

P.L. 2003, CHAPTER 14, *approved January 29, 2003*
Assembly, No. 2908 (*First Reprint*)

1 AN ACT concerning waivers for certain land surveying work and
2 supplementing P.L.1938, c.342 (C.45:8-27).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. ¹a.¹ When a property survey is performed, appropriate corner
8 markers shall be set either by a licensed land surveyor or under the
9 supervision of a licensed land surveyor. These markers shall be set at
10 each property corner not previously marked by a property marker,
11 unless the actual corner is not accessible, or unless a written waiver
12 signed by the ultimate user is obtained and retained for a period of not
13 less than six years by the surveyor performing the survey.

14 ¹b. Whenever a written waiver to omit corner markers is obtained
15 pursuant to subsection a. of this section, the following notation shall
16 be included on the plat or plan of survey:

17 "A written Waiver and Direction Not to Set Corner Markers has
18 been obtained from the ultimate user pursuant to P.L. _____, c. _____
19 (C. _____)(now before the Legislature as this bill) and
20 N.J.A.C. 13:40-5.1(d)."

21 c. Failure to comply with the provisions of P.L. _____, c. _____
22 (C. _____)(now before the Legislature as this bill) shall subject the
23 licensee to a penalty of not greater than \$2,500 for each violation, to
24 be imposed pursuant to section 9 of P.L.1978, c.73 (C.45:1-22).¹

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26 2. This act shall take effect immediately.

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31 Permits property owners to waive requirements for certain land
32 surveying work.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHO committee amendments adopted November 7, 2002.

ASSEMBLY, No. 2908

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED OCTOBER 17, 2002

Sponsored by:

Assemblyman ALBIO SIRES

District 33 (Hudson)

Assemblyman NEIL M. COHEN

District 20 (Union)

SYNOPSIS

Permits property owners to waive requirements for certain land surveying work.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning waivers for certain land surveying work and
2 supplementing P.L.1938, c.342 (C.45:8-27).

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13 less than six years by the surveyor performing the survey.

14

15 2. This act shall take effect immediately.

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18 STATEMENT

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20 This bill provides that when a property survey is performed,
21 appropriate corner markers shall be set either by a licensed land
22 surveyor or under the supervision of a licensed land surveyor. These
23 markers shall be set at each property corner not previously marked by
24 a property marker, unless the actual corner is not accessible, or unless
25 a written waiver signed by the ultimate user is obtained and retained
26 for a period of not less than six years by the surveyor performing the
27 survey. The bill is modeled after the provisions of current regulations
28 promulgated by the State Board of Professional Engineers and Land
29 Surveyors concerning the practice of land surveying and the
30 preparation of land surveys and contained in N.J.A.C. 13:40-5.1(d).
31 The purpose of the bill is to assure that the ultimate user of a property
32 continue to have an option to waive and direct not to set corner
33 markers when a land survey is being done for that person.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2908

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 7, 2002

The Assembly Housing and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 2908.

This bill, as amended, provides that when a property survey is performed, appropriate corner markers shall be set either by a licensed land surveyor or under the supervision of a licensed land surveyor. These 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 not less than six years by the surveyor performing the survey. Whenever a written waiver to omit corner markers is obtained, the bill requires that the following notation 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. , c. (C.)(now before the Legislature as this bill) and N.J.A.C.13:40-5.1(d)."

Failure to comply with the bill's provisions will subject the licensee to a penalty of not greater than \$2,500 for each violation, to be imposed pursuant to section 9 of P.L.1978, c.73 (C.45:1-22). The bill is modeled after the provisions of current regulations promulgated by the State Board of Professional Engineers and Land Surveyors concerning the practice of land surveying and the preparation of land surveys and contained in N.J.A.C. 13:40-5.1(d). The purpose of the bill is to assure that the ultimate user of a property continues to have an option to waive and direct not to set corner markers when a land survey is being done for that person.

COMMITTEE AMENDMENTS

The amendments add a requirement to include a notation on the plat or plan of survey whenever a written waiver not to set corner markers has been obtained from the ultimate user. In addition, if a licensed land surveyor fails to set the corner markers, fails to obtain a waiver, or fails to include a notation in the plat or plan of survey whenever a

waiver has been obtained, the licensee will be subject to a penalty of not greater than \$2,500.00, to be assessed by the State board regulating land surveyors.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2908

STATE OF NEW JERSEY

DATED: JANUARY 9, 2003

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 2908 (1R).

This bill provides that when a property survey is performed, appropriate corner markers shall be set either by a licensed land surveyor or under the supervision of a licensed land surveyor. Corner markers would 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 not less than six years by the surveyor performing the survey. Whenever a written waiver to omit corner markers is obtained, the bill requires that the following notation 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. , c. (C.)(now before the Legislature as this bill) and N.J.A.C.13:40-5.1(d)."

Failure to comply with the bill's provisions would subject the licensee to a penalty of not greater than \$2,500 for each violation, to be imposed pursuant to section 9 of P.L.1978, c.73 (C.45:1-22). The bill is modeled after the provisions of current regulations promulgated by the State Board of Professional Engineers and Land Surveyors concerning the practice of land surveying and the preparation of land surveys and contained in N.J.A.C. 13:40-5.1(d). The purpose of the bill is to assure that the ultimate user of a property continues to have an option to waive and direct not to set corner markers when a land survey is being done for that person.