

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

ARCHITECTS - GENERAL RULES

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(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 MCL 339.2009 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2003-1, 2011-4, MCL 445.2001, MCL 445.2011, and MCL 445.2030)

PART 1. GENERAL PROVISIONS

R 339.15101 Definitions.

Rule 101. (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 other member of the board or employee of the department as the board may formally designate.
- (c) "Board" means the board of architects.
- (d) "Department" means the department of licensing and regulatory affairs.
- (e) "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.
- (f) "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 activities, except for employer compensated continuing education activities.
- (g) "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.
  - (iii) Monographs which include an online quiz or test offered by a sponsor that may not require an instructor.
- (h) "HSW subjects" means technical and professional subjects, relevant to the practice of architecture, which contain elements that will enhance the public's health, safety, and welfare.
- (i) "Monograph" means a distance learning course that examines or investigates current and emerging topics in architecture.

(j) "Sponsor" means a person who represents to the public that any of its courses fulfill the requirements of section 2009 of the act for continuing education.

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

History: 1985 AACS; 2006 AACS; 2013 AACS.

R 339.15102 Rescinded.

History: 1985 AACS; 1998-2000 AACS.

R 339.15103 Board meetings.

Rule 103. Board meetings are held in accordance with 1976 PA 267, MCL 15.261 et seq. and are open to the public.

History: 1985 AACS; 1998-2000 AACS; 2006 AACS.

R 339.15104 Rescinded.

History: 1985 AACS; 2001 AACS.

R 339.15105 Rescission.

Rule 105. 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 architects.

History: 1985 AACS.

## PART 2. LICENSING CRITERIA

R 339.15201 Adoption by reference; experience credit; professional experience practice requirement; examination; transcripts.

Rule 201. (1) The board adopts the "NAAB - 2004 conditions for accreditation" and the "2005 procedures" of the national architectural accrediting board as the board's determinant of the acceptability of a first professional degree in architecture. The "NAAB-2004 conditions for accreditation" and the "2005 procedures" are available for inspection from the bureau of commercial services at the physical location of 2501 Woodlake Circle, Okemos MI 48864, and may be purchased at a cost of \$3.50, at the time of the adoption of these rules, from the national architectural accrediting

board, 1735 New York Avenue, NW, Washington DC 20006, telephone: 202-783.2007, e-mail: info@naab.org, or on the world-wide web at www.naab.org.

History: 1985 AACS; 2006 AACS.

R 339.15202 Credit for professional experience.

Rule 202. (1) Submission of a certificate of completion of the intern development program of the national council of architectural registration boards shall be accepted as evidence of completion of architectural experience and internship acceptable to the board. The board adopts by reference the standards set forth in the publication, "Intern development program (IDP) guidelines," 2005-2006 edition published by the national council of architectural registration boards (NCARB), which is available for inspection from the bureau of commercial services, physical location at 2501 Woodlake Circle, Okemos Michigan. Copies of "Intern development program (IDP) guidelines" may be obtained from AIA-NCARB IDP Headquarters, 1801 K Street NW, Suite 1100-K, Washington DC 20006, telephone: 202-783-6500, e-mail: customerservice@ncarb.org or by visiting the NCARB website at www.ncarb.org, at no charge at the time of promulgation of these rules.

(2) The certificate of completion of an approved internship program shall also be evidence of completion of the requirement that an applicant submit 5 references as required by section 2006(1) of the act.

(3) Effective January 1, 1992, only experience gained through completion of an intern development program approved by the board shall be considered to qualify an applicant to take the professional portion of the examination.

(4) Five years of verifiable practice as a licensee in another jurisdiction shall satisfy the intern development program requirements for a reciprocal license.

History: 1985 AACS; 1989 AACS; 2006 AACS.

R 339.15203 Rescinded.

History: 1985 AACS; 1998-2000 AACS.

R 339.15204 Examination requirement.

Rule 204. The board adopts the NCARB architectural registration examination (ARE) as the acceptable examination for licensure, as required by MCL 339. 2004 (1)(b).

History: 2006 AACS.

### PART 3. LICENSURE, RECIPROCITY, AND RENEWAL

R 339.15301 Licensure; seal design, replacement, use, validation, and submittal to board.

Rule 301. (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) The seal of an architect as required by the act shall have the following design:

**Figure for 339.15301**



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 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 339.15302 Licensure by reciprocity; evidence of eligibility required; application; current certificate.

Rule 302. An applicant is eligible for licensure by reciprocity if the applicant holds a current valid certificate of licensure or registration as an architect issued by a board of another state or jurisdiction and submits verification of education and professional experience as required by the act and these rules, or submits a current certificate from the national council of architectural registration boards attesting to the attainment of required education, experience, and state board examinations, which shall be evidence for evaluation of the applicant's qualifications for licensure. An applicant shall be acceptable for licensure by reciprocity who holds a current, valid license in another state and who met Michigan requirements at the time of initial registration in that state.

History: 1985 AACS.

#### PART 4. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

R 339.15401 Standard of care and competence; responsibility for complying with building laws and regulations; professional services.

Rule 401. (1) In practicing architecture, an architect shall act with reasonable care and competence and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing who practice in the same or similar locality.

(2) In designing a project, an architect shall take into account all applicable state and municipal building laws and regulations. While an architect may rely on the advice of other professionals, such as attorneys, engineers, or other qualified persons, as to the intent and meaning of such laws and regulations, an architect shall not knowingly design a project in violation of such laws and regulations.

(3) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.

(4) Professional services shall be offered and performed as follows:

(a) A licensee shall undertake to participate only in those phases of a project in which the licensee is competent by education, training, and experience. In the areas of a project involving professional engineering or land surveying in which the licensee lacks competence, the licensee shall

retain licensed or registered professional associates for those phases of that project.

(b) An architect shall not sign or affix a seal as architect to any plans, specifications, drawings, or other related documents or work products which were not prepared by the licensee or under the licensee's direction and supervision.

History: 1985 AACS.

R 339.15402 Compensation; disclosure of business association or financial interest; contract decision.

Rule 402. (1) An architect shall not accept compensation for services from more than 1 party on a project, unless the circumstances are fully disclosed in writing and are agreed to in writing by all interested parties.

(2) If acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially.

History: 1985 AACS.

R 339.15403 Public statements; representation of qualifications; misrepresentation of work responsibility; reporting violations of rules.

Rule 403. (1) An architect making public statements on architectural questions shall disclose when he or she is being compensated for making such statements.

(2) An architect shall accurately represent to a prospective or existing client or employer his or her qualifications.

(3) An architect shall not misrepresent the degree of responsibility in connection with work for which he or she is claiming credit to a client, potential client, or the public.

(4) An architect shall report a violation of these rules by another architect to the board.

History: 1985 AACS.

## PART 5. CONTINUING EDUCATION

R 339.15501 Continuing education; license renewal; requirements.

Rule 501. (1) A licensee shall obtain continuing education in HSW subjects as specified in R 339.15503.

(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 339.15502 Acceptable continuing education; limitations.

Rule 502. (1) Continuing education may be acquired in another jurisdiction.

(2) Continuing education hours in HSW subjects 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 architects or attending a state board of architects' meeting.

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

(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 a participant, 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 facility.

(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 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.

(c) 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 architects or attending a state board of architects' meeting equals 2 continuing education hours.

History: 2013 AACS.

R 339.15503 Continuing education hours required; renewal.

Rule 503. 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 12 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 24 hours of continuing education for the renewal period.

History: 2013 AACS.

R 339.15504 Determination of credit; forms; recordkeeping.

Rule 504. A licensee shall maintain records of continuing hours earned for 4 consecutive years. The records shall include both of the following:

(a) The courses or activities completed, the dates when the courses or activities were held, the sponsoring organization, and the continuing education hours earned.

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

History: 2013 AACS.

R 339.15505 Sponsor.

Rule 505. A sponsor offering continuing education may include any of the following:

- (a) National Council of Architectural Registration Boards.
- (b) American Institute of Architects.
- (c) Construction Specifications Institute.
- (d) University of Michigan.
- (e) Lawrence Technological University.
- (f) University of Detroit Mercy.
- (g) Andrews University.
- (h) United States Green Building Council.
- (i) A college or university offering a course or activity relevant to architectural education, design, or construction technology education.
- (j) An organization offering a course or activity relevant to architectural education, design, or construction technology education.

History: 2013 AACCS.

R 339.15506 HSW subjects for continuing education.

Rule 506. HSW subjects may include any of the following:

- (a) Building design.
- (b) Environmental or land use analysis.
- (c) Life safety.
- (d) Architectural programming.
- (e) Site planning.
- (f) Site and soils analysis.
- (g) Accessibility.
- (h) Structural systems considerations, including lateral forces; hurricane or high wind safety and design.
- (i) Building codes.
- (j) Evaluation and selection of building systems, products, or materials.
- (k) Construction methods.
- (l) Contract documentation.
- (m) Construction administration.
- (n) Energy conservation.
- (o) Zoning and governance policies and procedures.
- (p) Sustainability.
- (q) Historic preservation.
- (r) Requirements for building in coastal areas.
- (s) Mold or other hazardous material mitigation.
- (t) The impact of design on human physiology and neurology.
- (u) Other similar HSW subjects relevant to architecture.

History: 2013 AACCS.

R 339.15507 Auditing.



Rule 507. The department may establish a process for auditing licensees regarding continuing education for compliance with the act and these rules.

History: 2013 AACCS.