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RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
TITLE BLOCKS AND SEALS; PREPARATION OF LAND SURVEYS; CONTINUING COMPETENCY

Adopted Amendments: N.J.A.C. 13:40-1.1, 1.2, 1.3, 5.1, 11.3 and 11.8

Proposed: September 17, 2001 at 33 N.J.R. 3241(a) (see also 34 N.J.R. 1768(a)).

Adopted: May 2, 2002 by the New Jersey State Board of Professional Engineers and Land Surveyors, James Kelly, President.

Filed: September 6, 2002 as R.2002 d.322, without change but with a portion of the proposed amendment to N.J.A.C. 13:40-5.1(d) not adopted at this time.

Authority: N.J.S.A. 45:8-27 et seq., specifically N.J.S.A. 45:8-29 and 45:1-15.1.

Effective Date: October 7, 2002.

Expiration Date: August 1, 2005.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments are subject to State statutory requirements and there are no Federal standards or requirements applicable to the adopted amendments.

Full text of the adoption follows:

<< NJ ADC 13:40-1.1 >>

13:40-1.1 Sealing documents

(a) All sealing of documents shall be done with an impression type-seal. Alternatives such as digital seals or rubber stamp facsimiles of the seal shall not be permitted.

(b)-(f) (No change.)

<< NJ ADC 13:40-1.2 >>

13:40-1.2 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)-(d) (No change.)

(e) No person shall remove a title block from any manually drafted or digital drawing, or from any print or reproduction for any reason.

<< NJ ADC 13:40-1.3 >>

13:40-1.3 Title block contents

(a) The title block shall contain:

1.-4. (No change.)

5. The manually handwritten signature of the person(s) in responsible charge and the date when signed; and

6. If applicable, the certificate of authorization number as required by N.J.S.A. 45:8-56.

(b)-(c) (No change.)

<< **NJ ADC 13:40-5.1** >>

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

(a)-(c) (No change.)

(d) Appropriate corner markers, such as stakes, iron pipes, cut crosses, monuments, and such other markers as may be authorized by (d)2 below, shall be set either by the licensed land surveyor or under the supervision of the licensed 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 is obtained and retained for a period of six years by the surveyor performing the survey. A waiver obtained from a purchaser pursuant to this subsection shall be in the following format, or its substantial equivalent:+>>

WAIVER AND DIRECTION NOT TO SET CORNER MARKERS

TO: _____
(Name, address and telephone number of Land Surveyor)

FROM: _____
(Name, address and telephone number of Purchaser)

RE: _____

Property (Lot & Block number, municipality or other identifier) << +This is to advise that I/we have been made aware of my/our right to have corner markers set as part of a survey to be performed on property which is to be purchased by me/us. That right is hereby waived and you are directed to perform the land survey without the setting of corner markers as provided by the regulation of the New Jersey Board of Professional Engineers and Land Surveyors.+>>

Purchaser(s)

Dated: _____

<< +For the purpose of this section "ultimate user" shall mean in the case of a transfer of title, the purchaser. In all instances other than the transfer of title, "ultimate user" shall mean the owner of the property. When a waiver is obtained to omit corner markers, a specific notation stating that such omissions have been made by direction of the ultimate user shall be clearly displayed in the plat or plan of survey by the following notation or its equivalent:+>>

<< +Waiver of setting corner markers obtained from the ultimate user pursuant to the Board of Professional Engineers and Land Surveyors regulation, N.J.A.C. 13:40-5.1(d).+>>

<< +This notation must relate specifically to that plat or plan of survey and may not be included as a preprinted title block, standard form, or other reproducible medium.+>>

1. (No change.)

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.-ix. (No change.)

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 name of the surveyor or firm responsible for setting the corner.

5.-6. (No change in text.)

7. Monuments required to be set pursuant to the "Map Filing Law" at N.J.S.A. 46:23-9.10 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 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) (No change.)

(f) The items which must always be shown are:

1.-5. (No change.)

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.-10. (No change.)

(g) Notwithstanding any other provisions of these rules to the contrary, the following items may be omitted where contractual agreements with the client so provide:

1. (No change.)

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.-5. (No change.)

(h)-(l) (No change.)

(m) Subdivision plats, whether classified as major or minor, preliminary or final, shall be prepared by a licensed land

surveyor and shall be based on a new or existing current and accurate survey of the property being subdivided.

1.-3. (No change.)

(n) (No change.)

<< NJ ADC 13:40-11.3 >>

13:40-11.3 Credit-hour requirements

(a) Each applicant for license renewal shall be required to have completed, during the preceding biennial period, a minimum of 24 professional development hours (PDHs).

(b) A maximum of 12 PDHs may be carried over into a succeeding biennial renewal period.

<< NJ ADC 13:40-11.8 >>

13:40-11.8 Waiver of continuing competency requirement

(a) (No change.)

(b) Any licensee seeking a waiver 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 requesting the waiver. The licensee shall also provide the Board with such additional information as it may reasonably request in support of the waiver request.

(c)-(e) (No change.)