement P.L. 1997, c.323 (N.J.S.A. 45:8-61 et seq.), the Home Inspection Professional Licensing Act.
- b) This subchapter shall apply to all persons licensed as home inspectors by the State of New Jersey and applicants for such licensure, performing home inspections of residential buildings with four or fewer dwelling units and other related residential housing components.
- c) No person shall perform or hold oneself out as permitted to perform a home inspection nor represent or call oneself a home inspector unless licensed pursuant to N.J.A.C. 13:40-15.6.
- d) This subchapter shall not apply to:
  - 1) Any person who is employed as a code enforcement official by the State or a political subdivision thereof when acting within the scope of that government employment;
  - 2) Any person licensed by the State as an architect, professional engineer, electrical contractor or master plumber, who is acting within the scope of practice of his or her profession or occupation;
  - 3) Any real estate broker, broker-salesperson, or salesperson who is licensed by the State when acting within the scope of his or her profession;
  - 4) Any person regulated by the State as an insurance adjuster, who is acting within the scope of his or her profession;
  - 5) Any State licensed real estate appraiser or certified general or residential real estate appraiser, who is acting within the scope of that profession;

- 6) Any person certified or registered as a pesticide applicator pursuant to N.J.A.C. 7:30-6 or 8, who is acting within the scope of the practice for which certification has been issued;
- 7) Any person performing home inspections in the presence of and under the direct supervision of a licensed home inspector for the purpose of meeting the training requirements of N.J.A.C. 13:40-15.6(a)4.

### **13:40-15.2 DEFINITIONS**

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Accessible" means available for visual inspection without requiring the moving of personal property, dismantling, destructive measures, or any action which will likely involve risk to persons or property.

"Act" means the Home Inspection Professional Licensing Act, N.J.S.A. 45:8-61 et seq.

"Acting within the scope of practice of a profession or occupation" means performing those specific duties for which certification, registration or licensure by a board, committee, commission, or agency of the State or Federal government is necessary and has in fact been granted to an individual.

"Additional inspection services" does not encompass repairs or improvements. "Additional inspection services" means:

- 1) Tests performed by a licensee that are not part of a home inspection but which, in the opinion of the licensee, are warranted or which the client requests. Such tests include, but are not limited to, radon, asbestos, lead paint, carbon monoxide or urea-formaldehyde testing. Such testing may be performed providing the licensee has the relevant experience, education, training and/or licensing and/or certification to perform such additional tests as set forth in N.J.A.C. 13:40-15.22;
- 2) Inspecting systems and components that the licensee is not required to inspect, but is not prohibited from, inspecting pursuant to the standards of practice, N.J.A.C. 13:40-15.16;

- 3) Inspecting systems and components which are not part of the home inspection but which the home inspector may inspect if experienced, educated, trained, certified, registered or licensed as set forth in N.J.A.C. 13:40-15.22; and
- 4) Engineering and architectural services which are necessitated as a result of a home inspection.

"Board" means the State Board of Professional Engineers and Land Surveyors.

"Client" means any current or prospective homeowner who engages, or seeks to engage, the services of a licensee for the purpose of obtaining an inspection of and written report regarding the condition of a residential building.

"Client's representative" means an attorney licensed in the State of New Jersey who has been retained by the client and identified to the licensee in writing. For the purposes of this subchapter, a real estate broker or agent is not the client's representative.

"Committee" means the Home Inspection Advisory Committee established pursuant to N.J.S.A. 45:8-63.

"Component" means a part which, together with other parts, make up a system.

"Continuing education unit" means an hour of an educational activity in which a minimum of 50 minutes of the hour comprises active instruction or learning.

"Decorative" means ornamental, and not required for the operation of the systems and components of a residential building.

"Describe" means to report in writing a system or component by its type or other observed significant characteristics to distinguish it from other systems or components.

"Direct supervision" means that a licensed home inspector is physically present at and monitors the entire home inspection and prepares and signs the home inspection report.

"Exterior surfaces" means exterior cladding or siding, flashing, trim, eaves, soffits and/or fascia.

"Functional drainage" means the drainage of a plumbing fixture sufficient to prevent fixture overflow during normal usage.

"Functional water flow" means the delivery of a quantity of water at flow and pressure sufficient to use a fixture for its intended purpose.

"Home inspection" means a visual, functional, non-invasive inspection conducted for a fee or any other consideration and performed without moving personal property, furniture, equipment, plants, soil, snow, ice, or debris, using the mandatory equipment and including the preparation of a home inspection report of the readily-accessible elements of the following components of a residential building: structural components, exterior components, roofing system, plumbing system, electrical system, heating system, cooling system, interior components, insulation components and ventilation system, fireplaces and solid fuel burning appliances, or any other related residential housing component as determined by the Board, in consultation with the Committee, by rule, but excluding recreational facilities and outbuildings other than garages or carports.

"Home inspection report" means a written report prepared for a fee or any other consideration by a licensee which:

- 1) Discloses those systems and components which are designated for inspection pursuant to this subchapter and are present at the time of the inspection, as well as those which are present at the time of the home inspection but are not inspected and the reason(s) they are not inspected;
- 2) Describes systems and components as specified in this subchapter;
- 3) States what material defects are found in systems or components;
- 4) States the significance of findings; and
- 5) Provides recommendations regarding the need to repair, replace or monitor a system or component, or to obtain examination and analysis by a qualified professional, tradesman or service technician.

"Home inspection training report" means a written report prepared by a trainee pursuant to N.J.A.C. 13:40-15.6(a)(4), which:

- 1) Discloses those systems and components which are designated for inspection pursuant to this subchapter and are present at the time of the inspection, as well as those which are present at the time of the home inspection but are not inspected and the reason(s) they are not inspected;
- 2) Describes systems and components as specified in the rules of this subchapter;
- 3) States what material defects are found in systems or components;
- 4) States the significance of findings; and
- 5) Provides recommendations as to the need to repair, replace or monitor a system or component, or to obtain examination and analysis by a qualified professional, tradesman or service technician.

"Home inspector" means any person licensed as a home inspector pursuant to N.J.S.A. 45:8-62 et seq. and this subchapter who practices as a home inspector and inspects the condition of a residential building on behalf of a client for which the client is charged a fee.

"Inspect" means to visually examine any readily accessible system or component of a building, including viewing the interior of readily openable access panels, and operating building systems using normal operating controls in accordance with this subchapter.

"Installed" means affixed apparatus or component of a system that is permanently integrated in a residential building.

"Licensee" means a home inspector licensed by the Committee and subject to this subchapter.

"Material defect" means a condition, or functional aspect, of a structural component or system that is readily ascertainable during a home inspection that substantially affects the value, habitability or safety of the dwelling, but does not include decorative, stylistic, cosmetic, or aesthetic aspects of the system, structure or component.

"Normal operating controls" means devices such as thermostats, switches or valves intended to be operated by the homeowner in the ordinary use of a system component or appliance.

"Other related residential housing component" means an attached or detached garage or carport unless that garage or carport contains a residence separate from the primary residential building.

"Person" means any natural person, limited or general partnership, association, corporation, or other legal entity, or any combination thereof.

"Readily openable access panel" means a panel provided for inspection and maintenance that is within normal reach, can be removed by one person, and is not sealed in place.

"Recreational facilities" means spas, saunas, steam baths, swimming pools, exercise, entertainment, athletic, playground or other similar equipment and associated accessories.

"Residential building" means a structure consisting of from one to four family dwelling units and their garages or carports, unless such garage or carport contains a separate dwelling unit but excluding the common elements and areas in multiple unit housing such as condominiums and cooperative housing; that has been occupied as such prior to the time when a home inspection is requested or contracted for in accordance with the Act and this subchapter, but does not include any such structure newly constructed and not previously occupied.

"Significance of findings" means an explanation of the reason the home inspector reported that a system or component designated for inspection pursuant to this subchapter contained a material defect, for the purpose of advising the client of the need for appropriate action.

"Structural component" means an integral part of a residential building, including the masonry structure and foundation that supports non-variable forces or weights, that is, dead loads, and variable forces or weights, that is, live loads.

"System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.

"Trainee" means any person who performs a home inspection in the presence of and under the direct supervision of a licensed home inspector pursuant to the provisions of N.J.A.C. 13:40-15.6 and N.J.S.A. 45:8-68c(2).

"Unsafe" means a condition of a readily accessible, installed component or system caused by obsolescence, damage, deterioration, improper installation or inherent defects which presents a significant risk of injury or property damage under normal, day-to-day operation.

"Under-floor crawl space" means the area within the confines of the foundation and between the ground and the underside of the floor.

### **13:40-15.3 OFFICE OF THE COMMITTEE**

The office of the Committee shall be maintained with the Board at 124 Halsey Street, Newark, New Jersey. The mailing address of the Committee is PO Box 45043, Newark, New Jersey 07101.

### **13:40-15.4 (RESERVED)**

### **13:40-15.5 (RESERVED)**

### **13:40-15.6 REQUIREMENTS FOR INITIAL LICENSURE AS HOME INSPECTOR**

- a) An applicant for licensure as a home inspector shall complete and submit to the Committee an application that will require information that the applicant:
- 1) Is of good moral character;
  - 2) Has successfully completed high school or its equivalent;
  - 3) Has successfully completed an approved course of study of 180 hours, as prescribed by the Board, after consultation with the New Jersey Department of Education, which shall include not less than 40 hours of unpaid field-based inspections in the presence of and under the direct supervision of a licensed home inspector. The inspections shall be provided by the school administering the approved course of study; or
  - 4) Has performed at least 250 home inspections as defined in N.J.A.C. 13:40-15.2 for which the client was charged a fee. The inspections shall be performed in the presence of and under the direct supervision of a New Jersey licensed home inspector who possesses a current and active license, has performed at least 500 home inspections and has at least three years of experience. The inspector must oversee and take full responsibility for the inspection and any report produced by monitoring the progress of the trainee and ensuring compliance with the home inspection training reports requirements;

- 5) Has submitted a list of the 250 inspections performed under (a)4 above, if an applicant is seeking licensure under that paragraph;
  - 6) Shall secure and maintain an errors and omissions insurance policy in the minimum amount of \$500,000 per occurrence;
  - 7) Has passed the Home Inspector Examination, administered by the Examination Board of Professional Home Inspectors (EBPHI); and
  - 8) Pay an application fee as set forth in N.J.A.C. 13:40-15.23.
- b) The Committee shall randomly audit applications to verify that applicants for licensure as a home inspector under this section performed at least 250 home inspections as required by (a)4 above. Applicants that are audited shall submit copies of home inspection reports as requested by the Committee.
- c) Pursuant to N.J.S.A. 45:1-21 and N.J.A.C. 13:40-15.20, the Committee may deny, refuse to renew, temporarily suspend or revoke a license, or issue a civil penalty, upon proof that an applicant has obtained a license through fraud, deception or misrepresentation.

**13:40-15.7 CREDIT TOWARDS LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES**

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:40-15.6, may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee shall consider, together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.
- b) The Committee shall issue a license to the applicant, if the applicant presents evidence to the Committee that:
- 1) The applicant has been honorably discharged from active military service;
  - 2) The relevant training, experience, and education the applicant received in the military, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and education required for licensure under N.J.A.C. 13:40-15.6.

- i) An applicant seeking credit for military training and experience shall submit to the Committee the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.
  
- ii) An applicant seeking credit for education courses and/or training completed while in the military that are not part of an approved course of study as described in N.J.A.C. 13:40-15.6(a)3 shall submit to the Committee a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to the course of study required for licensure under N.J.A.C. 13:40-15.6(a)3. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Committee shall consider only those education courses and/or training relevant to the practice of home inspection that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and
  
- 3) The applicant complies with all other requirements for licensure, including successful completion of the Home Inspector Examination, as set forth in N.J.A.C. 13:40-15.6(a)7.
  
- c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and experience gained in the military for review and consideration.
  
- d) If the applicant's military training, education and experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure, the Committee shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:40-15.6 for the issuance of the license.
  
- e) Satisfactory evidence of such education, training, and experience shall be assessed on a case-by-case basis.

### **13:40-15.8 INSURANCE REQUIREMENT**

- a) All licensees engaged in the profession of home inspection shall maintain an errors and omissions insurance policy in the minimum amount of \$500,000 per occurrence and file proof of the policy with the Committee.
  
- b) Every proof of an errors and omissions policy required to be filed with the Committee shall provide that cancellation or nonrenewal of the policy shall not be effective unless and until the Committee has received at least 10 days written notice of intention to cancel or nonrenewal.

- c) Both the licensee and the insurance company shall provide written notification to the Committee at least 10 days prior to the discontinuation of the errors and omissions policy.

### **13:40-15.9 IDENTIFICATION CARDS**

- a) All licensees shall, during the performance of a home inspection, carry an identification card issued by the Committee. The identification card shall contain the name, photograph, license number and signature of the person to whom the identification card has been issued.
- b) Identification cards shall not be transferable. A duplicate identification card to replace one lost or destroyed may be issued upon notice to the Committee and payment of a fee as established by rule by the Division.

### **13:40-15.10 LICENSE RENEWAL**

- a) The Committee 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 Committee, along with the renewal fee set forth in N.J.A.C. 13:40-15.22, prior to the date of license expiration.
- c) All 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 home inspecting or hold themselves out as eligible to engage in the practice of home inspecting 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. 13:40-15.23. 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 home inspecting with a suspended license shall be deemed to be engaging in the unauthorized practice of home inspecting 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.

### **13:40-15.11 CHANGE OF LICENSE STATUS: INACTIVE TO ACTIVE**

- a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:40-15.10(c) may apply to the Committee for reactivation of the inactive license. A licensee seeking reactivation of an inactive license shall submit:
- 1) A renewal application;
  - 2) A certification of employment, listing each job held during the period the license was inactive, which shall include the names, addresses, and telephone numbers of each employer;
  - 3) The renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:40-15.22 or, in the discretion of the Committee, a prorated fee, of there is less than one year remaining in the biennial renewal period; and
  - 4) Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reactivation is sought, consistent with the requirements set forth in N.J.A.C. 13:40-15.14.
    - i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of home inspecting and submits proof of having satisfied that state's continuing education requirements for that license shall be deemed to have satisfied the requirements of (a)4 above. If the other state does not have any continuing education requirements, the requirements of (a)4 above shall apply.
    - ii) To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the biennial period for which reactivation is sought, the Committee will allow applicants to take the courses within 12 months following reactivation. If the Committee concludes, in accordance with (b) below, that there are practice deficiencies in need of remediation, (b) shall apply.
- b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Committee may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reactivation of the license. If that examination or assessment identifies deficiencies or

educational needs, the Committee may require the applicant, as a condition of reactivation of licensure, to take and successfully complete any education or training or to submit any supervision, monitoring, or limitations as the Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive issues:

- 1) Length of time license was inactive;
- 2) Employment history;
- 3) Professional history;
- 4) Disciplinary history and any action taken against the applicant's license by any licensing body;
- 5) Actions affecting the applicant's privileges taken by institution, organization, or employer related to the practice of home inspecting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
- 6) Pending proceedings against a professional or occupational license issued to the licensee by a professional licensing body in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
- 7) Civil litigation related to the practice of home inspecting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

### **13:40-15.12 REINSTATEMENT OF SUSPENDED LICENSE**

- a) A licensee who has had his or her license suspended pursuant to N.J.A.C. 13:40-15.10(e) may apply to the Committee for reinstatement. A licensee applying for reinstatement shall submit:
  - 1) A reinstatement application;
  - 2) A certification of employment listing each job held during the period of suspended license, which includes the names, addresses, and telephone numbers of each employer;

- 3) The renewal fee for the biennial period for which reinstatement is sought;
- 4) The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;
- 5) The reinstatement fee set forth in N.J.A.C. 13:40-15.22; and
- 6) Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:40-15.14.
  - i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of home inspecting and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of (a)6 above. If the other state does not have any continuing education requirements, the requirements of (a)6 above shall apply.
  - ii) To the extent that specific courses are required to satisfy the continuing education requirements for, or are required to have been satisfied prior to, the biennial period for which reinstatement is sought, the Committee will allow applicants to take the courses within 12 months following reinstatement. If the Committee concludes, in accordance with (b) below, that there are deficiencies in need of remediation, (b) below shall apply.
- b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Committee may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee may require the applicant, as a condition of reinstatement of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations, as the Committee determines is necessary, to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive issues:
  - 1) Length of time license was suspended;

- 2) Employment history;
- 3) Professional history;
- 4) Disciplinary history and any action taken against the applicant's license by any licensing body;
- 5) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of home inspecting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
- 6) Pending proceedings against a professional or occupational license issued to the licensee by a professional licensing body in New Jersey, any other state, District of Columbia, or in any other jurisdiction; and
- 7) Civil litigation related to the practice of home inspecting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

#### **13:40-15.13 CHANGE OF ADDRESS PROVISION; SERVICE OF PROCESS**

- a) A licensee shall notify the Committee in writing of any change of address from that registered with the Committee and shown on the most recently issued certificate. Such notice shall be sent to the Committee by e-mail, facsimile, certified mail, return receipt requested, not later than 30 days following the change of address. Failure to notify the Committee of any change of address may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).
- b) Service of an administrative complaint or other Committee-initiated action at a licensee's address which is on file with the Committee shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.
- c) A licensee shall, within 30 days of receiving notice of disciplinary action taken against the licensee in any state, territory or jurisdiction, report to the Committee in writing of such notification and provide a copy of the notification and the underlying documentation of the disciplinary action.

#### **13:40-15.14 CONTINUING EDUCATION REQUIREMENTS**

- a) Pursuant to N.J.S.A. 45:8-78, a licensee shall complete 40 continuing education units each biennial licensure renewal period, consistent with the following:

- 1) Four units shall be on report writing and four units shall be on ethics and the rules governing the practice of home inspection in New Jersey. These eight units shall be taken in-person through a Committee-approved continuing education program or course.
- b) A person receiving initial licensure as a home inspector shall complete continuing education requirements prorated as follows:
- 1) Any person receiving initial licensure as a home inspector in the first year of a biennial licensure renewal period shall complete a minimum of 40 continuing education units before the end of that biennial renewal period consistent with the requirements of (a) above;
  - 2) Any person receiving initial licensure as a home inspector in the second year of a biennial licensure renewal period shall complete a minimum of 20 continuing education units before the end of that biennial licensure renewal period, four units of which shall be on report writing and four units of which shall be on ethics and the rules governing the practice of home inspection. These eight units of required continuing education must be taken in-person through a Committee-approved continuing education program or course.
  - 3) Any person receiving initial licensure as a home inspector within 90 days of the next biennial licensure renewal period shall not be required to fulfill the continuing education requirements of the current renewal period.
- c) A licensee who completes more than the 40 minimum continuing education units during a biennial licensure renewal period may carry over no more than 10 of the additional units into the succeeding biennial period, but only if the units were earned in the last six months of the preceding biennial period.
- d) Any continuing education units completed by the licensee in compliance with an order or directive from the Committee as set forth in (k) below may not be used to satisfy the minimum continuing education requirements as set forth in this section.
- e) A licensee may obtain continuing education units from the following:
- 1) Successful completion of continuing education courses or programs approved by the Committee pursuant to (i) below. The Committee shall maintain a list of all approved programs, courses, and lecturers at the Board office and shall furnish this information to licensees upon request;
  - 2) Developing curriculum for an approved program or course and/or teaching an approved program or course, provided the program or course is directly related to the practice of home inspection in the State of New Jersey;

- 3) Authorship of a textbook or manual directly related to the practice of home inspection in the State of New Jersey, provided the textbook or manual, as published, is at least 7,500 words in length;
  - 4) Authorship of a published article related to the practice of home inspection in the State of New Jersey, provided the article, as published, is at least 250 words in length; and
  - 5) Direct supervision of trainees during home inspection used for training purposes. To qualify for continuing education credit, a home inspector affiliated with a New Jersey Department-approved course shall conduct a home inspection used for training purposes. The inspection shall require at least one hour to complete and shall not be attended by more than one trainee.
- f) Credit for continuing education shall be granted as follows for each biennial licensure renewal period:
- 1) In-person attendance at continuing education programs approved by the Committee: one unit for each hour of attendance at an approved course. Credit shall not be granted for courses that are less than one instructional hour long. Completion of an entire course or segment of course instruction shall be required in order to receive any continuing education units.
  - 2) In-person attendance at a course approved by the Committee: one unit for each hour of attendance at an approved course. Credit shall not be granted for courses that are less than one instructional hour long. Completion of an entire course or segment of course instruction is required in order to receive any continuing education units.
  - 3) Successful completion of correspondence, Internet, or other distance learning courses approved by the Committee: one continuing education unit per hour of course instruction as determined by the Committee to a maximum of 32 units per biennial renewal period;
  - 4) Development of curriculum pursuant to (e)2 above: one continuing credit unit per hour of program or course instruction to a maximum of 16 units per biennial renewal period;
  - 5) Authorship of a textbook or manual directly related to the practice of home inspection in the State of New Jersey, provided the textbook or manual, as published, is at least 7,500 words in length;
  - 6) Authorship of a published article related to the practice of home inspection in the State of New Jersey, provided the article, as published, is at least 250 words in length; and

- 7) Direct supervision of trainees during training home inspections pursuant to (c)5 above; one continuing education unit per home inspection used for training purposes to a maximum of 16 units per biennial renewal period.
  
- g) The Committee shall perform audits of randomly selected licensees to determine compliance with continuing education requirements. A licensee shall maintain the following documentation for a period of five years after completion of the continuing education units and shall submit such documentation to the Committee upon request:
  - 1) Certificate of completion from sponsor for attendance at courses or programs approved by the Committee;
  - 2) The published item for publication of manual, textbook, or article;
  - 3) Documentation, including copy of curriculum; location, date, and time of course; duration of course by hour; and letter from sponsor, confirming that the licensee developed or taught the course or program, including those for realtors and/or civic groups; and
  - 4) Documentation, including the location, date, and time; duration; a list of participants; and copies of all completed home inspection training reports for each training home inspection directly supervised by the licensee.
  
- h) Waiver, extension or other modifications of the continuing education requirements may be granted as follows:
  - 1) The Committee, upon receipt of a request for waiver, extension or other modification received at least 90 days prior to license renewal, may waive or extend, or otherwise modify the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service; and
  - 2) A licensee seeking a waiver, extension, or other modification of the continuing education requirements shall apply to the Committee in writing, which must be received at least 90 days prior to license renewal and set forth in specific detail the reasons for the request. The licensee shall provide the Committee with such supplemental materials as will support the request.
  
- i) All sponsors of continuing education courses or program shall:
  - 1) Obtain Committee approval prior to representing that any course, seminar, or program fulfills the requirements of this section;

- 2) Submit for evaluation by the Committee, the following for each course, seminar, or program offered:
  - i) A detailed description of course content and estimated hours of instruction; and
  - ii) The curriculum vitae of each lecturer, including specific background that qualifies the individual as a lecturer of repute in the area of instruction;
- 3) Monitor the attendance at each approved course, seminar, or program and furnish to each enrollee a verification of attendance, which shall include at least the following information:
  - i) The title, date and location of course, seminar, or program offering;
  - ii) The name and license number of each attendee;
  - iii) The number of hours attended; and
  - iv) The name and signature of the officer or responsible party;
- 4) Solicit course, seminar, or program evaluation from both the participants and the instructors; and
- 5) Submit a fee pursuant to N.J.A.C. 13:40-15.22 for each biennial period during which a course(s), seminar(s), or program(s) is offered.
- j) The Committee shall approve only such continuing education courses and programs as are available and advertised on a reasonable nondiscriminatory basis to all persons practicing home inspecting in the State and are directly related to the practice of home inspection in the State of New Jersey.
- k) The Committee may direct or order a licensee to complete continuing education units:
  - 1) As part of a disciplinary or remedial measure; or
  - 2) To correct a deficiency in the licensee's continuing education requirements.

### **13:40-15.15 PRE-INSPECTION AGREEMENTS**

- a) A home inspector shall send a pre-inspection agreement to a client or client's representative, by mail, facsimile, email or other means of delivery, no later than one business day after the

appointment for the home inspection is made. The pre-inspection agreement shall be executed prior to the start of the home inspection. The pre-inspection agreement shall contain, at a minimum, the following information:

- 1) The price of the home inspection;
  - 2) A description of the systems and components which will be inspected as part of the home inspection as required pursuant to N.J.A.C. 13:40-15.16;
  - 3) A description of that which is not required as part of the home inspection pursuant to this subchapter;
  - 4) The full name and address of the client;
  - 5) The address of the home to be inspected;
  - 6) The date and time of the home inspection;
  - 7) A statement that home inspectors are governed by the rules in the New Jersey Administrative Code contained at N.J.A.C. 13:40-15 and that the licensee shall comply with these rules and failure to comply with the rules may subject the licensee to discipline; and
  - 8) A description of any additional inspection service(s), as defined in N.J.A.C. 13:40-15.2, for which the client is charged an additional fee(s) which are not part of the home inspection but may be performed pursuant to this subchapter.
- b) The pre-inspection agreement shall indicate whether any systems or components are excluded from the home inspection at the request of the client.
- c) The pre-inspection agreement shall indicate whether the licensee will return at a later date to inspect any systems or components that are not inspected because of unforeseen circumstances or weather conditions at the initial home inspection and whether any additional fee will be charged for such subsequent inspection, and the amount of such fee, if any.
- d) A pre-inspection agreement shall be retained for a period of five years once the agreement has been finalized by the licensee and client and/or client representative.

**13:40-15.16 STANDARDS OF PRACTICE**

- a) All licensees shall comply with the standards of practice contained in this section when conducting home inspections. The scope of home inspection services performed in compliance with the standards set forth in this section shall provide the client with objective information regarding the condition of the systems and components of the home as determined at the time of the home inspection.
- b) Nothing in this section shall be construed to require a licensee to:
- 1) Enter any area or perform any procedure that is, in the opinion of the licensee, unsafe and likely to be dangerous to the inspector or other persons;
  - 2) Enter any area or perform any procedure that will, in the opinion of the licensee, likely damage the property or its systems or components;
  - 3) Enter any area which does not have at least 24 inches of unobstructed vertical clearance and at least 30 inches of unobstructed horizontal clearance;
  - 4) Identify concealed conditions and latent defects;
  - 5) Determine life expectancy of any system or component;
  - 6) Determine the cause of any condition or deficiency;
  - 7) Determine future conditions that may occur including the failure of systems and components including consequential damage;
  - 8) Determine the operating costs of systems or components;
  - 9) Determine the suitability of the property for any specialized use;
  - 10) Determine compliance with codes, regulations and/ or ordinances;
  - 11) Determine market value of the property or its marketability;
  - 12) Determine advisability of purchase of the property;

- 13) Determine the presence of any potentially hazardous plants, animals or diseases or the presence of any suspected hazardous substances or adverse conditions such as mold, fungus, toxins, carcinogens, noise, and contaminants in soil, water, and air;
  - 14) Identify the presence of, or determine the effectiveness of any system installed or method utilized to control or remove suspected hazardous substances;
  - 15) Operate any system or component which is shut down or otherwise inoperable;
  - 16) Operate any system or component which does not respond to normal operating controls;
  - 17) Operate shut-off valves;
  - 18) Determine whether water supply and waste disposal systems are public or private;
  - 19) Insert any tool, probe or testing device inside electrical panels;
  - 20) Dismantle any electrical device or control other than to remove the covers of main and sub panels;
  - 21) Inspect, identify, or disclose ancillary electrical devices and/or systems, such as, but not limited to, Arc Fault Circuit Interrupters (AFCIs), standby generators, and photovoltaic (solar) panels;
  - 22) Walk on unfloored sections of attics; and
  - 23) Light pilot flames or ignite or extinguish fires.
- c) Licensees shall:
- 1) Inspect the following systems and components in residential buildings and other related residential housing components:
    - i) Structural components as required by (e) below;
    - ii) Exterior components as required by (f) below;
    - iii) Roofing system components as required by (g) below;

- iv) Plumbing system components as required by (h) below;
  - v) Electrical system components as required by (i) below;
  - vi) Heating system components as required by (j) below;
  - vii) Cooling system components as required by (k) below;
  - viii) Interior components as required by (l) below;
  - ix) Insulation components and ventilation system as required by (m) below; and
  - x) Fireplaces and solid fuel burning appliances as required by (n) below;
- 2) Prepare a home inspection report, which shall:
- i) Disclose those systems and components as set forth in (c)1 above which were present at the time of inspection;
  - ii) Disclose systems and components as set forth in (c)1 above that were present at the time of the home inspection but were not inspected, and the reason(s) they were not inspected:
    - (1) If a system and/or component was present at the time of inspection, but not inspected at the request of the client or because the system or component could not be observed, the report must note this.
  - iii) Describe the systems and components specified in (c)1 above;
  - iv) State material defects found in systems or components specified in (c)1 above;
  - v) State the significance of findings where any material defects in the systems and components of (c)1 above were found; and
  - vi) Provide recommendations where material defects were found to repair, replace or monitor a system or component specified in (c)1 above or to obtain examination and analysis by a qualified professional, tradesman, or service technician without determining the methods, materials or cost of corrections; and

- 3) Retain copies of all home inspection reports prepared pursuant to (c)2 above, for a period of five years upon completion of the report;
- d) Subsection (c) above is not intended to limit licensees from:
- 1) Inspecting or reporting observations and conditions observed in systems and components in addition to those required in (c)1 above and inspecting systems and components other than those mandated for inspection in (c)1 above as long as the inspection and reporting is based on the licensee's professional opinion, prior work experience, education and training, unless these standards of practice prohibit the licensee from inspecting such systems or component;
  - 2) Contracting with the client to provide, for an additional fee additional inspection services provided the licensee is educated, trained, certified, registered or licensed, pursuant to the provisions of N.J.A.C. 13:40-15.21 and other applicable statutes and rules; and
  - 3) Excluding systems and components from the inspection pursuant to N.J.A.C. 13:40-15.15(b) and (c)2ii above.
- e) When conducting the inspection of the structural components, the licensee shall:
- 1) Inspect:
    - i) Foundation;
    - ii) Floors;
    - iii) Walls;
    - iv) Ceilings; and
    - v) Roof;
  - 2) Describe:
    - i) Foundation construction type and material;
    - ii) Floor construction type and material;

- iii) Wall construction type and material;
  - iv) Ceiling construction type and material; and
  - v) Roof construction type and material;
- 3) Probe structural components where deterioration is suspected unless such probing would damage any finished surface; and
- 4) Describe in the home inspection report the methods used to inspect under-floor crawl spaces and attics.
- f) When conducting the inspection of the exterior components, a licensee shall:
- 1) Inspect:
    - i) Exterior surfaces, excluding shutters, and screening, awnings, and other similar seasonal accessories;
    - ii) Exterior doors excluding storm doors or safety glazing;
    - iii) Windows excluding storm windows and safety glazing;
    - iv) Attached or adjacent decks, balconies, stoops, steps, porches, and their railings;
    - v) Vegetation, grading, drainage, and retaining walls with respect to their immediate detrimental effect on the condition of the residential building, excluding fences, geological and/or soil conditions, sea walls, break-walls, bulkheads and docks, or erosion control and earth stabilization;
    - vi) Attached or adjacent walkways, patios, and driveways; and
    - vii) Garage doors including automatic door openers and entrapment protection mechanisms, excluding remote control devices; and
  - 2) Describe exterior wall surface type and material.
- g) When inspecting the roof of a residential building, the licensee shall:

- 1) Inspect:
  - i) Roofing surface, excluding antennae and other installed accessories such as solar heating systems, lightning arresters, and satellite dishes;
  - ii) Roof Drainage systems;
  - iii) Flashing;
  - iv) Skylights; and
  - v) Exterior of chimneys;
- 2) Describe:
  - i) Roof surface;
  - ii) Deficiencies of the roof drainage systems;
  - iii) Deficiencies in flashing;
  - iv) Skylights; and
  - v) Chimneys;
- 3) Employ reasonable, practicable and safe methods to inspect the roof such as:
  - i) Walking on the roof;
  - ii) Observation from a ladder at roof level;
  - iii) Visual examination with binoculars from ground level; or
  - iv) Through the use of a drone or similar unmanned aircraft systems (consistent with applicable State or Federal laws, rules, and regulations on licensure or certification requirements for the commercial use of drones or similar unmanned aircraft systems); and

- 4) Describe the methods used to inspect the roof.
- h) When inspecting the plumbing system, a licensee shall:
- 1) Inspect:
    - i) Interior water supply and distribution systems including functional water flow and functional drainage, excluding wells, well pumps, well water sampling or water storage related equipment, determination of water supply quantity or quality and water conditioning systems and lawn irrigation systems;
    - ii) All interior fixtures and faucets, excluding shut off valves, wells, well pumps, well water sampling and water storage related equipment;
    - iii) Drain, waste and vent systems;
    - iv) Domestic water heating systems, without operating safety valves or automatic safety controls, and excluding solar water heating systems;
    - v) Combustion vent systems excluding interiors of flues and chimneys;
    - vi) Fuel distribution systems; and
    - vii) Drainage sumps, sump pumps and related piping; and
  - 2) Describe:
    - i) Predominant interior water supply and distribution piping materials, including the presence of lead water service and/or supply piping;
    - ii) Predominant drain, waste and vent piping materials; and
    - iii) Water heating equipment including energy sources.
- i) When inspecting the electrical system, a licensee shall:
- 1) Inspect:

- i) Service entrance system;
  - ii) Main disconnects, main panel and sub panels, including interior components of main panel and sub panels;
  - iii) Service grounding;
  - iv) Wiring, without measuring amperage, voltage or impedance, excluding any wiring not a part of the primary electrical power distribution system, such as central vacuum systems, remote control devices, telephone or cable system wiring, intercom systems, security systems and low voltage wiring systems;
  - v) Over-current protection devices and the compatibility of their ampacity with that of the connected wiring;
  - vi) At least one of each interior installed lighting fixture, switch, and receptacle per room and at least one exterior installed lighting fixture, switch, and receptacle per side of house; and
  - vii) Ground fault circuit interrupters; and
- 2) Describe:
- i) Amperage and voltage rating of the service;
  - ii) Location of main disconnect, main panels, and sub-panels;
  - iii) Type of over-current protection devices;
  - iv) Predominant type of wiring;
  - v) Presence of knob and tube branch circuit wiring; and
  - vi) Presence of solid conductor aluminum branch circuit wiring.
- j) When inspecting the heating system, a licensee shall:
- 1) Inspect:

- i) Installed heating equipment and energy sources, without determining heat supply adequacy or distribution balance, and without operating automatic safety controls or operating heat pumps when weather conditions or other circumstances may cause damage to the pumps, and excluding humidifiers, electronic air filters and solar heating systems;
  - ii) Combustion vent systems and chimneys, excluding interiors of flues or chimneys;
  - iii) Fuel storage tanks, excluding propane and underground storage tanks; and
  - iv) Visible and accessible portions of the heat exchanger; and
- 2) Describe:
- i) Heating equipment and distribution type; and
  - ii) Energy sources.
- k) When inspecting the cooling system, a licensee shall:
- 1) Inspect:
- i) Central cooling system, excluding electronic air filters and excluding determination of cooling supply adequacy or distribution balance and without operating central cooling equipment when weather conditions or other circumstances may cause damage to the cooling equipment;
  - ii) Permanently installed hard-wired, through-wall individual cooling systems; and
  - iii) Energy sources; and
- 2) Describe:
- i) Cooling equipment and distribution type; and
  - ii) Energy sources.
- l) When inspecting the interior of a residential building, a licensee shall:

- 1) Inspect:
  - i) Walls, ceilings, and floors excluding paint, wallpaper and other finish treatments, carpeting and other non-permanent floor coverings;
  - ii) Steps, stairways, and railings;
  - iii) Installed kitchen wall cabinets to determine if secure;
  - iv) At least one interior passage door and operate one window per room excluding window treatments; and
  - v) Household appliances limited to:
    - (1) The kitchen range and oven to determine operation of burners or heating elements excluding microwave ovens and the operation of self-cleaning cycles and appliance timers and thermostats;
    - (2) Dishwasher to determine water supply and drainage; and
    - (3) Garbage disposer.
- m) When inspecting the insulation components and ventilation system of a residential building, the licensee shall:
  - 1) Inspect:
    - i) Insulation in unfinished spaces without disturbing insulation;
    - ii) Ventilation of attics and crawlspaces; and
    - iii) Mechanical ventilation systems; and
  - 2) Describe:
    - i) Insulation in unfinished spaces adjacent to heated areas; and
    - ii) Evidence of inadequate attic and crawlspace ventilation.

- n) When inspecting fireplaces and solid fuel burning appliances, a licensee shall:
- 1) Inspect:
    - i) Fireplaces and solid fuel burning appliances, without testing draft characteristics, excluding fire screens and doors, seals and gaskets, automatic fuel feed devices, mantles and non-structural fireplace surrounds, combustion make-up air devices, or gravity fed and fan assisted heat distribution systems; and
    - ii) Chimneys and combustion vents excluding interiors of flues and chimneys; and
  - 2) Describe:
    - i) Type of fireplaces and/or solid fuel burning appliances;
    - ii) Energy source; and
    - iii) Visible evidence of improper draft characteristics.

### **13:40-15.17 MANDATORY TOOLS AND EQUIPMENT**

- a) All licensees shall, during the performance of a home inspection, be equipped with the following minimum tools and equipment:
- 1) A ladder, minimum 11 feet in length;
  - 2) A flashlight or other equivalent light source;
  - 3) A flame inspection mirror;
  - 4) An electrical outlet tester with Ground Fault Circuit Interrupter (GFCI) test ability;
  - 5) Tools necessary to remove common fasteners on covers or panels which are required to be removed pursuant to this subchapter.
  - 6) A measuring tape;
  - 7) A probe;

- 8) Thermometers for testing air conditioning;
  - 9) Binoculars or equivalent magnification device;
  - 10) A moisture meter;
  - 11) Combustible gas leak detection equipment; and
  - 12) A voltage detector.
- b) This section is not intended to establish an exclusive list of tools and equipment to be used during the performance of a home inspection. Licensees may utilize any other tools or equipment that in his or her professional judgment, he or she believes is necessary to adequately perform a home inspection.

### **13:40-15.18 ADVERTISING; IDENTIFICATION OF LICENSEE**

- a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

"Advertisement" or "advertising" means an attempt, either directly or indirectly, by publication, dissemination, solicitation, endorsement or circulation in print or electronic media to induce a person to enter into an agreement to accept home inspection services.

"Electronic media" includes, but is not limited to, radio, television, telephone, facsimile machine, computer, and the Internet.

"Print media" means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, fliers or other publications, the content of which is disseminated by means of the printed word.

- b) All radio and television advertising by a licensee shall include the name and license number of the licensee.
- c) All advertising by a licensee, other than the advertising referred to in (b) above, shall include:
- 1) The name of the licensee;
  - 2) The words "Home Inspector License Number" or "Home Inspector Lic. #," followed by the license number of the licensee, which may be either the entire "GI" number (for example,

24GI000xxx00 or 24GI00XXXX00) or "GI" followed by the licensee's three- or four-digit license number (for example, Glxxx or Glxxxx); and

- 3) The business address of the licensee, including the street name and number. Post office box numbers shall not be used as a form of business address.
- d) All advertising records shall be retained for a period of one year from the date of the advertisement.
- e) A licensee whose name, business address, or license number appears or is mentioned in any advertisement shall be presumed to have caused, permitted or approved the advertising and shall be personally responsible for its content.
- f) All commercial vehicles used by a licensee shall be marked on both sides with the following information:
  - 1) The name of the licensee in lettering at least one inch in height;
  - 2) The words "Home Inspector License Number" or "Home Inspector Lic. #," followed by the license number of the licensee, which may be either the entire "GI" number (for example, 24GI000xxx00 or 24GI00XXXX00) or "GI" followed by the licensee's three- or four-digit license number (for example, Glxxx or Glxxxx) in lettering at least one inch in height; and
  - 3) The name of the owner or the lessee of the vehicle and the municipality from which the licensee practices or where the licensee has a principal office in lettering at least three inches in height.
    - i) Where available space for lettering is limited, either by design of the vehicle or by the presence of other legally specified identification markings, making strict compliance with (f)3 above impractical, the size of the lettering shall be as close to three inches high as is possible within the limited space, provided the information required is clearly visible and readily identifiable.
- g) All business correspondence and stationery, such as letterhead, business cards, pre-inspection agreements and home inspection reports, of a licensee shall display:
  - 1) The name of the licensee;
  - 2) The words "Home Inspector License Number" or "Home Inspector Lic. #," followed by the license number of the licensee, which may be either the entire "GI" number (for example,

24GI000xxx00 or 24GI00XXXX00) or "GI" followed by the licensee's three- or four-digit license number (for example, GIxxx or GIxxxx); and

- 3) The business address of the licensee, including the street name and number, of the home inspector. Post office box numbers shall not be used as a form of business address.

### **13:40-15.19 PROHIBITED PRACTICES**

a) It is a prohibited practice for a licensee to do any of the following:

- 1) Perform or offer to perform, for an additional fee, any repairs, renovations, additions or alterations to a structure on which the licensee or the licensee's company, has prepared a home inspection report;
- 2) Inspect for a fee any property in which the licensee, or the licensee's company, has any financial interest or any interest in the transfer of the property;
- 3) Offer or deliver any compensation, inducement, or reward to the owner of the inspected property, the broker, the agent or the client's representative, for the referral of any business to the licensee or the licensee's company;
- 4) Offer or deliver any compensation, inducement, or reward to the client, the broker, the agent or the client's representative or homeowner, on behalf of a person or business entity;
- 5) Accept an engagement to perform an inspection or prepare a home inspection report in which the employment itself or the fee payable for the inspection is contingent upon the conclusions of the report, preestablished findings, or the close of title;
- 6) Provide a copy of the home inspection report or disclose any information concerning the results of the inspection, including confidential client contact information, without the written approval of the client or the client's representative except when the licensee discovers a health or safety condition that would not be readily detectable by the occupant or homeowner and which poses an imminent risk of injury;
- 7) Accept compensation, financial or otherwise, from more than one interested party for the same home inspection;
- 8) Accept or offer commissions or allowances, directly or indirectly, from other parties dealing with the client in connection with work for which the licensee is responsible;

- 9) Accept commissions from any other trade or profession for information concerning the condition of the property which is the subject of the home inspection;
- 10) Fail to promptly disclose to the client information about any business interest of the licensee which may affect the client in connection with the home inspection;
- 11) Allow an interest the licensee may have in any business to affect the quality of a home inspection;
- 12) Use a home inspection as a means to obtain work in another field which is not an additional inspection service as defined by N.J.A.C. 13:40-15.2;
- 13) Engage in the use of advertising which contains any statement, claim or format which is false, fraudulent, misleading or deceptive;
- 14) Engage in advertising which promotes a professional service which is beyond the licensee's ability or authority to perform;
- 15) Perform or represent that a licensee can perform a professional service which is beyond the licensee's ability or authority to perform;
- 16) Perform, or offer to perform engineering or architectural services unless appropriately qualified pursuant to N.J.S.A. 45:3-1 et seq., N.J.S.A. 45:8-27 et seq., and other applicable laws and rules;
- 17) Fail to inspect the systems and components required by the standards of practice as set forth in N.J.A.C. 13:40-15.16 without a documented reason from the licensee explaining the exclusion of a system and/or component from an inspection;
- 18) Employ any person as a home inspector who is not licensed as a home inspector;
- 19) Practice as a home inspector without a license, with a suspended license or during inactive status;
- 20) Perform any act or omission involving dishonesty, fraud, or misrepresentation with the intent to benefit a licensee or other person or with the intent to substantially injure another person;
- 21) Perform any act or omission involving dishonesty, fraud, or misrepresentation in the performance of a home inspection or preparation of a home inspection report;

- 22) Pay finder's fee or referral fee to any person in connection with a home inspection; or
  - 23) Fail or refuse, without good cause, to exercise diligence in preparing a home inspection report, delivering a report to the client, or responding to an inquiry from the client.
- b) Engaging in any of the prohibited practices delineated in (a) above shall be considered professional or occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) and may subject the licensee to the disciplinary provisions of N.J.A.C. 13:40-15.20.

### **13:40-15.20 REQUIREMENTS FOR LICENSURE AS A HOME INSPECTOR BY COMITY**

- a) Upon receipt of a completed application and application fee, the Committee shall issue a license to any person who documents that the person holds a valid, current corresponding license in good standing by another state; if:
- 1) The Committee determines the state that issued the license has, or had at the time of issuance, education, training, and examination requirements for licensure substantially equivalent to the then-current Committee standards;
    - i) "Substantially equivalent" examination need not be identical to the current examination requirements for home inspectors licensed in New Jersey, but such examination shall be nationally recognized and of comparable scope and rigor to the National Home Inspector Examination, administered by the Examination Board of Professional Home Inspectors (EBPHI), as required for initial licensure pursuant to N.J.A.C. 13:40-15.6 (a)7.
    - ii) An applicant's experience may be considered by the Committee to compensate for disparity in substantial equivalence in education and examination requirements;
  - 2) The applicant practiced as a home inspector or the equivalent in another state within five years prior to the date of the application; and
  - 3) The requirements of (b) below have been satisfied.
- b) Prior to issuing a license, the Committee shall have received, or obtained, the following:
- 1) Documentation, reasonably satisfactory to the Committee, demonstrating the applicant's license from each state in which the applicant is licensed is in good standing.
    - i) "Good standing" means the following:

- (1) No action has been taken against the applicant's license by any licensing board;
  - (2) No action adversely affecting the applicant's privileges to practice as a home inspector has been taken by any out-of-State institution, organization, or employer;
  - (3) No disciplinary proceeding is pending that could affect the applicant's privileges to practice home inspection;
  - (4) All fines levied by any out-of-State board have been paid; and
  - (5) There is no pending or final action by any criminal authority for violation of law, rule or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, this State, or any other state, including, but not limited to: criminal homicide; aggravated assault; sexual assault, criminal sexual contact, or lewdness; or an offense involving any controlled dangerous substance or controlled dangerous substance analog; and
- 2) Designation of an agent in New Jersey for service of process if the applicant does not reside nor have an office in this State.
- c) If the education and examination requirements in the state in which the applicant is licensed are not substantially equivalent to the Committee's current standards as required in (a) above, the Committee will consider an applicant's individual experience to compensate for such disparity. In making a determination whether an applicant's experience would compensate for such disparity in substantial equivalence in education or examination, the Committee shall consider the following:
- 1) Length of experience;
  - 2) Whether the experience was supervised by another individual;
  - 3) The applicant's home inspection history;
  - 4) The applicant's employment history; and
  - 5) The applicant's education.
- d) An applicant shall satisfy, or shall have satisfied, all applicable prerequisites required for initial licensure in this State.

e) Not later than six months after the issuance of a license, an applicant shall provide the Committee with evidence, reasonably satisfactory to the Committee, verifying an applicant's education, training and examination results.

f) The Committee, after the licensee has been given notice and an opportunity to be heard, may revoke any license based on a license issued by another state obtained through fraud, deception, or misrepresentation.

g) The Committee may grant a license to an applicant seeking reciprocity who holds a license from another state who does not meet the good standing requirement of (h) below due to a pending action by a licensing board; a pending action by an out-of-State institution, organizer, or employer affecting the applicant's privileges to practice; a pending disciplinary proceeding; or a pending criminal charge or arrest for a crime, provided the alleged conduct of the applicant that is subject of the action, proceeding, charge or arrest, assuming it is true, does not demonstrate a serious inability to practice home inspection; adversely affect public health, safety, and welfare; or result in economic or physical harm to a person or create a significant threat of such harm.

### **13:40-15.21 ADDITIONAL INSPECTION SERVICES**

- a) A licensee may perform inspection services in addition to those set forth in N.J.A.C. 13:40-15.16 if the licensee has the requisite experience, education, training, and/or required license or certification. Such additional services include, but are not limited to, the following:
- (1) Determining the presence of wood-destroying insects;
  - (2) Determining the presence of rodents, pests, and/or insects (other than wood-destroying insects);
  - (3) Determining the presence of asbestos;
  - (4) Determining the presence of lead paint;
  - (5) Determining the presence of radon;
  - (6) Determining the presence of hazardous waste;
  - (7) Inspecting wells, well pumps, water-storage related equipment, or sampling well water;

(8) Inspecting private waste water disposal systems including on-site individual waste disposal systems, septic systems, and/or cesspools;

(9) Inspecting installed or free-standing warning devices, including carbon monoxide detectors, flue gas, and other spillage detectors; and

(10) Inspecting fire alarm systems, smoke detection systems, burglar alarms, and security equipment.

**13:40-15.22 FEE SCHEDULE**

a) The Committee shall charge the following fees:

1) Application fee:

i) Home inspector ..... \$125.00

2) Initial license fee:

i) Home inspector ..... 500.00

ii) Issued during the second year of a biennial renewal period ..... 250.00

3) Renewal license fee

i) Home inspector ..... 500.00

ii) Inactive status..... (to be established by rule by the Director)

4) Late renewal fee ..... 50.00

5) Reinstatement fee..... 125.00

6) Duplicate certificate fee ..... 20.00

7) Duplicate placard fee ..... 20.00

8) Duplicate identification card fee ..... 20.00

9) Continuing education program sponsor review fee ..... 100.00

