



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

February 23, 2022

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 #21-021-LR)
Legislative Service Bureau (Secretary of State Filing #22-02-11)
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 #2021-021-LR (Secretary of State Filing #22-02-11) on this date at 10:30 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Professional Surveyors – General Rules".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) 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

Sue Sayer 1/4/22

Sue Sayer, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

February 23, 2022

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2021-21 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated September 29, 2021 for the Department of Licensing & Regulatory Affairs “**Professional Surveyors – General Rules**”. We are transmitting these rules to you pursuant to 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.

Sincerely,

A handwritten signature in black ink, appearing to be "Orlene Hawks".

Michigan Office of Administrative Hearings and Rules

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 September 29, 2021, amending R 339.17101, R 339.17201, R 339.17202, R 339.17203, R 339.17301, R 339.17303, R 339.17401, R 339.17505, and R 339.17506, of the Department's rules entitled "Professional Surveyors – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: October 28, 2021

LEGISLATIVE SERVICE BUREAU



By _____

Rachel M. Hughart,
Legal Counsel



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 September 29, 2021, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Professional Surveyors – General Rules**” by:

- ◆ Amending R 339.17101, R 339.17201, R 339.17202, R 339.17203, R 339.17301, R 339.17303, R 339.17401, R 339.17505, and R 339.17506.

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: October 28, 2021

Michigan Office of Administrative Hearings and Rules

By: 

Katie Wienczewski,
Attorney



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 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 339.17101, R 339.17201, R 339.17202, R 339.17203, R 339.17301, R 339.17303, R 339.17401, R 339.17505, and R 339.17506 of the Michigan Administrative Code are amended.

Date: 2/17/2022

Adopted by: _____

A handwritten signature in blue ink, appearing to read "Orlene Hawks", written over a horizontal line.

Orlene Hawks

Director

Department of Licensing and Regulatory Affairs

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL SURVEYORS – GENERAL RULES

Filed with the secretary of state on February 23, 2022

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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 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 339.17101, R 339.17201, R 339.17202, R 339.17203, R 339.17301, R 339.17303, R 339.17401, R 339.17505, and R 339.17506 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 339.17101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.

(b) "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.

(c) "Department" means the department of licensing and regulatory affairs.

(2) A term defined in the code has the same meaning when used in these rules.

PART 2. EDUCATION, EXPERIENCE, AND EXAMINATIONS

R 339.17201 Educational requirements.

Rule 201. An applicant for a professional surveyor license shall provide 1 of the following to satisfy the educational requirements under the code:

(a) Transcripts verifying that the applicant received a baccalaureate degree or higher degree in a surveying program accredited by any of the following:

(i) The Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET).

(ii) The Engineering Technology Accreditation Commission of ABET (ETAC/ABET).

(iii) The Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET).

(b) A National Council of Examiners for Engineering and Surveying (NCEES) credentials evaluation that verifies the applicant received a baccalaureate degree or higher degree and satisfies the NCEES surveying core program requirements found in the NCEES Surveying Education Standard.

(c) A credentials evaluation that verifies the applicant received a baccalaureate degree or higher degree in surveying from an educational program that is substantially equivalent to a baccalaureate degree or higher degree program that is accredited by EAC/ABET, ETAC/ABET, or ANSAC/ABET. The credentials evaluation must be generated by a company that is a current member of the National Association of Credential Evaluation Services (NACES).

R 339.17202 Professional surveying experience; verification; educational credit for experience.

Rule 202. (1) Under section 2004(3)(a) of the code, MCL 339.2004, an applicant for a professional surveyor license shall document at least 8 years of professional experience in professional surveying, including not more than 5 years of education. An applicant shall satisfy the requirements of this rule to receive credit for professional experience.

(2) Professional surveying work that is performed while under the supervision of a professional surveyor who is licensed or registered in this state or another state and involves work in 1 or more of the following areas qualifies as professional experience:

(a) Providing professional services such as consultation, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, and the utilization and development of these facts and interpretations into an orderly survey map, plan, report, description, or project.

(b) Land surveying, which is the surveying of an area for its correct determination or description for its conveyance or for the establishment or reestablishment of a land boundary and the designing or design coordination of the plotting of land and the subdivision of land.

(c) Geodetic surveying, which includes surveying for a determination of the size and shape of the earth, both horizontally and vertically, and the precise positioning of points on the earth utilizing angular and linear measurements through spatially oriented spherical geometry.

(d) Utilizing and managing land information systems through the establishment of datums and local coordinate systems and points of reference.

(e) Engineering and architectural surveying for design and construction layout of infrastructure.

(f) Cartographic surveying for the making of maps, including topographic and hydrographic mapping.

(3) An applicant for a professional surveyor license shall provide to the department 1 of the following to receive credit for professional experience:

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

(b) All of the following:

(i) The dates of performing work that satisfies the requirements under subrule (2) of this rule.

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

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

(4) The department shall grant not more than 5 years of professional experience in professional surveying to an applicant holding a degree that satisfies the requirements under R 339.17201. Credit must be granted in the following amounts:

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

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

R 339.17203 Examination requirements.

Rule 203. An applicant for a professional surveyor license shall satisfy all the following examination requirements under the code:

(a) Achieve a passing score on the Fundamentals of Surveying Examination administered by NCEES. A passing score on the exam must be determined by NCEES.

(b) Achieve a passing score on the Principles and Practice of Surveying Examination administered by NCEES. A passing score on the exam must be determined by NCEES.

(c) Achieve a passing score on the Michigan Professional Surveying Examination. A passing score on the exam must be determined by the department's chosen administrator of the exam.

PART 3. PROFESSIONAL SURVEYOR SEAL AND RELICENSURE

R 339.17301 Professional Surveyor Seal.

Rule 301. (1) Effective 60 days after the promulgation of this rule, the seal of a professional surveyor must include the licensee's name and full license number, as shown on the licensee's state-issued professional surveyor license and indicate "State of Michigan" and "Licensed Professional Surveyor" in the legend surrounding the seal. The seal must have a design substantially equivalent to Figure 301 below.

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

FIGURE 301



R 339.17303 Relicensure.

Rule 303. (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 code, MCL 339.411, by satisfying all the following requirements.

- (a) Providing a completed application on a form provided by the department.
- (b) Paying the required fee to the department.

(c) Providing proof to the department that the applicant completed 15 hours of continuing education, 1 of which must be in the area of professional ethics related to surveying, in activities approved under R 339.17506 during the 1-year period immediately preceding the date of filing the relicensure application. If the department determines that the amount of the continuing education hours provided 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 code, MCL 339.411, by satisfying all the following requirements:

- (a) Providing a completed application on a form provided by the department.
- (b) Paying the required fee to the department.
- (c) Establishing that the applicant has met all the requirements for initial licensure under the code and these rules.

(d) Providing proof to the department verifying that the applicant completed 30 hours of continuing education, 2 of which must be in the area of professional ethics related to surveying, in activities approved under R 339.17506 during the 2-year period immediately preceding the date of filing the relicensure application. If the department determines that the amount of the continuing education hours provided with the application are deficient, the applicant has 1 year from the date of filing the application to provide proof of completing the deficient hours.

PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.17401 Solicitation of employment; restrictions; exception.

Rule 401. (1) In the solicitation of employment, a licensee shall not falsify, or permit the misrepresentation of, the academic or professional qualifications of the licensee or the licensee's associates.

(2) A licensee shall not offer to pay or give, or pay or give, directly or indirectly, to a client or potential client or to the agent of a client or potential client, a commission, contribution, gift, or other substantial valuable consideration to secure or retain professional surveying work. This restriction does not include payments to an employment agency for the purpose of securing employment or employees for salaried positions.

(3) A licensee shall seek professional employment based on the licensee's qualifications, competence, and ability to properly accomplish the employment sought.

PART 5. CONTINUING EDUCATION

R 339.17505 Continuing education; license renewal; requirements.

Rule 505. (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 during the 2-year period immediately preceding the expiration date of the license and satisfy both of the following requirements:

(a) Obtain 2 of the 30 hours of continuing education in an activity that focuses on the area of professional ethics related to surveying. The professional ethics related to surveying is not required to focus on areas specific to Michigan administrative rules or statutes.

(b) Obtain all 30 hours of continuing education in activities that satisfy the requirements under R 339.17506.

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with this rule and R 339.17506.

(3) A licensee shall keep documentation of satisfying the requirements of this rule and R 339.17506 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 have to provide documentation as described by R 339.17506 upon request of the department.

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

R 339.17506 Acceptable continuing education; limitations.

Rule 506. (1) The department shall grant credit for continuing education hours that satisfy the requirements in the following chart:

Activity Code	Activity and Proof Required	Number of Continuing Education Credits for the Activity
(a)	<p>Completing a continuing education program or activity related to professional surveying that is approved or offered for continuing education credit by another state board of professional surveyors.</p> <p>If audited, a licensee shall provide documentation or a 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>	<p>The number of continuing education credits approved by the approving entity must be granted for this activity.</p>
(b)	<p>Passing an academic course related to professional surveying from a baccalaureate degree or higher degree surveying program that is accredited by EAC/ABET, ETAC/ABET, or ANSAC/ABET.</p> <p>If audited, a licensee shall provide a copy of the transcript showing credit hours of the academic courses related to surveying.</p>	<p>Fifteen continuing education credits must be granted for each semester credit or 10 continuing education credits must be granted for each quarter credit.</p>
(c)	<p>Attending a seminar, in-house course, workshop, or professional or technical presentation related to surveying.</p> <p>If audited, the licensee shall provide 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>	<p>One continuing education credit must be granted for every 50 minutes of continuous instruction.</p>
(d)	<p>Presenting a seminar, in-house course, workshop, or professional or technical presentation related to surveying. A licensee shall not receive credit for a presentation offered as part of their regular job description or duties.</p> <p>If audited, the licensee shall provide a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter or</p>	<p>Two continuing education credits must be granted for every 50 minutes of continuous instruction.</p>

	attendee, and the name of the organization that approved or offered the presentation.	
(e)	<p>Teaching, instructing, or presenting a subject related to professional surveying that is part of an academic course related to surveying that is offered at a college or university.</p> <p>If audited, a licensee shall provide 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, number of classroom hours spent teaching, instructing, or presenting, and the course title.</p>	Two continuing education credits must be granted for every 50 minutes of continuous instruction.
(f)	<p>Initial publication of a peer-reviewed paper, article, or book related to surveying.</p> <p>If audited, the licensee shall provide a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	Six continuing education credits must be granted for this activity.
(g)	<p>Serving as a voting member on a state or national surveying committee, board, council, or association. To receive credit, a licensee shall take part in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p> <p>If audited, a licensee shall provide 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.</p>	Three continuing education credits must be granted for the year in which the licensee serves as a member.
(h)	<p>Attending a Michigan board of professional surveyors 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>If audited, the licensee shall provide a copy of the form completed, signed, and dated by the department employee who was present at the meeting.</p>	One continuing education credit must be granted for each meeting attended.

(i)	<p>Serving as a school-sponsored mentor to a surveying student in a school-sponsored program. To receive credit, this activity shall not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall provide 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 credits must be granted for this activity.</p>
(j)	<p>Obtaining patents related to surveying.</p>	<p>Ten continuing education hours must be granted for each approved patent.</p>

(2) Continuing education credits must not be 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 credits during the renewal period.

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

(4) As used in this rule, "continuous instruction" means the time spent completing an activity not including breakfast, lunch, or dinner periods, coffee breaks, or any other breaks in the program.