



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

May 02, 2023

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 #22-026-LR)
Legislative Service Bureau (Secretary of State Filing #23-05-03)
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 #2022-026-LR (Secretary of State Filing #23-05-03) on this date at 9:55 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Professional Engineers – General Rules".

These rules become effective immediately after 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

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

ORLENE HAWKS
DIRECTOR

May 2, 2023

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 #: 2022-26 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated October 20, 2022 for the Department of Licensing & Regulatory Affairs “**Professional Engineers – 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 read "W. O. B.", written over a horizontal line.

Michigan Office of Administrative Hearings and Rules



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

Date: 02/14/2023

Adopted by: Marlon I. Brown
Marlon I. Brown
Chief Administrative Officer
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 October 20, 2022, 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.

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: February 22, 2023

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

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 October 20, 2022, 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 of the Department's rules entitled "Professional Engineers – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: February 17, 2023.

LEGISLATIVE SERVICE BUREAU

By _____

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL ENGINEERS – GENERAL RULES

Filed with the secretary of state on May 2, 2023

These rules become effective immediately after 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 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, as follows:

PART 1. GENERAL PROVISIONS

R 339.16001 Definitions.

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

(a) "Board" means the board of professional engineers created under section 2002 of the code, MCL 339.2002.

(b) "CEAB" mean the Canadian Engineering Accreditation Board.

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

(d) "Continuing education" means a course or activity designed to bring licensees up to date on a particular area of knowledge or skills relevant to the licensee's area of professional practice.

(e) "Course" means any qualifying activity with a clear purpose and goal that keeps, improves, or expands the skills and knowledge relevant to the licensee's area of professional practice.

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

(g) "EAC/ABET" means the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc.

(h) "NCEES" means the National Council of Examiners for Engineering and Surveying.

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

PART 2. LICENSURE

R 339.16021 Educational requirements.

Rule 21. An applicant for licensure shall provide proof, as directed by the department, verifying 1 of the following to satisfy the educational requirement under the code:

(a) Transcripts verifying that the applicant received a baccalaureate degree or higher in engineering from a program accredited by the EAC/ABET or the CEAB.

(b) Transcripts verifying that the applicant 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 the applicant's master's degree or doctorate.

(c) A credentials evaluation from NCEES that verifies all 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 basic 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 the applicant 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) Under section 2004(2)(a) of the code, MCL 339.2004, an applicant for licensure shall document not less than 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 provide proof, as directed by the department, verifying either of the following to receive credit for professional experience in engineering work:

(a) Except as otherwise provided under subrules (1) and (4) of this rule, the applicant has obtained not less than 4 years of experience practicing as a licensed or registered professional engineer in another state or a province of Canada.

(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 or province of Canada 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 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 this state or licensed or registered in another state or a province of Canada.

(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 is limited to the following amounts:

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

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

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 code, MCL 339.411, by satisfying all the following requirements:

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

(b) Pays the required fee to the department.

(c) Provides proof, as directed by the department, verifying that the applicant has completed 15 hours of continuing education in activities approved under R 339.16041, during the 12 months immediately before the date of filing the relicensure application. Of the 15 hours, at least 1 hour of continuing education must be earned in ethics, as it relates to professional engineering. If the department determines that the amount of continuing education hours provided with the application is deficient, the applicant has 1 year after 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) Provides a completed application on a form provided by the department.

(b) Pays the required fee to the department.

(c) Establishes that the applicant has met all the requirements for initial licensure under the code and these rules.

(d) Provides proof, as directed by the department, verifying 1 of the following:

(i) The completion of 30 hours of continuing education in activities approved under R 339.16041, during the 24 months immediately before the date of filing the relicensure application. Of the 30 hours, not less than 2 hours of continuing education must be earned in ethics, as it relates to professional engineering. If the department determines that the amount of continuing education hours provided with the application is deficient,

the applicant has 1 year after the date of filing the application to provide proof of completing the deficient hours.

(ii) The applicant holds or has held a valid and unrestricted license or registration in another state or a province of Canada during the 24 months immediately before the date of filing the relicensure application.

R 339.16026 Examination requirements.

Rule 26. An applicant for licensure shall provide proof, as directed by the department, verifying both of the following to satisfy the examination requirements under the code:

(a) The applicant 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 parts of the NCEES Structural Engineering examination, known as SE-I and SE-II.

(b) Either of the following:

(i) The applicant achieved a passing score as determined by NCEES on the NCEES Fundamentals of Engineering examination.

(ii) The applicant 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 the applicant's doctorate in engineering.

PART 3. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.16031 Professional conduct; requirements; restrictions.

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

(2) A licensee shall do all the following:

(a) If the licensee is the individual in responsible charge, the licensee shall notify the licensee's employer or client, and any other appropriate authority, when the licensee's judgment is overruled under circumstances that endanger life or property.

(b) If the licensee is not the individual in responsible charge, the licensee shall notify the individual in responsible charge when the licensee's judgment is overruled under circumstances that endanger life or property.

(c) Participate in phases of a project in which the licensee is competent.

(d) Undertake assignments in which the licensee is qualified by education or experience in the specific technical field or fields 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 information in these reports, statements, or testimony.

(g) Disclose to an employer, client, or public body that the licensee serves, all known or potential conflicts of interest that could influence or appear to influence the licensee's judgment or the quality of the licensee's 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 individual or firm or assist any individual or firm that the licensee knows is engaged in fraudulent or dishonest business or professional practices or the unlawful practice of professional engineering.

(c) Falsify the licensee's qualifications or the qualifications of the licensee's associates or allow misrepresentations of the licensee's qualifications or the qualifications of the licensee's associates.

(d) Misrepresent or exaggerate the licensee's experience or qualifications.

(e) Knowingly make statements containing a material misrepresentation of fact, 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 individual 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 the licensee's clients or employers, or from outside agents who have no dealings with the licensee's client or employer, in connection with the work for which the licensee 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, when the licensee's 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 individuals 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) The seal of a professional engineer must include the licensee's name and full license number, as shown on the licensee's 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 equivalent to figure 32 below.

(2) A licensee's seal must 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 32



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 before 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 before the expiration date of the license. Of the 30 hours, not less than 2 hours of continuing education must be earned in ethics, as it relates to professional engineering.

(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 maintain documentation of satisfying the requirements of this rule and R 339.16041 for a period of 4 years after the date of filing the application for license renewal.

(4) A licensee is subject to an audit under this part and may have to provide documentation as described by R 339.16041 on request of the department.

(5) The department must receive a request for a waiver of continuing education requirements for the board's consideration not less than 30 days before the last regularly scheduled board meeting 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) | 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: - Another state's board of engineers. - A professional engineering association, organization, or society. | The number of continuing education hours approved by the approving entity are granted for this activity. |

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| | <p>- NCEES. - ABET.</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> | |
| (b) | <p>Passing an academic course related to professional engineering offered by a college or university that offers a baccalaureate degree or higher in an engineering program that is accredited by EAC/ABET or CEAB.</p> <p>If audited, a licensee shall provide a copy of the transcript showing the number of credit hours of the academic courses related to professional engineering.</p> | <p>Fifteen continuing education hours are granted for each semester credit or 10 continuing education hours are granted for each quarter credit.</p> |
| (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 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 hour is granted for every 50 minutes attending the activity.</p> |
| (d) | <p>Teaching, instructing, or presenting on a subject related to professional engineering.</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, the number of classroom hours spent teaching, instructing, or presenting, and the course title.</p> | <p>Two continuing education hours are granted for every 50 minutes of teaching, instruction, or presenting.</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 provide 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</p> |

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| | | <p>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 take part in not less than 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 not less than 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>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> | <p>One continuing education hour is granted for each meeting attended.</p> <p>A maximum of 6 continuing education hours are granted for this activity during each renewal period.</p> |
| (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 provide a letter from an authorized official from the school</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</p> |

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| | verifying the licensee's role and the number of mentoring hours the licensee provided. | during each renewal period. |
| (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 provide 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 the seminar or training was held.</p> | One continuing education hour is granted for every 50 minutes of the seminar or training. |
| (j) | <p>Studying an article related to professional engineering published in a peer-reviewed journal or professional or scientific journal that expands the licensee's knowledge of the professional engineering field.</p> <p>If audited, a licensee shall provide the title and author of the article, publication name of the peer-reviewed journal or professional or scientific journal, and the date, volume, and issue of publication, as applicable, and the date read.</p> | <p>Two continuing education hours are granted for each article studied.</p> <p>A maximum of 4 continuing education hours are granted for this activity during each renewal period.</p> |
| (k) | <p>Obtaining a patent related to professional engineering.</p> <p>If audited, a licensee shall provide a copy of the patent grant letters showing the licensee as the author of the patent and the date the patent was issued.</p> | <p>Ten continuing education hours are granted for each patent.</p> <p>A maximum of 20 continuing education hours are granted for this activity during each renewal period.</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 may be earned during a 24-hour period.

FILED WITH SECRETARY OF STATE

ON 5/2/2023 AT 9:55 AM