

CHAPTER 41**STATE BOARD OF PROFESSIONAL PLANNERS****Authority**

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

Source and Effective Date

R.2005 d.437, effective November 17, 2005.
See: 37 N.J.R. 2833(a), 37 N.J.R. 5046(b).

Chapter Expiration Date

Chapter 41, State Board of Professional Planners, expires on November 17, 2010.

Chapter Historical Note

Chapter 41, State Board of Professional Planners, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Subchapter 1, Seal, was readopted as R.1985 d.424, effective July 26, 1985. See: 17 N.J.R. 1060(a), 17 N.J.R. 2047(a).

Subchapter 4, Permissible Division of Responsibility in Submission of Site Plans and Major Subdivision Plats, was adopted as R.1981 d.320, effective September 10, 1981. See: 13 N.J.R. 231(a), 13 N.J.R. 607(a).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Permissible Division of Responsibility in Submission of Site Plans and Major Subdivision Plats, was readopted as R.1986 d.110, effective March 17, 1986. See: 17 N.J.R. 1240(a), 18 N.J.R. 704(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, State Board of Professional Planners, was readopted as R.1990 d.402, effective July 17, 1990. Subchapter 2, Uniform Penalty Letter, was repealed by R.1990 d.402, effective August 20, 1990. See 22 N.J.R. 1438(b), 22 N.J.R. 2530(a).

Subchapter 2, Misconduct, was adopted as new rules by R.1993 d.506, effective October 18, 1993. See: 24 N.J.R. 3221(a), 25 N.J.R. 4748(c).

Pursuant to Executive Order No. 66(1978), Chapter 41, State Board of Professional Planners, was readopted as R.1995 d.413, effective July 3, 1995. See: 27 N.J.R. 1957(a), 27 N.J.R. 2961(a).

Pursuant to Executive Order No. 66(1978), Chapter 41, State Board of Professional Planners, was readopted as R.2000 d.305, effective June 23, 2000. See: 32 N.J.R. 1492(a), 32 N.J.R. 2592(b).

Subchapter 5, Licensing and Subchapter 6, Planner-In-Training, were adopted as new rules by R.2003 d.375, effective October 6, 2003. See: 34 N.J.R. 3689(a), 35 N.J.R. 4725(a).

Chapter 41, State Board of Professional Planners, was readopted by R.2005 d.437, effective November 17, 2005. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. SEAL**13:41-1.1 Professional planner to obtain seal**

Every licensed professional planner shall obtain a seal containing the planner's name, licensee number and the legend "licensed professional planner" in the design authorized by the Board.

Amended by R.2000 d.305, effective July 17, 2000.
See: 32 N.J.R. 1492(a), 32 N.J.R. 2592(b).

13:41-1.2 Signature and date on seal; location; removal

The planner shall sign and date the document below the seal. The seal shall be fixed on the first page of a report and on each drawing if submitted separately. On maps and drawings, a title block shall be of sufficient size to be legible. No person shall remove a seal or title block from any print or reproduction.

Amended by R.1980 d.445, effective October 10, 1980.
See: 12 N.J.R. 493(b), 12 N.J.R. 672(e).

Amend seal location: amend title block from requirement of unobtrusiveness.

Amended by R.2000 d.305, effective July 17, 2000.
See: 32 N.J.R. 1492(a), 32 N.J.R. 2592(b).

Rewrote the third sentence.

13:41-1.3 Sealing documents

(a) Every document issued by the planner shall be signed and sealed except that no seal shall be required on maps of existing land use, existing facilities or similar maps indicating the findings of surveys or studies in mapped form.

(b) When multiple copies of a report are needed, the original copy shall be sealed and all other copies shall include on the title page a statement indicating that the original report was appropriately signed and sealed in accordance with law.

The original sealed report shall be transmitted to the client when requested.

(c) Only map prints shall be signed and sealed when submitted as a public document and not original tracings.

Amended by R.1980 d.445, effective October 10, 1980.

See: 12 N.J.R. 493(b), 12 N.J.R. 672(e).

(a), "existing" added, (c) added.

Amended by R.2000 d.305, effective July 17, 2000.

See: 32 N.J.R. 1492(a), 32 N.J.R. 2592(b).

In (a), substituted a reference to documents for a reference to instruments; in (b), substituted references to reports for references to instruments throughout, and added "when requested" at the end; and in (c), inserted "when submitted as a public document" following "sealed".

SUBCHAPTER 2. MISCONDUCT

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. Acting for a licensee's client or employer in professional matters otherwise than as a faithful agent or trustee;

2. Disregarding the safety, health and welfare of the public in the performance of the licensee's professional duties, such as preparing or signing and sealing documents which are not in conformity with accepted standards. If the client or employer insists on such conduct, the licensee shall notify the Board of Professional Planners or other appropriate governmental authority and withdraw from further service on the project;

3. Using or approving the use of false, fraudulent, or deceptive advertising;

4. Charging for work not done or hours not spent;

5. Engaging in any activity which involves the licensee in a conflict of interest, including, but not limited to:

i. Rendering professional services, or contracting to render such services, where the licensee's ability to faithfully and objectively serve the client is materially compromised by other personal, professional or financial interests or responsibilities;

ii. While a licensee, or any firm with which the licensee is associated, is acting as a member, advisor, employee or consultant to a governmental body or agency, undertaking work for private clients where such work will be submitted to the governmental body or agency for review and approval;

iii. While acting as a member, advisor, employee or consultant to a governmental body or agency, participating in the review, approval or recommendation for approval of plans, specifications, reports or other professional work submitted on behalf of any individual or entity with whom the licensee or any firm with which the licensee is associated possesses any continuing or anticipated professional or financial relationship. For the purposes of this subparagraph, an anticipated professional or financial relationship shall be one which may reasonably be expected to be formed in the future and which will result in future financial gain. A licensee shall avoid the conflict set forth in this subparagraph by:

(1) Submitting to the governmental body or agency a written notice of the licensee's recusal from any participation in the matter before the governmental body or agency; or

(2) Permanently terminating, or declining to enter into, the professional or financial relationship and providing the governmental body or agency with written notice thereof;

iv. While acting as a member or employee of a governmental body or agency, soliciting or accepting a professional contract from the governmental body or agency. However, a licensee who is acting merely as an advisor or consultant to a governmental body or agency, or a firm with which the licensee is associated, shall not be precluded by this subsection from accepting a professional contract from the governmental body or agency and providing advice, recommendations and counsel with regard to such work;

v. Accepting 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 written disclosure and written consent obtained from all interested parties;

vi. Accepting compensation or remuneration, financial or otherwise, from material or equipment suppliers for specifying their product or for recommending their employment by any party; or

vii. Accepting commissions or allowances, directly or indirectly, from contractors or other persons dealing with the licensee's client or employer in connection with work for which the licensee is responsible to a client or employer;

6. Affixing the licensee's seal to any documents which were not prepared by the licensee or by employees or subordinates under the licensee's supervision; or

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.

Amended by R.1995 d.413, effective August 7, 1995.
See: 27 N.J.R. 1957(a), 27 N.J.R. 2961(a).

Added a new (a)4 and recodified existing (a)4 through (a)6 as (a)5 through (a)7.

Amended by R.2005 d.437, effective December 19, 2005.
See: 37 N.J.R. 2833(a), 37 N.J.R. 5046(b).

In (a)7, added "et seq."

SUBCHAPTER 3. GENERAL PROVISIONS

13:41-3.1 (Reserved)

R.1975 d.102, effective April 16, 1975.
See: 6 N.J.R. 449(a), 7 N.J.R. 236(b).

This section, use of terms planners or planning in the names of corporations, firms or partnerships, expired pursuant to Executive Order No. 66(1978) on April 22, 1985 without reoption. See: 17 N.J.R. 1061(a), 17 N.J.R. 2141(a).

Case Notes

Decided on statutory grounds. *State v. Bradley*, 174 N.J. Super. 154, 415 A.2d 1198 (App.Div.1980).

13:41-3.2 Fee schedule

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

1. Application for a Professional Planner or Planner-In-Training license	\$ 75.00
2. State Part Examination Fee	\$200.00
3. Initial license fee:	
i. During the first year of a biennial renewal period	\$130.00
ii. During the second year of a biennial renewal period	\$ 65.00
4. Biennial License Fee and Renewal-Professional Planner	\$130.00
5. Late Renewal Fee	\$ 50.00
6. Reinstatement Fee	\$200.00
7. Duplicate license	\$ 25.00
8. Name Change	\$ 25.00
9. Duplicate Wall Certificate	\$ 25.00
10. Inactive License Fee	(to be established by Director by rule)

New Rule. R.1980 d.179, effective April 23, 1980.
See: 12 N.J.R. 129(a), 12 N.J.R. 348(a).

Amended by R.1983 d.114, effective April 18, 1983.
See: 15 N.J.R. 79(a), 15 N.J.R. 626(a).

In (a), deleted old 1. and 2. and added new 1. and 2.
New Rule. R.1985 d.443, effective September 3, 1985.
See: 17 N.J.R. 1061(a), 17 N.J.R. 2141(a).

This section registration fees expired pursuant to Executive Order 66(1978) on April 22, 1985. It was readopted as a New Rule.

Amended by R.1992 d.240, effective June 1, 1992.
See: 24 N.J.R. 554(a), 24 N.J.R. 2062(b).

Revised (a).
Amended by R.2005 d.437, effective December 19, 2005.
See: 37 N.J.R. 2833(a), 37 N.J.R. 5046(b).

In (a)2, added a \$200.00 fee for State Part Examination Fee and deleted Combined National and State Examinations fees. State Examinations only fees and National Examination only fees; added (a)10.

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.

New Rule. R.2003 d.375, effective October 6, 2003.

See: 34 N.J.R. 3689(a), 35 N.J.R. 4725(a).
Amended by R.2005 d.437, effective December 19, 2005.
See: 37 N.J.R. 2833(a), 37 N.J.R. 5046(b).

Added "State" preceding "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) 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.

Amended by R.2005 d.437, effective December 19, 2005.
See: 37 N.J.R. 2833(a), 37 N.J.R. 5046(b).

In (a), substituted "Law" for "Act" and added "-1" following "40:55D".

13:41-4.2 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 must 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, certified landscape architect, or other person acceptable to the reviewing governmental body.

Amended by R.1991 d.550, effective November 4, 1991.
See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).

In (b), added "certified landscape architect."
Amended by R.1994 d.394, effective August 1, 1994.
See: 26 N.J.R. 1221(a), 26 N.J.R. 3181(b).

13:41-4.3 Preparation of site plan

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

(b) The locations of drives; parking layout; pedestrian circulation; and means of ingress and egress: By an architect, planner, engineer, or certified 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, certified 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 certified landscape architect.

Amended by R.1991 d.550, effective November 4, 1991.

See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).

In (b), (i) and (j), added "certified landscape architect".

In (j), changed "preliminary" to "conceptual".

Administrative correction.

See: 31 N.J.R. 1204(a).

13:41-4.4 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 certified 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.

Amended by R.1991 d.550, effective November 4, 1991.

See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).

In (a), added "or certified landscape architect".

13:41-4.5 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 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.

Amended by R.1991 d.550, effective November 4, 1991.

See: 23 N.J.R. 1516(a), 23 N.J.R. 3337(b).

In (b), added "or certified landscape architects".

Amended by R.2005 d.437, effective December 19, 2005.

See: 37 N.J.R. 2833(a), 37 N.J.R. 5046(b).

In (b), rewrote "subdivision" as "subdivisions".

SUBCHAPTER 5. LICENSING**13:41-5.1 Purpose**

The rules in this subchapter implement the licensing and examination requirements for an applicant to qualify to practice professional planning in the State of New Jersey, in accordance with N.J.S.A. 45:14A-9.

13:41-5.2 Definitions

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

"Practice of professional planning" means the administration, advising, consultation or performance of professional work in the development of master plans in accordance with the provisions of N.J.S.A. 40:27-1 et seq. and 40:55D-1 et seq.; and other professional planning services related thereto intended primarily to guide governmental policy for the assurance of the orderly and coordinated development of municipal, county, regional, and metropolitan land areas, and the State or portions thereof.

"Full-time" means working under the supervision of a licensed professional planner for a minimum of 35 hours per week.

"Part-time" means working under the supervision of a licensed professional planner for a minimum of 15 hours per week.

"Active participant in planning work" means full-time or its equivalent if accrued on a part-time basis.

13:41-5.3 Licensing requirements for professional planners

(a) An applicant for licensure as a professional planner shall:

1. Be of good moral character;
2. Satisfy the following educational requirements:

i. A graduate degree in professional planning from an accredited college or university in a curriculum offering instruction in such recognized planning subjects as principles of land use planning, history of city planning, planning project design, and planning law and administration; with a minimum of two years' experience in the full-time practice of professional planning or a graduate degree in a field other than professional planning from an accredited college or university with a minimum of four years experience in the full-time practice of professional planning;

ii. An undergraduate degree in professional planning from an accredited college or university in a curriculum offering a major or option comprising a minimum of 21 credit hours in such recognized planning subjects; with a minimum of three years' experience in the full-time practice of professional planning or an undergraduate degree in a field other than professional planning from an accredited college or university with a minimum of four years' experience in the full-time practice of professional planning; or

iii. Graduation from a secondary school and at least eight years of professional planning experience;

3. Pass the professional planners examination as required by N.J.A.C. 13:41-5.4; and

4. Pay all fees as set forth in N.J.A.C. 13:41-3.2.

(b) Work experience which receives college credit and volunteer work shall not count as work experience for licensure.

(c) Any part-time work which is to be credited for licensure shall be prorated to its full time equivalent.

(d) The work of the professional planner shall not include or supersede any of the duties of an attorney at law, a licensed professional engineer, land surveyor or registered architect of the State of New Jersey.

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:

1. History of urban, rural, and regional planning;
2. Fundamental theories, research methods and common basic standards in professional planning;
3. Administrative and legal problems, instruments and methods; and
4. Current planning design and techniques.

(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.

Amended by R.2005 d.437, effective December 19, 2005.

See: 37 N.J.R. 2833(a), 37 N.J.R. 5046(b).

Rewrote the section.

13:41-5.5 License issuance; renewal

(a) Professional Planner licenses shall be issued for a period of two years and must be renewed biennially. A licensee who seeks renewal of his or her license shall submit a license renewal application and the license renewal fee to the Board as set forth in N.J.A.C. 13:41-3.2 to the Board prior to the expiration of the current license.

(b) Renewal applications shall provide the applicant the option of either active or inactive status. Licensees electing inactive status shall apply to the Board and shall pay the

inactive license fee and shall not engage in the practice of planning.

(c) If a licensee does not renew his or her license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a license renewal fee and a late fee, as set forth in N.J.A.C. 13:41-3.2.

(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) Falsification of any information submitted with the renewal application may result in penalties and/or suspension of the license pursuant to N.J.S.A. 45:1-21 through 45:1-25.

Amended by R.2005 d.437, effective December 19, 2005.

Sec: 37 N.J.R. 2833(a), 37 N.J.R. 5046(b).

Rewrote (d); added (e); recodified former (e) as (f) and rewrote the subsection; recodified former (f) as (g).

SUBCHAPTER 6. PLANNER-IN-TRAINING

13:41-6.1 Planner-in-training certificate requirements

(a) An applicant for a certificate of registration as a planner-in-training shall be of good moral character and:

1. Present proof of a degree in an approved course in planning of four years or more from an accredited school or college and a passing grade in the examination as set forth in N.J.A.C. 13:41-5.4; or

2. Present a detailed record of four years or more of active practice in planning work and a passing grade in the examination as set forth in N.J.A.C. 13:41-5.4.

(b) A planner-in-training certificate shall be valid for 10 years.

(c) A planner-in-training may be upgraded to a licensed professional planner by submitting to the Board:

1. An upgrade form demonstrating the required work experience as set forth in N.J.A.C. 13:41-5.3(a); or

2. Transcripts verifying that the planner-in-training has completed the required educational experience as set forth in N.J.A.C. 13:41-5.3(a)2.

(d) Work experience which receives college credit and volunteer work shall not count as work experience for licensure.

(e) Any part-time work which is to be credited towards licensure shall be prorated to its full-time equivalent.