

NEW JERSEY REGISTER
VOLUME 37, ISSUE 24
ISSUE DATE: DECEMBER 19, 2005
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PROFESSIONAL PLANNERS

37 N.J.R. 5046(b)

Readoption with Amendments: N.J.A.C. 13:41

State Board of Professional Planners Rules

Proposed: August 1, 2005 at 37 N.J.R. 2833(a).

Adopted: October 6, 2005 by the State Board of Professional Planners, Richard Ragan, President.

Filed: November 17, 2005 as R.2005 d.437, without change.

Authority: N.J.S.A. 45:14A-4 and 45:14A-11

Effective Date: November 17, 2005, Readoption;

December 19, 2005, Amendments.

Expiration Date: November 17, 2010.

Summary of Public Comment and Agency Response:

The Board did not receive any comments.

Federal Standards Statement

A Federal standards analysis is not required because the rules proposed for readoption with amendments are subject to State statutory requirements and are not subject to any Federal requirements.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:41.

Full text of the adopted amendments follows:

13:41-2.1 Enumeration of prohibited acts

(a) Misconduct in the practice of professional planning shall include, but not be limited to, the following:

1.-6. (No change.)

7. Permitting any person not appropriately licensed pursuant to N.J.S.A. 45:14A-1 et seq. to act for or on behalf of the licensee as a representative, surrogate or agent in appearance before any public or private body for the purpose of rendering professional planning services.

13:41-3.2 Fee schedule

(a) The fees charged by the State Board of Professional Planners shall be:

1. (No change.)

2. State Part Examination Fee..... \$ 200.00

3-9. (No change.)

10. Inactive License Fee..... (to be established by Director by rule)

13:41-3.3 Employment of only licensed professional planners by State or political subdivisions

An employee of the State government or any of its subdivisions holding the civil service title of Director of Planning, Assistant Director of Planning or Supervising Planner, or in subdivisions which are not subject to the Civil Service Act, the equivalent of these titles, shall be deemed to be a Professional Planner in responsible charge of planning work. The employee shall hold a Professional Planners license issued by the State Board of Professional Planners.

SUBCHAPTER 4. PERMISSIBLE DIVISION OF RESPONSIBILITY IN SUBMISSION OF SITE PLANS AND MAJOR SUBDIVISION PLATS

13:41-4.1 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) (No change.)

13:41-4.5 Effect of local ordinances

(a) (No change.)

(b) No municipal or county ordinance, policy or action purporting to define the scope of professional activity of architects, engineers, land surveyors, planners or certified landscape architects in the preparation of site plans or major subdivisions shall reduce or expand the scope of professional practice recognized by the boards.

SUBCHAPTER 5. LICENSING

13:41-5.4 Examination requirements

(a) Except as provided in (g) below, an applicant for licensure as a professional planner shall obtain a passing grade on both the National and State parts of the professional planner examination.

(b) The National part of the examination, administered by the American Institute of Certified Planners (AICP), shall consist of the following subjects:

Recodify existing i.-iv. as 1.-4. (No change in text.)

(c) The State part of the examination shall cover planning law, procedures and practices as contained in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the related planning requirements of New Jersey statutes and regulations which directly affect planning practices and procedures.

(d) An applicant shall pay the appropriate examination fee for each part the applicant will take or retake and shall make payment of the fee for the National part of the examination to AICP and payment of the fee for the State part to the Board.

(e) An applicant shall be required to file a new application with the Board and pay the appropriate application fee if the applicant:

1. Takes and fails both parts of the examination; or

2. Fails to successfully complete both parts of the examination within two years of his or her application to the Board.

(f) An applicant shall not retake a part of the examination until at least six months has elapsed since the date on which that part was last taken.

(g) An applicant, who is licensed in New Jersey as a professional engineer, architect, landscape architect or land surveyor, is exempt from taking the National part of the examination and is only required to take the State part of the examination as described in (c) above. An applicant under this subsection, who has taken and failed the State part of the examination, may be re-examined upon filing a new application and the payment of the application fee, provided that at least six months has elapsed since the date that the applicant took that examination part.

13:41.5.5 License issuance; renewal

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

(d) A license that is not renewed within 30 days of its expiration date shall be suspended without a hearing. Any individual who continues to practice with a suspended license after 30 days following the license expiration date shall be deemed to be engaged in unlicensed practice. Thereafter, the licensee shall be required to:

1. Apply for reinstatement;

2. Pay the reinstatement fee, the renewal fee for the current biennial period and all past delinquent biennial renewal fees, as set forth in N.J.A.C. 13:41-3.2; and

3. Submit an affidavit of employment listing each job held during the period of suspended license which includes the name, address, and telephone number of each employer.

(e) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Submission of a completed application;

2. Payment of the current biennial renewal fee as set forth in N.J.A.C. 13:41-3.2; and

3. Submission of an affidavit of employment listing each job held during the period the licensee or registrant was on inactive status which includes the name, address, and telephone number of each employer.

(f) In addition to any other requirements for reinstatement as set forth in (d) or (e) above, as applicable, an individual whose license has been suspended or on inactive status for a period more than five years shall successfully complete the examination required for initial licensure as a licensed Professional Planner.

(g) (No change in text.)