

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL ENGINEERS – GENERAL RULES

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

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) "Board" means the board of professional engineers.

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

(d) "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.

(e) "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. Regular duties for compensation shall not be considered qualified activities, except for employer compensated continuing education activities.

(f) "Distance learning" means any of the following:

(i) Courses where an instructor and a licensee may be apart and instruction takes place through online or electronic media.

(ii) Courses which include, but are not limited to, instruction presented through interactive classrooms, at the job site, computer conferencing, and interactive computer systems.

(2) Terms defined in the act have the same meanings when used in these rules.

History: 1985 AACS; 2008 AACS; 2013 AACS.

R 339.16002 Rescinded.

History: 1985 AACS; 1998-2000 AACS.

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 AACSB; 2008 AACSB.

R 339.16004 Rescinded.

History: 1985 AACSB; 2001 AACSB.

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of the Michigan Administrative Code, appearing on pages 2446 to 2453 of the 1979 Michigan Administrative Code, are rescinded insofar as these rules pertain to professional engineers.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 AACSB.

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. 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 AACS; 2008 AACS.

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 AACS.

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 AACS.

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 AACS.

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 AACS.

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 AACS.

PART 4. CONTINUING EDUCATION

R 339.16040 Continuing education; license renewal; requirements.

Rule 40. (1) A licensee shall obtain continuing education, as specified in R 339.16042.

(2) A licensee shall certify the completion of continuing education requirements as a condition for licensure renewal in a format prescribed by the department.

(3) The department shall not renew a license if the continuing education requirements have not been completed.

(4) A licensee shall submit to the department evidence of fulfillment of the continuing education requirements within 45 days of a request from the department for the evidence to be submitted.

History: 2013 AACS.

R 339.16041 Acceptable continuing education; limitations.

Rule 41. (1) Continuing education hours may be acquired in another jurisdiction.

(2) Continuing education hours shall be relevant to the occupation and may be earned as follows:

(a) Successfully completing a college course.

(b) Successfully completing a continuing education course.

(c) Successfully completing a distance learning course.

(d) Presenting or attending a seminar, in-house course, workshop, or professional or technical presentation made at a meeting, convention, or conference.

(e) Teaching, instructing, or presenting an acceptable course or activity listed in subrule 2(a) to (d) of this rule.

(f) Publishing a peer-reviewed paper, article, or book in the licensee's area of professional practice.

(g) Serving as a member of the state board of professional engineers or attending a state board of professional engineers meeting.

(h) Participating in a company sponsored seminar or training that is designed to enhance professional development in the licensee's area of professional practice.

(i) Serving as a mentor to an engineering student in a school-sponsored program.

(j) Obtaining patents related to engineering.

(3) Continuing education hours shall be granted once during a renewal period in which the hours were earned for the same course or activity that a licensee completed as either a licensee, instructor, or presenter.

(4) Continuing education hours shall be granted once for the first time a course is offered or presented provided that the course is not associated with a licensee's regular duties as a member of a faculty.

(5) Continuing education hours shall not be earned for any of the following activities:

(a) Passing an examination to obtain licensure.

(b) Completing a course that does not provide a licensee access to an instructor during the course.

(c) Completing a course that is not designed to bring licensees up to date on a particular area of knowledge or skills in the licensee's area of professional practice.

(d) Attending a cultural performance, entertainment, or recreational meeting or activity, or participation in a travel group.

(6) The conversion of other units of credit per renewal cycle shall be as follows:

(a) 1 college semester credit hour equals 45 continuing education hours.

(b) 1 college quarter credit hour equals 30 continuing education hours.

(c) Publishing a peer-reviewed paper, article, or book in the licensee's area of professional practice equals 6 continuing education hours.

(d) Serving as a member of the state board of professional engineers or attending a state board of professional engineers meeting equals 2 continuing education hours.

(e) Serving as a mentor for an engineering student in a school-sponsored program equals 4 continuing education hours.

(f) Obtaining patents related to engineering equals 10 continuing education hours.

History: 2013 AACS.

R 339.16042 Continuing education hours required; renewal.

Rule 42. Continuing education hours required for renewal shall be as follows:

(a) A licensee who holds a license for more than 12 months, but less than 24 months from the date of initial licensure shall obtain 15 hours of continuing education for the first renewal period.

(b) A licensee who holds a license for 24 months or more from the date of initial licensure shall obtain 30 hours of continuing education for the renewal period.

History: 2013 AACS.

R 339.16043 Determination of credit; forms; record keeping.

Rule 43. A licensee shall maintain records of continuing education hours earned for 4 consecutive years. The records shall include the following:

(a) The courses or activities completed, the dates when the courses or activities were held and the duration of the courses or activities, the sponsoring organization, the instructor's or speaker's name, and the hours earned.

(b) Verification of attendance at a course or activity, such as completion certificates or other supporting documentation.

History: 2013 AACS.

R 339.16044 Auditing.

Rule 44. The department may establish a process for auditing licensees regarding continuing education for compliance with the act and these rules.

History: 2013 AACS.