

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

PROFESSIONAL ENGINEERS

(By authority conferred on the director of the department of consumer and industry services by 1980 PA 299, MCL 339.308 and Executive Reorganization Order No. 1996-2, MCL 445.2001)

PART 1. GENERAL PROVISIONS

R 339.16001 Definitions.

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

- (a) "Act" means 1980 PA 299, MCL 339.101 to 339.2919.
  - (b) "Authorized representative" means the chairperson, vice chairperson, or such other member of the board or employee of the department as the board may formally designate.
  - (c) "Board" means the board of professional engineers.
  - (d) "Department" means the department of labor and economic growth.
- (2) Terms defined in the act have the same meanings when used in these rules.

History: 1985 AACCS; 2008 AACCS.

R 339.16002 Rescinded.

History: 1985 AACCS; 1998-2000 AACCS.

R 339.16003 Conduct of public meetings; "chairperson" defined.

Rule 3. Board meetings are held in accordance with 1976 PA 267, MCL 15.261 to MCL 15.275, and are open to the public.

History: 1985 AACCS; 2008 AACCS.

R 339.16004 Rescinded.

History: 1985 AACCS; 2001 AACCS.

R 339.16006 Rescission.

Rule 6. R 338.551 to R 338.563 and R 338.581 to R 338.588 of the Michigan Administrative Code, appearing on pages 2446 to 2453 of the 1979 Michigan Administrative Code, are rescinded insofar as these rules pertain to professional engineers.

History: 1985 AACCS.

PART 2. LICENSURE

R 339.16021 Degree acceptability; criteria; experience credit; transcripts.

Rule 21. (1) A bachelor's degree shall be judged by the board for acceptability on the basis of criteria entitled "Criteria For Accrediting Engineering Programs in the United States" dated October 29, 2005, which are incorporated by reference. The accrediting criteria may be obtained at no cost from the Accreditation Board for Engineering and Technology (ABET), 7111 Market Place, Suite 1050, Baltimore, Maryland 21202, phone number:(410)347-7700; website: www.abet.org. The accrediting criteria are also available for review at the offices of the Michigan Board of Professional Engineers, 2501 Woodlake Circle, Okemos, Michigan 48864.

(2) The department may accept 1 or both of the following as prima facie proof of a bachelor's degree in engineering, or its equivalent, acceptable to the board:

(a) Official transcripts verifying a degree which is granted by an educational institution in a program which meets the current criteria of the accreditation board for engineering and technology for programs in engineering in the United States.

(b) Official transcripts verifying possession of a master's degree in engineering from a school and program with an Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET) or Canadian Engineering Accreditation Board (CEAB) accredited bachelor's degree in the same engineering discipline as the master's degree.

(3) All other bachelor's degrees shall be evaluated individually through an analysis of the equivalency between the applicant's programs and the program criteria referred to in subrule (1) of this rule.

(4) The holder of a bachelor's degree in engineering accepted by the board shall be granted 4 years of experience credit toward the 8-year experience requirement established by the act.

(5) The holder of a master's degree or doctorate degree in engineering accepted by the board shall be granted an additional 1 year of experience credit, for each degree, toward the 8-year experience requirement established by the act.

(6) An applicant shall provide official transcripts and other documents as required by the department for evaluation and determination of acceptability of a degree, including documentation by the educational institution verifying that the course content of the degree meets the criteria specified in this rule.

(7) The department may accept an official transcript from an accredited educational institution as proof of completion of the required number of humanities/social science credits.

History: 1985 AACS; 2008 AACS.

R 339.16022 Professional engineering experience.

Rule 22. (1) Acceptable professional work experience required by the act for an examination applicant shall be engineering work which requires the application of engineering principles and data, such as consultation, investigation, evaluation, planning, design, or review of materials and completed phases of work in construction, alteration, or repair in connection with a public or private utility, structure, building, machine, equipment, process, work, or project.

(2) Acceptable professional experience in engineering is experience which is achieved after receiving a baccalaureate degree in engineering or its equivalent. Engineering experience obtained prior to graduation may be acceptable if of a professional nature as described in subrule (1) of this rule.

(3) Acceptable experience, as defined in subrule (1) of this rule, shall be performed by the applicant under the direction of a licensed professional engineer or a person of equivalent professional standing.

(4) An applicant shall provide the department with a description of work experience with the examination application and shall cause verification of work experience to be filed with the department by persons familiar with the nature of the work performed by the applicant.

History: 1985 AACS.

R 339.16023 Rescinded.

History: 1985 AACS; 1998-2000 AACS.

R 339.16024 Professional engineer seal; filing; use; validation.

Rule 24. (1) After meeting the licensing requirements prescribed by the act and these rules, an applicant shall be licensed by the department according to the act.

(2) Upon being licensed, a licensee shall obtain a seal authorized by the board. As prescribed by the act, the seal of a professional engineer shall have the following design:

**Figure for 339.16024**



No other design for a seal shall be used. An embossed seal or rubber stamp from 4 to 5 centimeters in diameter may be used.

(3) A licensee acquiring a new or replacement seal shall file an imprint of the seal with the department, and the licensee may be required to do so thereafter upon request by the department.

(4) A licensee's seal shall be used by the licensee whose name appears thereon for so long as the license remains in effect. A licensee shall be responsible for the security of the licensee's seal.

(5) A licensee shall validate personal use of the seal by placing the original signature of the licensee adjacent to each seal impression or stamping.

History: 1985 AACCS.

R 339.16025 Licensure by reciprocity; eligibility; experience and education; equivalency; standards; examination requirements; application; current certificate.

Rule 25. (1) A person who holds a current, valid certificate of registration or licensure as a professional engineer issued by another state or jurisdiction, or who holds a current certificate of qualification issued by the national council of engineering examiners, shall be eligible for licensure by reciprocity, subject to the act and these rules.

(2) An applicant for licensure by reciprocity shall have not less than 8 years of professional experience in engineering work satisfactory to the board, including not more than 6 years of education satisfactory to the board, and shall possess a baccalaureate degree in engineering acceptable to the board or a related degree with courses acceptable to the board. A baccalaureate degree shall be judged by the board for acceptability on the basis of criteria entitled "Criteria For Accrediting Engineering Programs" dated October 29, 2005, which are incorporated by reference. The accrediting criteria may be obtained at no cost from the Accreditation Board for Engineering and Technology, 111 Market Place, Suite 1050, Baltimore, Maryland 21202, phone number (410)347-7700, website [www.abet.org](http://www.abet.org). The accrediting criteria is also available for review at the offices of the Michigan Board of Professional Engineers, 2501 Woodlake Circle, Okemos, Michigan 48864. All other education shall be evaluated individually through an analysis of the equivalency between the applicant's knowledge and the program criteria referred to in this subrule.

(3) All of the following shall apply with regard to evaluating an applicant's compliance with the experience and education requirements in subrule (2) of this rule:

(a) The board may consider educational requirements equivalent to those in effect in Michigan at the time of primary licensing.

(b) The holder of a master's degree or a doctor's degree in engineering acceptable to the board may be granted an additional 1 year of experience credit for each degree toward the 8-year experience requirement established by the act.

(c) An applicant shall provide official transcripts and other documents as required by the department for evaluation and determination of acceptability of a degree, including documentation by the educational institution verifying that the course content of the degree meets the criteria specified.

(4) Acceptable professional experience in engineering is experience which is achieved after receiving a baccalaureate degree in engineering or its equivalent. This experience shall be satisfactorily performed under the direction of a professional engineer or a person of equivalent professional standing and shall be documented and verified to the department, or be such experience otherwise acceptable to the board. Engineering experience prior to graduation may be acceptable if demonstrated to be of a professional nature equal to that expected of an engineering graduate.

(5) An applicant for licensure shall have satisfactorily completed an examination which is acceptable to the board and which tested knowledge of engineering fundamentals and practice equivalent to that previously required in Michigan in the year of primary registration.

(6) The applicant for licensure by reciprocity shall provide complete documentation of the criteria in this rule and send it to the board at the department offices. The board will advise the applicant of its approval of the information submitted by the issuance of a license. If insufficient documentation is provided, the applicant may be requested to provide further information. If the department denies an applicant licensure by reciprocity, the applicant may request an appearance before the board under the act.

(7) A current certificate from the national council of examiners for engineering and surveying attesting to the attainment of required education, experience, and state licensing examinations shall be accepted as evidence of the applicant's qualifications for the issuance of a Michigan license.

(8) An applicant who holds a valid professional engineering license in another United States jurisdiction may submit verification of 5 years of licensed practice in responsible charge of engineering work acceptable to the board as equivalent to satisfactory completion of the fundamentals of engineering (FE) examination.

(9) An applicant who holds a valid professional engineer's license in another United States jurisdiction may submit verification of 15 years of licensed practice in responsible charge of engineering works acceptable to the board as equivalent to satisfactory completion of the principles and practice of engineering (PE) examination.

History: 1985 AACCS; 2008 AACCS.

R 339.16026 Examination equivalency.

Rule 26. The department may consider an applicant for licensure to have satisfied the requirements of MCL 339.2004(2)(b) who satisfies both of the following:

- (a) Has passed the principles and practice examination and
- (b) Has passed the fundamentals of engineering examination or holds a doctoral degree in engineering from a school with an EAC/ABET or CEAB accredited bachelor's degree in the same engineering discipline as the doctoral degree, provided that the applicant's bachelor's degree is equivalent to an EAC/ABET or CEAB accredited degree.

History: 2008 AACCS.

### PART 3. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.16031 Solicitation of employment; restrictions; exception.

Rule 31. (1) In the solicitation of employment, a licensee shall not falsify or permit 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, potential client, the agent of a client, or the agent of a potential client, a commission, contribution, gift, or other substantial valuable consideration to secure or retain engineering 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 on the basis of the licensee's qualifications, competence, and ability to properly accomplish the employment sought.

History: 1985 AACCS.

R 339.16032 Conflict of interest.

Rule 32. (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 on which the licensee serves of any employment, business association, interest, duty, or circumstance if the employment, business association, interest, duty, or circumstance 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 party for services performed on the same project or assignment, unless the circumstances are fully disclosed to all parties that pay, or are required to approve payment, for the work performed by the licensee.

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

History: 1985 AACCS.

R 339.16033 Participation in engineering projects; competence required.

Rule 33. A licensee shall undertake to participate only in those phases of a project in which the licensee is competent. In the areas of a project involving architecture, professional engineering, and land surveying in which the licensee lacks competence, the licensee shall retain licensed professional associates for those phases of that project.

History: 1985 AACCS.

R 339.16034 Work review and approval of procedures and decisions of persons under licensee's supervision.

Rule 34. On work for which the licensee is responsible, the procedures followed and the decisions made by persons under the licensee's supervision shall be subject to sustained review and approval by the licensee.

History: 1985 AACCS.