

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL SURVEYORS – 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 206 of 1980 PA 299, MCL 339.205 and 339.206 and Executive Reorganization Order Nos. 1996-2, 2003-1, and 2011-4, being MCL 445.2001, MCL 445.2011, and MCL 445.2030)

PART 1. GENERAL PROVISIONS

R 339.17101 Definitions.

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

(a) "Act" means 1980 PA 299, being MCL 339.101 to 339.2919.

(b) "Board" means the Michigan board of professional surveyors.

(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; 1995 AACS; 2013 MR 19, Eff. Oct. 10, 2013.

R 339.17102 Rescinded.

History: 1985 AACS; 1995 AACS.

R 339.17103 Conduct of public meetings.

Rule 103. (1) For the purpose of this rule, "chairperson" means the person authorized to convene and moderate a meeting of a public body organized or housed within the department or any other person acting temporarily as convenor or moderator.

(2) Each person present shall be provided a reasonable opportunity to address a public meeting on an agenda item or a topic relevant to the public body which is not on the agenda if the person makes a request to the public body's offices or to the department prior to convening the meeting or to the chairperson prior to the conclusion of the meeting.

(3) A group of 5 or more persons may be asked to give advance notice to the chairperson or department of its intention to attend a meeting of a public body so that an effort may be made to provide adequate space. Such advance notice shall not be required, however.

(4) The chairperson shall do all of the following:

(a) Conduct the public participation portion of the public meeting in an orderly and decorous fashion.

(b) Recognize each person wishing to speak within the time limits available.

(c) Allow for public comment on each agenda item.

(d) Allocate a specific time on the agenda for general public comment.

(5) The chairperson may do any of the following:

(a) Limit the number of persons admitted to the meeting room if necessary to comply with public safety laws and regulations.

(b) Temporarily recess and promptly reconvene the meeting in a larger room if more space is necessary.

(c) Impose reasonable limitations on time allotted for public comments.

(d) Inquire as to the interest or interests, if any, represented by a person addressing the meeting.

(e) To preserve the rights of all parties, prohibit a member of the public from addressing the meeting on the subject of an administrative law case pending before a board until a disposition of the case has been voted upon by the board.

(f) Exclude a person from the meeting only for a breach of the peace actually committed at the meeting.

History: 1985 AACS.

R 339.17104 Rescinded.

History: 1985 AACS; 2001 AACS.

R 339.17105 Rescission.

Rule 105. (1) 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 land surveyors.

(2) R 338.2401 to R 338.2461 of the Michigan Administrative Code, appearing on pages 2554 to 2565 of the 1979 Michigan Administrative Code, are rescinded.

History: 1985 AACSB.

PART 2. EXAMINATIONS

R 339.17201 Acceptability of baccalaureate degrees; criteria; experience credit.

Rule 201. (1) A baccalaureate degree shall be deemed to be acceptable if the candidate holding the degree has achieved all of the credits in college level courses in accordance with the following table:

General Quarter Title Hours	Representative Courses Which May Be Included	Semester Hours.	
Mathematics	analytic geometry, calculus, statistics	12	18
Humanities and Communications	English, speech, government, history, literature, philosophy, sociology	10	15
Law and Business	legal principles, Michigan surveying law, accounting, economics, business administration	10	15
Basic Science	physics, chemistry, geology, Astronomy, biology, dendrology	18	27
Further Development	computer science, remote sensing graphics, linear analysis	6	9
Engineering Science	statics, fluid mechanics, properties and mechanics of materials	8	12
Engineering	construction materials transportation, soils, hydraulics hydrology	13	20

Surveying	mensuration, operation of Instruments, practical astronomy, geodesy, topographic surveying, route surveying, boundary surveying, photogrammetry cartography, planning and design of land divisions, construction layout	30	45
-----------	---	----	----

(2) An applicant who possesses a bachelor of science degree in land surveying from an institution whose facilities, faculty, and curriculum have been reviewed and approved by this board shall be deemed to meet the requirements of section 2004(1) of the act.

(3) All other baccalaureate degrees shall be evaluated as to their conformance with the criteria specified in subrule (1) of this rule. An applicant shall provide transcripts and other documents as may be required by the board for evaluation and determination of acceptability of the degree, which may include documentation by the educational institution to verify that the degree meets the criteria set forth in this rule.

(4) A person who possesses an acceptable bachelor's degree shall be granted 4 years of experience credit as required by the act.

(5) A person who possesses a graduate degree in surveying may be granted a maximum of 1 additional year of experience credit pursuant to the act.

History: 1985 AACCS.

R 339.17202 Required professional experience; acceptability; verification.

Rule 202. (1) Professional surveying experience required by the act for examination admission may include the following types of surveying work, which shall include both field and office practice:

(a) 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.

(b) 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.

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

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

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

(2) Acceptable professional experience shall be obtained in a varied and increasingly responsible position under the direction of a licensed professional surveyor.

(3) An applicant shall have the applicant's employers or supervisors, or both, submit verification of experience forms to the board and other references required by the act. Decisions by the board regarding satisfactory experience shall be based upon an evaluation of this information.

History: 1985 AACS; 1995 AACS.

R 339.17203 Examinations; subject matter.

Rule 203. (1) Part 1, entitled "Fundamentals of Land Surveying Examination," may include any of the following subjects:

- (a) Mathematics.
- (b) Physics.
- (c) Communication skills.
- (d) Care and use of surveying instruments.
- (e) Orientation.
- (f) Horizontal, vertical, and angular measurements.
- (g) Traversing.
- (h) Topographic mapping.
- (i) Notekeeping.
- (j) Computing.
- (k) Property surveys and descriptions.
- (l) Land and space divisions.
- (m) Plats.
- (n) Plans.
- (o) Charts.
- (p) Monumentation.
- (q) Vertical and horizontal curves.
- (r) State plane coordinate calculations.
- (s) Economic analysis.
- (t) Astronomy.
- (u) Photogrammetry.
- (v) Evaluation and adjustment of errors.

(2) Part 2, entitled "Principles and Practice of Land Surveying Examination," may include any of the following subjects:

- (a) Knowledge of state statutes and rules related to land surveying.
- (b) The United States system of public land surveys.
- (c) Michigan plane coordinate system.
- (d) Land descriptions, including those involving disputed boundaries or defective deed descriptions.
- (e) Riparian rights, hydrology, and meandered bodies of water.
- (f) Adverse possession.
- (g) Office management and practice.
- (h) Client relations.
- (i) Reconciliation of past and present measurements.
- (j) Subdivision of sections.

- (k) Original government surveys.
- (l) Condominium subdivision laws and rules.

History: 1985 AACS; 1993 AACS; 2013 MR 24, Eff. Dec. 26, 2013.

PART 3. LICENSURE, RECIPROCITY, AND RENEWAL

R 339.17301 Offer of licensure; seal design; filing imprint; use of seal; validation.

Rule 301. (1) After meeting the licensing requirements prescribed by the act and these rules, an applicant shall be offered original licensure by the board.

(2) A seal of a licensed professional surveyor as prescribed by the act shall have the following design:



No other design for a seal shall be used. An embossed seal or rubber stamp that is 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 board office, and, thereafter, the licensee may be required to file an imprint upon request by the board.

(4) A licensee's seal shall be used by the licensee whose name appears on the seal for as long as the license remains in effect. A licensee shall be responsible for the security of the 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 AACS; 1995 AACS.

R 339.17302 Licensure by reciprocity; eligibility; experience and education standards; examinations.

Rule 302. (1) A person who holds a current, valid certificate of licensure or registration as a land surveyor or professional surveyor issued by a board of another state or jurisdiction, or who holds a current certificate of qualification issued by a national council acceptable to the board, shall be eligible for licensure by reciprocity subject to the act and these rules.

(2) Standards for satisfactory experience and education required by the act are established by R 339.17201 and R 339.17202.

(3) An applicant shall have taken and passed an examination acceptable to the board as established by R 339.17203. An applicant who is deficient shall take examinations as directed by the board. Upon successful completion of the examinations, an applicant may be offered state licensure by examination if the applicant satisfies all other requirements of the act.

History: 1985 AACS; 1995 AACS; 2013 MR 24, Eff. Dec. 26, 2013.

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 on the basis of the licensee's qualifications, competence, and ability to properly accomplish the employment sought.

History: 1985 AACS; 1995 AACS.

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 on which 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 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, nor shall the licensee solicit or accept financial or other valuable consideration from another for specifying products or services.

History: 1985 AACR.

R 339.17403 Participation in project; responsibilities; survey identification; survey error of closure; survey content; certificate of survey; form; land corner recordation certificate.

Rule 403. (1) 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 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 shall properly satisfy the need for which it is intended.

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

(4) Boundary surveys made to delineate, monument, define, or redefine property boundaries and limits shall be performed with an error of closure not greater than 1 unit for each 5,000 units measured or stated. Linear errors of closure up to 0.15 feet shall be deemed appropriate on parcels of less than 750 feet total perimeter length.

(5) The information contained on a survey and drawing to be filed under Act No. 132 of the Public Acts of 1970, as amended, being S54.211 et seq. of the Michigan Compiled Laws, shall include all of the following items:

(a) A drawing that includes the graphical and numerical scale used.

(b) A north arrow.

(c) Identification of all government corners and related witnesses.

(d) A description as required by section 3(a) of Act No. 132 of the Public Acts of 1970, as amended, being S54.213(a) of the Michigan Compiled Laws.

(e) A statement of the manner of bearing determination.

(6) A certificate of survey shall bear the surveyor's original signature and seal.

(7) The following form is a guideline for licensed professional surveyors to follow:

CERTIFICATE OF SURVEY
Filing Requirement of Act No. 132
of the Public Acts of 1970, as Amended

I HEREBY STATE THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON _____ 19____, AND THAT ALL OF THE REQUIREMENTS OF PA 132, 1970 HAVE BEEN MET.

SIGNATURE

LICENSED PROFESSIONAL
SURVEYOR NO.

SEAL

(8) A land corner recordation certificate shall be in compliance with Act No. 74 of the Public Acts of 1970, as amended, being S54.201 et seq. of the Michigan Compiled Laws. Not more than 2 corners, all in the same town and range, may be recorded on

any land corner recordation certificate. There shall be not less than 4 permanent accessories (witnesses), natural or installed, listed for each corner. The following is a sample of the approved land corner recordation certificate:

LAND CORNER RECORDATION CERTIFICATE
Filing Requirement of Act 74, Mich. P.A. 1970

For corners in _____ Located In: _____ Corner Code # _____
(County) _____

1. Public Land Survey T__R__ _____
T__R__ _____
T__R__ _____
T__R__ _____

2. Property Control- S__T__R__ _____
ing in Section S__T__R__ _____

3. Miscellaneous S__T__R__ _____
Property in Sec. S__T__R__ _____

4. Lot No. _____, Recorded Plat _____

5. Private Claims _____

Register of Deeds Stamp
& File Number

I, _____, in a field survey on _____, 19____ do hereby state that under requirements of P.A. 74, Michigan P.A. of 1970, the corner points mentioned in lines 1 and 2 above were in conformance with regulations and rules therefor as required in the current manual of survey instructions of the United States Department of the Interior, Bureau of Land Management or by a decree of a Court of Law and/or that the corner points mentioned in lines 3, 4 and 5 above were in conformance with the rules of the Michigan Board of Professional Surveyors or by a Decree of a Court of Law; established, re-established, monumented, recovered, found as expressed below:

	A	B	C	D	E	F	G	H	I	J	K	L	M
2	6	5	4	3	2	1							
3													
4	7	8	9	10	11	12							
5													
6	16	17	18	19	20	21	22	23	24				
7													
8	19	20	21	22	23	24							
9													
10	30	29	28	27	26	25							
11													
12	31	32	33	34	35	36							
13													

NOTE: Not more than 2 corners, all in the same town and range, may be recorded on this certificate.

- A. Description of original monument and accessories and/or subsequent restoration:
- B. Description of corner evidence found and/or method applied in restoring or reestablishing corner:
- C. Description of monument for corner and accessories established to perpetuate locating the position of the corner:

Signed by _____ Date _____
Surveyor's Michigan License No. _____

R 339.17404 Supervising of surveying operations.

Rule 404. (1) 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.

(2) The term "supervision," as used in sections 2008(3) and 2011(l)(c) of the act and as used in this rule, shall be deemed to require such control by the licensed professional surveyor that he or she can certify that he or she is knowledgeable and has reviewed and approved all actions by unlicensed persons who have participated in the survey.

(3) The term "supervision" means both of the following:

(a) That all persons participating in the survey shall be in the employ of the licensed surveyor or the organization employing the licensed surveyor.

(b) That each person in charge of field parties, computers, draftsmen, and researchers periodically reviews procedures followed, periodically reviews decisions made, and is instructed by the surveyor. The term "periodically," in normal practice, means daily.

(4) Any office offering to perform land surveys shall have a licensed professional surveyor in charge of the operations, and the professional surveyor shall have full control of the survey operations. The licensed professional surveyor shall maintain regular hours at his or her office so that he or she can be contacted in person by the public.

(5) The board and the department regard failing to properly supervise surveying operations as outlined in this rule as gross negligence.

(6) A licensee shall not in any way aid or abet an unlicensed person to practice or offer to practice professional surveying.

History: 1985 AACs; 1995 AACs.

PART 5. CONTINUING EDUCATION

R 339.17505 Continuing education; license renewal; requirements.

Rule 505. (1) A licensee shall obtain continuing education as specified in R 339.17507.

(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 MR 19, Eff. Oct. 10, 2013.

R 339.17506 Acceptable continuing education; limitations.

Rule 506. (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 surveyors or attending a state board of professional surveyors 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 a surveying student in a school-sponsored program.

(j) Obtaining patents related to surveying.

(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 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 10 continuing education hours.

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

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

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

History: 2013 MR 19, Eff. Oct. 10, 2013.

R 339.17507 Continuing education hours required; renewal.

Rule 507. 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 MR 19, Eff. Oct. 10, 2013.

R 339.17508 Determination of credit; forms; record keeping.

Rule 508. 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 MR 19, Eff. Oct. 10, 2013.

R 339.17509 Auditing.

Rule 509. The department may establish a process for auditing licensees regarding continuing education for compliance with the act and these rules.

History: 2013 MR 19, Eff. Oct. 10, 2013.