



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 #22-027-LR)
Legislative Service Bureau (Secretary of State Filing #23-05-04)
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 #2022-027-LR (Secretary of State Filing #23-05-04) on this date at 1:33 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Professional Surveyors – 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 #: 2022-27 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated October 25, 2022 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 read "Suzanne Sonneborn", 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 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 339.17301, R 339.17303, R 339.17401, R 339.17402, R 339.17403, R 339.17505, and R 339.17506 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 25, 2022, 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:

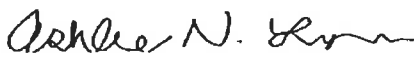
- ◆ Amending R 339.17101, R 339.17201, R 339.17202, R 339.17301, R 339.17303, R 339.17401, R 339.17402, R 339.17403, R 339.17505, and R 339.17506.

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: 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 25, 2022, amending R 339.17101, R 339.17201, R 339.17202, R 339.17301, R 339.17303, R 339.17401, R 339.17402, R 339.17403, 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: February 17, 2023

LEGISLATIVE SERVICE BUREAU

By _____

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL SURVEYORS – 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 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 339.17301, R 339.17303, R 339.17401, R 339.17402, R 339.17403, 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) "ANSAC/ABET" means the Applied and Natural Science Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc.
 - (b) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
 - (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 the licensee's area of professional practice.
 - (d) "Department" means the department of licensing and regulatory affairs.
 - (e) "EAC/ABET" means the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc.
 - (f) "ETAC/ABET" means the Engineering Technology Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc.
 - (g) "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.

October 25, 2022

PART 2. EDUCATION, EXPERIENCE, AND EXAMINATIONS

R 339.17201 Educational requirements.

Rule 201. An applicant for licensure shall provide proof, as directed by the department, verifying 1 of the following to satisfy the educational requirements under the code:

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

- (i) The EAC/ABET.
- (ii) The ETAC/ABET.
- (iii) The ANSAC/ABET.

(b) A NCEES credentials evaluation that verifies the applicant received a baccalaureate degree or higher 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 in surveying from an educational program that is substantially equivalent to a baccalaureate degree or higher 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 shall document not less than 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 licensed in this state or licensed or registered in another state or a province of Canada 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, including 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 licensure shall provide proof, as directed by the department, verifying 1 of the following to receive credit for professional experience in surveying 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 surveyor in another state or a province of Canada.

(b) All of the following:

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

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

(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 339.17201. Credit is limited to the following amounts:

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

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

PART 3. PROFESSIONAL SURVEYOR SEAL AND RELICENSURE

R 339.17301 Professional surveyor seal.

Rule 301. (1) 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 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 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 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, as directed by the department, verifying that the applicant completed 15 hours of continuing education, 1 hour of which must be in professional ethics related to surveying, in activities approved under R 339.17506, during the 1-year period immediately before 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 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 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, as directed by the department, verifying that the applicant completed 30 hours of continuing education, 2 of which must be in professional ethics related to surveying, in activities approved under R 339.17506, during the 2-year period immediately before 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 after 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 allow the misrepresentation of, the academic or professional qualifications of the licensee or the licensee's associates.

(2) A licensee shall not pay, give, or offer to 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.

R 339.17402 Conflict of interest.

Rule 402. (1) To avoid a conflict of interest, a licensee shall promptly inform, in writing, an employer or client of the licensee or a public body that the licensee serves of any employment, business association, interest, duty, or circumstance if that relationship is with another and involves the current or prospective work assignment of the licensee with that employer, client, or public body.

(2) A licensee shall not accept compensation, financial or otherwise, from more than 1 individual for services performed on the same project or assignment, unless the circumstances are fully disclosed to all individuals that pay, or are required to approve payment, for the work performed by the licensee.

(3) A licensee shall not ask for or accept gratuities, directly or indirectly, from contractors, their agents, or other individuals dealing with the client or employer of the licensee in connection with work for which the licensee is responsible, or ask for or accept financial or other valuable consideration from another for specifying products or services.

R 339.17403 Participation in project; responsibilities; survey identification.

Rule 403. (1) A licensee shall undertake to take part only in those phases of a project in which the licensee is competent. In the areas of a project involving architecture or professional engineering in which the licensee lacks competence, the licensee shall retain licensed professional associates for those phases of that project.

(2) A licensee is responsible for clear, accurate, and complete development of plats, plans, drawings, specifications, survey reports, and other instruments of service as is customary in the practice of the licensee's profession, and the material must properly satisfy the need for which it is intended.

(3) Surveys and drawings not intended to delineate, monument, or define property boundaries and limits must be clearly identified as not being boundary surveys.

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 before the expiration date of the license shall obtain not less than 30 hours of continuing education during the 2-year period immediately before 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 the 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 maintain documentation of satisfying the requirements of this rule and R 339.17506 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 339.17506 on request of the department.

(5) The department shall 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 339.17506 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 are granted for this activity.</p>
(b)	<p>Passing an academic course related to professional surveying from a baccalaureate degree or higher in a 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 are 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>One continuing education credit is granted for every</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>	50 minutes of continuous instruction.
(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 attendee, and the name of the organization that approved or offered the presentation.</p>	Two continuing education credits are granted for every 50 minutes of continuous instruction.
(e)	<p>Teaching, instructing, or presenting on 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 are 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 are 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 not less than 50% of the regularly scheduled meetings of the committee, board, council, or association.</p>	Three continuing education credits are granted for the year in which the licensee serves as a member.

	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.	
(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 is 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 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 verifying the licensee's role and the number of mentoring hours the licensee provided.</p>	Four continuing education credits are granted for this activity.
(j)	Obtaining patents related to surveying.	Ten continuing education hours are granted for each approved patent.

(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.

FILED WITH SECRETARY OF STATE

ON 5/2/2023 AT 1:33PM