



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

December 10, 2020

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #19-031-LR)
Legislative Service Bureau (Secretary of State Filing #20-12-03)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2019-031-LR (Secretary of State Filing #20-12-03) on this date at 01:43 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Professional Engineers – General Rules".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

A handwritten signature in cursive script that reads "Melissa Malerman /UK".

Melissa Malerman, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Board of Professional Engineers by Section 308 of the Occupational Code, 1980 PA 299, MCL 339.308; and on the Director of the Department of Licensing and Regulatory Affairs by Sections 205 and 2009 of the Occupational Code, 1980 PA 299, MCL 339.205 and 339.2009; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

R 339.16001, R 339.16021, R 339.16022, R 339.16025, R 339.16026, R 339.16031, R 339.16032, R 339.16040, and R 339.16041 of the Michigan Administrative Code are amended, and R 339.16024, R 339.16033, R 339.16034, R 339.16042, R 339.16043, and R 339.16044 are rescinded.

Date: 12-08-2020

Adopted by: _____

Orlene Hawks
Director
Department of Licensing and Regulatory Affairs



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated June 12, 2020, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Professional Engineers – General Rules**” by:


- ◆ Amending R 339.16001, R 339.16021, R 339.16022, R 339.16025, R 339.16026, R 339.16031, R 339.16032, R 339.16040, and R 339.16041.
- ◆ Rescinding R 339.16024, R 339.16033, R 339.16034, R 339.16042, R 339.16043, and R 339.16044.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: September 15, 2020

Michigan Office of Administrative Hearings and Rules

By: 
Katie Wienczewski,
Attorney

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated June 12, 2020, amending R 339.16001, R 339.16021, R 339.16022, R 339.16025, R 339.16026, R 339.16031, R 339.16032, R 339.16040, and R 339.16041 and rescinding R 339.16024, R 339.16033, R 339.16034, R 339.16042, R 339.16043, and R 339.16044 of the Department's rules entitled "Professional Engineers – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: September 14, 2020

LEGISLATIVE SERVICE BUREAU

By



Elizabeth R. Edberg,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL ENGINEERS – GENERAL RULES

Filed with the secretary of state on December 10, 2020

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the board of professional engineers by section 308 of the occupational code, 1980 PA 299, MCL 339.308; and on the director of the department of licensing and regulatory affairs by sections 205 and 2009 of the occupational code, 1980 PA 299, MCL 339.205 and 339.2009; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 339.16001, R 339.16021, R 339.16022, R 339.16025, R 339.16026, R 339.16031, R 339.16032, R 339.16040, and R 339.16041 of the Michigan Administrative Code are amended, and R 339.16024, R 339.16033, R 339.16034, R 339.16042, R 339.16043, and R 339.16044 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.16001 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Act" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
 - (b) "Board" means the Michigan board of professional engineers created under section 2002 of the act, MCL 339.2002.
 - (c) "Continuing education" means an instructional course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to a licensee's area of professional practice.
 - (d) "Course" means any qualifying activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's area of professional practice.
 - (e) "Department" means the Michigan department of licensing and regulatory affairs.
- (2) Terms defined in the act have the same meanings when used in these rules.

PART 2. LICENSURE

R 339.16021 Educational requirement.

Rule 21. An applicant for licensure shall submit to the department 1 of the following to satisfy the educational requirement under the act:

(a) Transcripts verifying that he or she received a baccalaureate degree or higher degree in engineering from a program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET) or the Canadian Engineering Accreditation Board (CEAB).

(b) Transcripts verifying that he or she received a master's degree or doctorate in engineering from a school and program with an EAC/ABET-accredited or a CEAB-accredited baccalaureate degree program that is in the same engineering discipline as his or her master's degree or doctorate.

(c) A credentials evaluation from the National Council of Examiners for Engineering and Surveying (NCEES) that verifies all of the following:

(i) The applicant for licensure received either of the following:

(A) A baccalaureate degree in engineering from a non-United States-based program.

(B) A master's degree or doctorate in engineering from a non-EAC/ABET-accredited program.

(ii) The applicant for licensure completed not less than 32 college semester credit hours in the areas of mathematics and science.

(iii) The applicant for licensure completed not less than 48 college semester credit hours in engineering science or engineering design courses that satisfy the course requirements established under the NCEES Engineering Education Standard.

(d) A credentials evaluation that verifies he or she received a baccalaureate degree in engineering from an educational program that is substantially equivalent to an EAC/ABET-accredited baccalaureate degree program in engineering. The credentials evaluation must be generated by a company that is a current member of the National Association of Credential Evaluation Services (NACES).

R 339.16022 Professional engineering experience; credit for work experience; credit for educational experience.

Rule 22. (1) Pursuant to section 2004(2)(a) of the act, MCL 339.2004(2)(a), an applicant for professional engineer licensure shall document at least 8 years of professional experience in engineering work, including not more than 5 years of education granted under subrule (4) of this rule. An applicant shall satisfy the requirements of this rule to receive credit for professional experience.

(2) An applicant for licensure shall submit either of the following to the department to receive credit for professional experience in engineering work:

(a) Proof acceptable to the department verifying that he or she has obtained not less than 4 years of experience practicing as a licensed or registered professional engineer in another state.

(b) All of the following:

(i) The dates of performing engineering work that qualifies as professional experience under subrule (3) of this rule.

(ii) The supervising individual's name and license or registration number and the state in which the supervising individual is licensed or registered as a professional engineer.

(iii) Documentation from the supervising individual attesting to the work experience, dates of work, and supervision.

(3) Engineering work that satisfies all of the following requirements qualifies as professional experience:

(a) The work involves the use of engineering principles and data.

(b) The work is in the form of consultation, investigation, evaluation, planning, design, or review of materials or completed phases of work in the construction, alteration, or repair in connection with a public or private utility, structure, building, machine, equipment, process, work, or project.

(c) The work is performed while under the direction of a professional engineer licensed in Michigan or licensed or registered in another state.

(4) The department shall grant not more than 5 years of professional experience credit to an applicant holding a degree that satisfies the requirements under R 339.16021. Credit shall be limited to the following amounts:

(a) Not more than 4 years of professional experience for a baccalaureate degree in engineering. Experience shall be granted for only 1 baccalaureate degree.

(b) Not more than 1 year of professional experience for a post-baccalaureate degree in engineering. Experience shall be granted for only 1 post-baccalaureate degree.

R 339.16024 Rescinded.

R 339.16025 Relicensure requirements.

Rule 25. (1) An applicant whose license has lapsed for less than 3 years after the expiration date of the last license may be relicensed under section 411(3) of the act, MCL 339.411(3), by satisfying all of the following requirements:

(a) Submitting a completed application on a form provided by the department.

(b) Paying the required fee to the department.

(c) Submitting proof to the department verifying that he or she has completed 15 hours of continuing education in activities approved under R 339.16041 during the 12 months immediately preceding the date of filing the relicensure application. If the department determines that the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of filing the application to provide proof of completing the deficient hours.

(2) An applicant whose license has lapsed for 3 years or more after the expiration date of the last license may be relicensed under section 411(4) of the act, MCL 339.411(4), by satisfying all of the following requirements:

(a) Submitting a completed application on a form provided by the department.

(b) Paying the required fee to the department.

(c) Establishing that he or she has met all of the requirements for initial licensure under the act and these rules.

(d) Submitting proof to the department verifying that he or she has completed 30 hours of continuing education in activities approved under R 339.16041 during the 24 months immediately preceding the date of filing the relicensure application. If the department determines that the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of filing the application to provide proof of completing the deficient hours.

R 339.16026 Examination requirements.

Rule 26. An applicant for professional engineer licensure shall submit to the department both of the following to satisfy the examination requirements under the act:

(a) Verification that he or she achieved a passing score as determined by NCEES on either of the following examinations:

(i) The NCEES Principals and Practice of Engineering examination.

(ii) Both components of the NCEES Structural Engineering examination, known as SE-I and SE-II.

(b) Verification of either of the following:

(i) He or she achieved a passing score as determined by NCEES on the NCEES Fundamentals of Engineering examination.

(ii) He or she received a doctorate in engineering from a school and program with an EAC/ABET-accredited or a CEAB-accredited baccalaureate degree program that is in the same engineering discipline as his or her doctorate in engineering.

PART 3. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.16031 Professional conduct; requirements; restrictions.

Rule 31. (1) A licensee shall comply with all of the rules of conduct under this part.

(2) A licensee shall do all of the following:

(a) If he or she is the person in responsible charge, he or she shall notify his or her employer or client, and any other appropriate authority when his or her judgment is overruled under circumstances that endanger life or property.

(b) If he or she is not the person in responsible charge, he or she shall notify the person in responsible charge when his or her judgment is overruled under circumstances that endanger life or property.

(c) Participate in phases of a project in which he or she is competent.

(d) Undertake assignments in which he or she is qualified by education or experience in the specific technical field involved.

(e) Complete, sign, seal, or approve engineering documents that conform with the law and applicable professional standards.

(f) Be objective and truthful in professional reports, statements, or testimony and include all relevant and pertinent information in these reports, statements, or testimony.

(g) Disclose to an employer, client, or public body on which he or she serves all known or potential conflicts of interest that could influence or appear to influence his or her judgment or the quality of his or her services.

(3) A licensee shall not do any of the following:

(a) Disclose confidential information obtained in a professional capacity without the prior consent of the client or employer, unless authorized or required by law or these rules.

(b) Partner, practice, or offer to practice with any person or firm or assist any person or firm that he or she knows is engaged in fraudulent or dishonest business or professional practices or the unlawful practice of professional engineering.

(c) Falsify his or her qualifications or the qualifications of his or her associates or permit misrepresentations of his or her qualifications or the qualifications of his or her associates.

(d) Misrepresent or exaggerate his or her experience or qualifications.

(e) Knowingly make statements containing a material misrepresentation of fact or omitting a material fact or knowingly make statements that deceive the public.

(f) Attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensed professional engineers.

(g) Give or offer to give, directly or indirectly, to a client, potential client, the agent of a client, or the agent of a potential client, a commission, contribution, gift, or other valuable consideration to secure or retain engineering work. This restriction does not include payments to an employment agency for securing employment or employees for salaried positions.

(h) Solicit or accept a compensation, contribution, gift, or other valuable consideration, directly or indirectly, from more than 1 party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

(i) Solicit or accept a commission, contribution, gift, or other valuable consideration, directly or indirectly, from other parties dealing with his or her clients or employers, or from outside agents who have no dealings with his or her client or employer, in connection with the work for which he or she is responsible, unless the circumstances are fully disclosed and agreed to by all interested parties.

(j) Solicit or accept a commission, contribution, gift, or other valuable consideration, directly or indirectly, under circumstances in which his or her judgment may be compromised.

(k) Complete, sign, seal, or approve engineering documents that do not conform with the law or applicable professional standards.

(4) Work for which the licensee is responsible, the procedures followed, and the decisions made by persons under the licensee's supervision must be subject to sustained review and approval by the licensee.

R 339.16032 Professional engineer seal.

Rule 32. (1) Effective 2 years after the promulgation of this rule, the seal of a professional engineer must include the licensee's full name and license number, as shown on his or her state-issued professional engineer license, and indicate "State of Michigan" and "Licensed Professional Engineer" in the legend surrounding the seal. The seal must have a design substantially similar to figure 32 below.

(2) A licensee's seal shall be used by the licensee whose name appears on the seal for as long as the license remains in effect. A licensee is responsible for the security of his or her seal.

FIGURE 32



R 339.16033 Rescinded.

R 339.16034 Rescinded.

PART 4. LICENSE RENEWAL AND CONTINUING EDUCATION

R 339.16040 Continuing education required for renewal; certification of compliance; document retention; continuing education waiver.

Rule 40. (1) An applicant for license renewal who has been licensed during the 2-year period immediately preceding the expiration date of the license shall obtain not less than 30 hours of continuing education in activities approved under R 339.16041 during the 2-year period immediately preceding the expiration date of the license.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with this rule and R 339.16041.

(3) A licensee shall retain documentation of satisfying the requirements of this rule and R 339.16041 for a period of 4 years from the date of filing the application for license renewal.

(4) A licensee is subject to audit under this part and may be required to submit documentation as described by R 339.16041 upon request of the department.

(5) A request for a continuing education waiver pursuant to section 204(2) of the act, MCL 339.204(2), must be received by the department before the expiration date of the license.

R 339.16041 Acceptable continuing education; limitations.

Rule 41. (1) The department shall grant credit for in-person or online continuing education hours that satisfy the requirements in the following chart:

Activity Code	Activity and Proof Required	Number of Continuing Education Hours Granted for Activity
(a)	<p>Completing a continuing education program or activity related to professional engineering that is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • Another state's board of engineers. • A professional engineering association, organization, or society. • NCEES. • ABET. <p>If audited, a licensee shall submit documentation or certificate of completion showing the licensee's name, total continuing education credits earned, sponsor name and contact information, program title, and the date the program was held or completed.</p>	The number of continuing education hours approved by the approving entity are granted for this activity.
(b)	<p>Passing an academic course related to professional engineering offered by a college or university that offers a baccalaureate degree or higher degree in an engineering program that is accredited by EAC/ABET or CEAB.</p> <p>If audited, a licensee shall submit a copy of the transcript showing the number of credit hours of the academic courses related to professional engineering.</p>	Fifteen continuing education hours are granted for each semester credit or 10 continuing education hours are granted for each quarter credit.
(c)	<p>Attending a seminar, in-house course, workshop, or professional or technical presentation related to professional engineering.</p> <p>If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter or attendee, and the name of the organization that approved or offered the presentation.</p>	One continuing education hour is granted for every 50 minutes attending the activity.
(d)	Teaching, instructing, or presenting a subject related to professional engineering.	Two continuing education hours are granted for every 50 minutes of teaching, instruction or presenting.

	<p>If audited, a licensee shall submit documentation by the college or university confirming the licensee as the teacher, instructor, or presenter of the academic course, the dates of the course or presentation, the number of classroom hours spent teaching, <u>instructing, or presenting</u>, and the course title.</p>	<p>A maximum of 12 continuing education hours are granted for this activity during each renewal period.</p>
(e)	<p>Publication of a peer-reviewed paper, article, or book related to professional engineering.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Six continuing education hours are granted for this activity.</p> <p>Credit is not granted for multiple publications of the same peer-review paper, article, or book.</p> <p>A maximum of 18 continuing education hours are granted for this activity during each renewal period.</p>
(f)	<p>Serving as a voting member on a state or national committee, board, council, or association related to professional engineering. To receive credit, a licensee must participate in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p> <p>If audited, a licensee shall submit documentation satisfactory to the department verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association and provide verification of the licensee's status as a voting member on the committee, board, council, or association.</p>	<p>Three continuing education hours are granted for the year in which the licensee serves as a member.</p> <p>A maximum of 6 continuing education hours are granted for this activity during each renewal period.</p>
(g)	<p>Attending a Michigan board of professional engineers meeting. To receive credit, the licensee shall obtain a form provided by the department from a department employee present at the meeting and have that employee complete, sign, and date the form. The licensee shall present a valid government-issued photo identification to the department employee for verification.</p>	<p>One continuing education hour is granted for each meeting attended.</p> <p>A maximum of 6 continuing education hour are granted for this activity during each renewal period.</p>

	If audited, the licensee shall submit a copy of the form completed, signed, and dated by the department employee who was present at the meeting.	
(h)	<p>Serving as a school-sponsored mentor to an engineering student in a school-sponsored program. To receive credit, this activity must not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall submit a letter from an authorized official from the school verifying the licensee's role and the number of mentoring hours the licensee provided.</p>	<p>Four continuing education hours are granted for this activity.</p> <p>A maximum of 8 continuing education hours are granted for this activity during each renewal period.</p>
(i)	<p>Participating in a company-sponsored or hosted seminar or training that is designed to enhance professional development in the licensee's area of professional practice.</p> <p>If audited, a licensee shall submit documentation or a certificate of completion issued by the company presenting the seminar or training showing the licensee's name, company name, subject of seminar or training, and the date on which the seminar or training was held.</p>	<p>One continuing education hour is granted for every 50 minutes of the seminar or training.</p>

(2) Continuing education hours are not granted for a program or activity that has substantially the same content of a program or activity for which the applicant has already earned continuing education hours during the renewal period.

(3) Not more than 12 continuing education hours shall be earned during a 24-hour period.

R 339.16042 Rescinded.

R 339.16043 Rescinded.

R 339.16044 Rescinded.