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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

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**MICHIGAN BOARD OF PROFESSIONAL ENGINEERS
RULES COMMITTEE WORK GROUP
MEETING**

**MINUTES
APRIL 12, 2019**

The Michigan Board of Professional Engineers Rules Committee Work Group, met on April 12, 2019, at 611 West Ottawa Street, Upper Level Conference Center Room 6, Lansing, Michigan 48933.

CALL TO ORDER

Rick Roselle, Analyst, Boards and Committees Section, called the meeting to order at 2:00 p.m.

ATTENDANCE

Members Present: Kelly Fedele, Professional Engineer
Lori Fobes, Professional Engineer
Charles Hookham, Professional Engineer
James Stevens, Professional Engineer

Members Absent: None

Staff Present: Rick Roselle, Analyst, Boards and Committees Section
Stephanie Wysack, Board Support, Boards and Committees Section

Public Present: Ron Brenke – American Council of Engineering Companies and
American Society of Civil Engineers
Scott Connors – Michigan Society of Professional Engineers
John Kraus, PE - self
Steve Nichols – American Council of Engineering Companies
Ryan Roth – Michigan Society of Professional Engineers
William D. Thayer – Structural Engineers Association of Michigan
Thomas C. Wheat, PE – Michigan Society of Professional Engineers

WELCOME

Roselle explained that Department leadership has mandated that all rules committee meetings will be open to the public in order to receive input on the rules draft from the

public earlier in the rulemaking process. Roselle reminded the public that the Rules Committee will make the final recommendation on the proposed rule changes to the Board.

Roselle explained the plan for the flow of the meeting.

RULES DISCUSSION – Copy of Draft Rules is attached.

R 339.16001 Definitions.

No public comment was made.

The Rules Committee agreed with the proposed rule as presented.

R 339.16021 Educational requirement.

No public comment was made.

Hookham pointed out the differences in wording such as engineering program or engineering science.

Subrule (1)(a) and (b): Roselle advised that the language in subdivision (b) is written that way because it is common for accrediting bodies to only accredit a bachelor level program but not the master's or doctoral levels. In addition, accrediting bodies accredit the program and not the school itself. Subdivision (b) accepts a master's or doctoral degree in engineering, if it is earned from a school and program with an accredited bachelor's degree program that is in the same engineering discipline as the master's or doctorate.

Subrule (1)(a)(i)(B)(iii): Roselle indicated the word science is used to be consistent with the National Council of Examiners for Engineering and Surveying (NCEES) standard language.

The Rules Committee agreed with the proposed rule as presented.

R 339.16022 Professional engineering experience; credit for work experience; credit for educational experience.

Subrule (1): Wheat noted the changes that the Michigan Society of Professional Engineers (MSP) requested to be reflected in the rule pertaining to the 8 years of total experience required under MCL 339.2004(2)(a).

Hookham asked about the meaning of "5 years of education." Roselle advised that the language mirrored the language in the statute. It allows for granting up to 5 years of

experience based on the amount of education obtained by the applicant. The requirements for obtaining credit for educational experience is found under subrule (4).

Hookham suggested that language be added to reference subrule (4). Fobes agreed as that would provide clarification between education and experience.

Roselle provided language that would refer to subrule (4) under subrule (1).

The Rules Committee agreed with all of the changes in the rule as discussed.

R 339.16024 Professional engineer sea; use; validation.

Roselle indicated that this rule is being rescinded because the professional engineer seal requirements was moved elsewhere in the rule set.

No public comment was made.

The Rules Committee agreed with the proposed rule as presented.

R 339.16025 Relicensure requirements.

No public comment was made.

The Rules Committee agreed with the proposed rule as presented.

R 339.16026 Examination requirements.

Subrule (1)(a)(ii): Hookham asked if this required all parts of the Structural Engineering examination and if so, should it be clarified in the language?

Stevens indicated that NCEES held a discussion regarding the parts of the Structural Engineering examination and indicated that each part was approximately eight hours in length.

Roselle found the section that referenced the Structural Engineering examination on NCEES' website and suggested that further research be completed. Hookham agreed.

Fobes agreed that more information was needed regarding the content of the structural examination due to the length of the examination.

The Rules Committee believed that there should be a complete exam.

Roselle indicated that the NCEES' website referenced a complete exam as being 16 hours in length and having two components. Roselle suggested adding language that refers to both components of the Structural Engineering examination and presenting final language at the full Board meeting in May to avoid unnecessary delay since the Rules Committee agrees on the substantive requirement and all that remains is the technical language of the rule.

The Rules Committee agreed with all of the changes in the rule as discussed.

R 339.16031 Professional conduct; requirements; restrictions.

Brenke questioned whether this rule addressed licensure applicants with a felony and if not, should it? Roselle clarified that this rule applied to current licensees and that there is nothing specific in the Occupational Code that requires licensees to report felony convictions.

Hookham and Fobes believed that there was something in the Occupational Code about good moral character that required reporting.

Stevens read the language from the Code, indicating that it was at the Department's discretion to make a decision on a case by case basis.

Brenke stated that he liked that the Department has the ability to review and that it was at the Department's discretion.

Roselle clarified that it is a violation of the Occupational Code for a licensee to demonstrate a lack of good moral character and that having good moral character is a prerequisite for licensure. In addition, a court judgment against a licensee has the potential to demonstrate a lack of good moral character as it is defined under the Occupational Code.

R 339.16032 Professional engineer seal.

(1): Connors suggested extending the 60-day timeframe to 180 days or 1 year from promulgation, to obtain the appropriate seal.

Roselle indicated that the Department has no problem with extending the timeframe, but the Department does not support an option to "grandfather-in" licensees who have a seal under the previous rules because it will create confusion and inconsistency.

Several timeframes were suggested and discussed by both public and Rules Committee members.

Roselle indicated that notification of the new seal requirement will be sent via an email blast to licensees, who have provided the Department with an email, once the rules have

been promulgated. Further, the rules are also posted online and available for public viewing so they can see that the change is coming. Roselle will check with the Department regarding other options for notification. Fobes suggested including the reminder at the time of renewal, similar to that used for continuing education.

The Rules Committee suggested the use of a 2-year timeframe to allow for the Department to consider providing notice to licensees when it sends out renewal notices.

The Rules Committee agreed with all of the changes in the rule as discussed.

Brenke asked if electronic seals with the electronic signature was permitted under statute. Roselle read the statute that indicates an electronic seal is acceptable but that the licensee is required to apply his or her seal and signature to a plan, specification, plat, or report issued by the licensee and filed with a public authority. However, a "signature" includes an electronic signature.

R339.16033 Participation in engineering projects; competence required and R 339.16034 Work review and approval of procedures and decisions of persons under licensee's supervision.

Roselle indicated that both rules are being rescinded because the provisions under the rule were incorporated in the changes for R 339.16031.

No public comment was made.

The Rules Committee agreed with the proposed rule as presented.

R 339.16040 Continuing education required for renewal; certification of compliance; document retention; continuing education waiver.

No public comment was made.

The Rules Committee agreed with the proposed rule as presented.

R 339.16041 Acceptable continuing education; limitations.

Activity code (a): Thayer asked if a licensee was limited to only those organizations listed.

Roselle advised that continuing education provided by organizations not listed in activity code (a) may still qualify under the subsequent activity codes in the rule. Roselle explained that the activity makes it easier for the Department to administer the continuing education rule when conducting reviews for audits and relicensure. By listing an organization, the Department and licensees know an activity related to professional

engineering that is provided by a listed organization is acceptable without needing to perform further analysis.

The public offered several organizations that could be added such as the National Council of Structural Engineers Association, Structural Engineers Association of Michigan, American Council of Engineering Companies, National Society of Professional Engineers, Michigan Society of Professional Engineers, etc.

Hookham and Fobes expressed concern with adding organizations and how extensive or inclusive the list might end up being.

Roselle advised that the potential length of the list is not a concern. Roselle noted that the activity stipulates it must be related to professional engineering. The key question for the Rules Committee is whether they feel an organization is adequately qualified to provide such continuing education. Roselle reminded the Rules Committee that an extensive list that may unintentionally exclude an organization does not prevent the excluded organization from qualifying under one of the other activity codes if that organization is offering an activity that meets the requirements of a subsequent activity.

Fobes suggested adding language to activity code (i) to include a "society" which would catch any that are not listed under activity code (a). Stevens indicated that he thought this would work.

Roselle advised that it would be unnecessary because a society or other organization not listed in activity code (a) can be covered under activity code (c). Including a generic reference to "society" in activity code (i) would have no substantive effect.

Kraus suggested adding "by any but not limited to" within activity code (a). Roselle indicated that there needed to be finality within activity code (a) for it to achieve its intended purpose. "Not limited to" language would result in more confusion instead of providing clarity.

Krause felt that by not adding the above noted wording, there would be a lot of organizations that would be missed. Roselle clarified that just because the organization was not listed in activity code (a) does not mean that it would not be covered under a different activity code.

Roselle explained that the rule makes it easier for the Department to administer the continuing education rule when conducting reviews for audits and relicensure.

Hookham explained that he was aware that Florida had tried to go through the process of assigning approval numbers to the different organizations and that it turned out to be too difficult to keep track of. He is afraid that if too many organizations are added to activity code (a) it will turn into an administrative nightmare.

Stevens agreed with Hookham in that adding too many organizations would cause more problems than ease. Some organizations would possibly feel excluded although they would be covered under activity code (c). Thayer agreed.

Roselle clarified that the Department has incorporated activities similar to activity code (a) in other rules sets without issues. However, it is up to the Rules Committee to determine the final language.

Fedele suggested keeping the organizations currently listed in activity code (a) and not adding or removing any. Fedele noted that although it includes the Michigan Society of Professional Engineers (MSPE) while not listing other Michigan engineering organizations, she feels it is appropriate to list at least one Michigan organization and has no doubt over MSPE's qualifications. She noted that the exclusion of other Michigan engineering organizations should not be construed to indicate there is necessarily doubt as to the excluded organizations' ability to provide competent continuing education. Hookham, Fobes, and Stevens agreed that the activity code should remain as proposed.

Roselle asked to discuss the possibility of adding a specific professional ethics component to continuing education. He noted that this is currently being debated among the Rules Committee for the Board of Professional Surveyors.

Connors felt that would be a good addition.

Stevens indicated that he does not feel there is a need to add an ethics course. Hookham agreed and stated that other states have had a difficult time regulating that requirement. Fobes and Fedele agreed.

Activity code (f): Nichols asked how the Department and licensees would know what qualifies. Roselle indicated that the burden is on the licensee to demonstrate they have met the requirements of the activity and that the activity outlines what is required to demonstrate compliance.

Thayer felt that it is the licensee's responsibility to show proof but have the ability to make it up if it does not qualify for continuing education. Roselle clarified that a licensee does not have the option to make up missing continuing education after the renewal period has concluded and a renewal application already submitted.

Roselle gave three options for a change in activity code (f):

- Add wording that would require serving as a voting member on a committee, board, council, or association "related to professional engineering" instead of serving as a voting member on an engineering committee, board, council, or association.
- Remove the activity code.
- Reduce the number of credit hours so as not to be as detrimental if not recognized.

Brenke and Nichols felt that activity code (f) should stay as written.

Fobes liked Roselle's suggestion for adding language that would require it to be specifically related to professional engineering.

Stevens liked the way that activity code (f) was written as it provided a broad definition and hoped that a licensee would use good discretion when attempting to obtain credit.

Hookham and Fobes agreed that the limitation should stay as is.

Hookham, Fedele, and Stevens agreed with Fobes to include Roselle's suggestion for adding language to require it to relate to professional engineering instead of an engineering committee, board, council, or association.

Roselle read the language to include the wording "related to professional engineering."

The Rules Committee agreed with all of the changes in the rule as discussed.

R 339.16042 Continuing education hours required; renewal; R 339.16043 Determination of credit; forms; record keeping; and R 339.16043 Determination of credit; forms; record keeping.

Roselle indicated all three rules are being rescinded because it is included in the changes for R 339.16040 and R 339.16041.

No public comment was made.

The Rules Committee agreed with the proposed rule as presented.

ADJOURNMENT

Kraus asked if the proposed changes to the rules are consistent with adjacent states so there is not a conflict with reciprocity. Roselle advised that he continually researches regulations in other states throughout the entire rule drafting process. The rules are written in order to implement the minimum requirements needed in order to protect the public. The seven Great Lake States are the states that are most frequently referenced, but standards in other states and federal standards are reviewed as well.

Roselle advised that the Department is statutorily required to submit a comprehensive Regulatory Impact Statement and Cost Benefit Analysis (RISCBA) under the Administrative Procedures Act. The RISCBA will compare the proposed rules to similar rules or standards set by the other states and federal agencies and be made available to the public before the proposed rules are presented at a public hearing. Roselle indicated that he could not guarantee that all of the proposed rules would be less restrictive than

other state or federal standards, but if any are, there would be a written summary as for the reason why a proposed rule is more restrictive within the RISCBA.

Krause asked if Canada was taken into consideration when doing research. Roselle indicated that Canada was not looked at.

Kraus asked why the rules were being changed. Was this being done at the Department's request or the public's? Roselle indicated that the rules have not been updated since approximately 2014 and needed updating to provide greater clarification. Roselle indicated that both the Department and the public were relevant components when considering the need for updating of the rules.

Roselle indicated that the public hearing is not yet scheduled as the proposed rules must first go to the Office of Regulatory Reinvention, now known as the Michigan Office of Administrative Hearings & Rules (MOAHR) for review and approval.

Roselle adjourned the meeting at 3:22 p.m.

Prepared by:
Stephanie Wysack, Board Support
Bureau of Professional Licensing

April 24, 2019

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PROFESSIONAL ENGINEERS – GENERAL RULES

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45(a) of the 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the board of **professional engineers** 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 ~~section~~ **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, ~~2008-4~~, and 2011-4, **MCL 338.3501**, ~~MCL 445.2001~~, ~~MCL 445.2011~~, ~~MCL 445.2025~~, and ~~MCL 445.2030~~)

R 339.16001, R 339.16021, R 339.16022, R 339.16025, R 339.16026, R 339.16031, R 339.16032, R 339.16040, R 339.16041, and R 339.16042 of the Michigan Administrative Code are amended, and R 339.16024, R 339.16033, R 339.16034, R 339.16043, and R 339.16044 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.16001 Definitions.

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

(a) **“Act” means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.**

(b) **“Board” means the Michigan board of professional engineers created under section 2002 of the act, MCL 339.2002.**

~~(a)-(c)~~ **“(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 a licensee’s area of professional practice.

~~(b)-(d)~~ **“(d)”** “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.

(e) **“Department” means the Michigan department of licensing and regulatory affairs.**

~~(e)~~ **“(e)”** “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.

March 20, 2019

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

PART 2. LICENSURE

R 339.16021 ~~Degree acceptability; criteria; experience credit; transcripts.~~ **Educational requirement.**

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.~~ **An applicant for professional engineer licensure shall submit to the department 1 of the following to satisfy the educational requirement under the act:**

(a) **Transcripts verifying that he or she received a baccalaureate or higher degree in an engineering program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET) or the Canadian Engineering Accreditation Board (CEAB).**

(b) **Transcripts verifying that he or she received a master's or doctorate degree in engineering from a school and program with an EAC/ABET-accredited or a CEAB-accredited baccalaureate degree program that is in the same engineering discipline as his or her master's or doctorate degree.**

(c) **A credentials evaluation from the National Council of Examiners for Engineering and Surveying (NCEES) that verifies all of the following:**

(i) **The applicant for professional engineer licensure received either of the following:**

(A) **A baccalaureate degree in engineering from a non-United States-based program.**

(B) **A master's or doctorate degree in engineering from a non-EAC/ABET-accredited program.**

(ii) **The applicant for professional engineer licensure completed not less than 32 college semester credit hours in the areas of math and science.**

(iii) **The applicant for professional engineer licensure completed not less than 48 college semester credit hours in engineering science or engineering design courses that satisfy the course requirements established under the NCEES engineering education standard.**

(d) **A credentials evaluation that verifies he or she received a baccalaureate degree in engineering from an educational program that is substantially equivalent to an EAC/ABET-accredited baccalaureate degree program in engineering. The credentials evaluation must be generated by a company that is a current member of the National Association of Credential Evaluation Services (NACES).**

~~(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 (2) 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.~~

R 339.16022 Professional engineering experience; credit for work experience; credit for educational 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. Pursuant to section 2004(2)(a) of the act, MCL 339.2004(2)(a), an applicant for professional engineer licensure shall document at least 8 years of professional experience in engineering work, including not more than 5 years of education. An applicant shall satisfy the requirements of this rule to receive credit for professional experience.~~

(2) An applicant for professional engineer licensure shall submit either of the following to the department to receive credit for professional experience in engineering work:

(a) Proof acceptable to the department verifying that he or she has obtained not less than 4 years of experience practicing as a licensed or registered professional engineer in another state.

(b) All of the following:

(i) The dates of performing engineering work that qualifies as professional experience under subrule (3) of this rule.

(ii) The supervising individual's name and license or registration number and the state in which the supervising individual is licensed or registered as a professional engineer.

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

~~(2) (3) 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. Engineering work that satisfies all of the following requirements shall qualify as professional experience:~~

~~(a) The work involves the use of engineering principles and data.~~

~~(b) The work is in the form of consultation, investigation, evaluation, planning, design, or review of materials or completed phases of work in the construction, alteration, or repair in connection with a public or private utility, structure, building, machine, equipment, process, work, or project.~~

~~(c) The work is performed while under the direction of a professional engineer licensed in Michigan or licensed or registered in another state.~~

~~(3) (4) 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. 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 339.16021. Credit shall be limited to the following amounts:~~

~~(a) Not more than 4 years of professional experience for a baccalaureate degree in engineering. Experience shall be granted for only 1 baccalaureate degree.~~

~~(b) Not more than 1 year of professional experience for a post-baccalaureate degree in engineering. Experience shall be granted for only 1 post-baccalaureate degree.~~

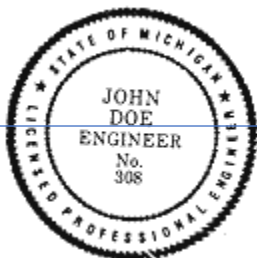
~~(4) An applicant shall provide the department with a description of work experience with the examination application and shall cause verification of work experience to be filed with the department by persons familiar with the nature of the work performed by the applicant.~~

R 339.16024 Professional engineer seal; use; validation. **Rescinded.**

~~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

~~–(3) 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.~~

R 339.16025 Licensure-Relicensure requirements.

Rule 25. (1) ~~For licensure by reciprocity, the board may consider educational requirements equivalent to those in effect in Michigan at the time of primary licensing.~~ **An applicant whose license has lapsed for less than 3 years after the expiration date of the last license may be relicensed under section 411(3) of the act, MCL 339.411(3), by satisfying all of the following requirements:**

(a) Submitting a completed application on a form provided by the department.

(b) Paying the required fee to the department.

(c) Submitting proof to the department verifying that he or she has completed 15 hours of continuing education in activities approved under R 339.16041 during the 12 months immediately preceding the date of filing the relicensure application. However, if the continuing education hours submitted with the application are deficient, the applicant has 1 year from the date of filing the application to provide proof of completing the deficient hours.

~~(2) 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.~~ **An applicant whose license has lapsed for 3 years or more after the expiration date of the last license may be relicensed under section 411(4) of the act, MCL 339.411(4), by satisfying all of the following requirements:**

(a) Submitting a completed application on a form provided by the department.

(b) Paying the required fee to the department.

(c) Establishing that he or she has met the requirements of the act and the rules for initial licensure under R 339.16021, R 339.16022, and R 339.16026.

~~–(3) 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.~~

R 339.16026 Examination equivalency requirements.

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:~~ **(1) An applicant for professional engineer licensure shall submit to the department both of the following to satisfy the examination requirements under the act:**

~~(a) Has passed the principles and practice examination and~~ **Verification that he or she achieved a passing score as determined by NCEES on 1 of the following examinations:**

(i) The NCEES Principals and Practice of Engineering examination.

(ii) The NCEES Structural Engineering examination.

~~(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.~~

Verification of 1 of the following:

(i) He or she achieved a passing score as determined by NCEES on the NCEES Fundamentals of Engineering examination.

(ii) He or she received a doctorate degree in engineering from a school and program with an EAC/ABET-accredited or a CEAB-accredited baccalaureate degree program that is in the same engineering discipline as his or her doctorate degree in engineering.

PART 3. STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

~~R 339.16031 –Solicitation of employment; restrictions; exception.~~ **Professional conduct; requirements; restrictions.**

~~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. A licensee shall comply with all of the rules of conduct under this part.~~

~~(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. A licensee shall do all of the following:~~

~~(a) If he or she is the person in responsible charge, he or she shall notify his or her employer or client, and any other appropriate authority when his or her judgment is overruled under circumstances that endanger life or property.~~

~~(b) If he or she is not the person in responsible charge, he or she shall notify the person in responsible charge when his or her judgment is overruled under circumstances that endanger life or property.~~

~~(c) Participate in phases of a project in which he or she is competent.~~

~~(d) Undertake assignments in which he or she is qualified by education or experience in the specific technical field involved.~~

~~(e) Complete, sign, seal, or approve engineering documents that are in conformity with law and applicable professional standards.~~

~~(f) Be objective and truthful in professional reports, statements, or testimony and include all relevant and pertinent information in such reports, statements, or testimony.~~

~~(g) Disclose to an employer, client, or public body on which he or she serves all known or potential conflicts of interest that could influence or appear to influence his or her judgment or the quality of his or her services.~~

~~(3) A licensee shall seek professional employment on the basis of the licensee's qualifications, competence, and ability to properly accomplish the employment sought.~~

~~A licensee shall not do any of the following:~~

(a) Disclose confidential information obtained in a professional capacity without the prior consent of the client or employer unless authorized or required by law or these rules.

(b) Partner, practice, or offer to practice with any person or firm or assist any person or firm that he or she knows is engaged in fraudulent or dishonest business or professional practices or the unlawful practice of professional engineering.

(c) Falsify his or her qualifications or the qualifications of his or her associates or permit misrepresentations of his or her qualifications or the qualifications of his or her associates.

(d) Misrepresent or exaggerate his or her experience or qualifications.

(e) Knowingly make statements containing a material misrepresentation of fact or omitting a material fact or knowingly make statements that deceive the public.

(f) Attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensed professional engineers.

(g) Give or offer to 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 valuable consideration to secure or retain engineering work. This restriction does not include payments to an employment agency for securing employment or employees for salaried positions.

(h) Solicit or accept a compensation, contribution, gift, or other valuable consideration, directly or indirectly, from more than 1 party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

(i) Solicit or accept a commission, contribution, gift, or other valuable consideration, directly or indirectly, from other parties dealing with his or her clients or employers, or from outside agents who have no dealings with his or her client or employer, in connection with the work for which he or she is responsible, unless the circumstances are fully disclosed and agreed to by all interested parties.

(j) Solicit or accept a commission, contribution, gift, or other valuable consideration, directly or indirectly, under circumstances in which his or her judgment may be compromised.

(k) Complete, sign, seal, or approve engineering documents that are not in conformity with the law or applicable professional standards.

(4) 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.

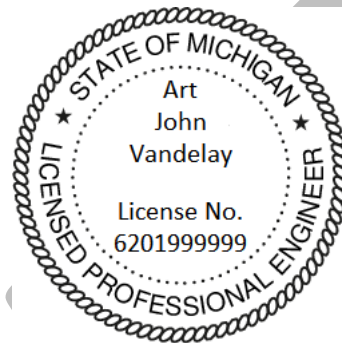
R 339.16032 –Conflict of interest. Professional engineer seal.

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.~~ **Effective 60 days after the promulgation of this rule, the seal of a professional engineer must include the licensee's full name and license number, as**

shown on his or her state-issued professional engineer license, and indicate “State of Michigan” and “Licensed Professional Engineer” in the legend surrounding the seal. The seal must have a design substantially similar to figure 32 below.

(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. 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 is responsible for the security of his or her seal.~~

FIGURE 32



~~(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.~~

R 339.16033 ~~Participation in engineering projects; competence required. Rescinded.~~

~~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.~~

R 339.16034 ~~Work review and approval of procedures and decisions of persons~~

~~under licensee's supervision. Rescinded.~~

~~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.~~

PART 4. LICENSE RENEWAL AND CONTINUING EDUCATION

R 339.16040 Continuing education **required for renewal; certification of compliance; document retention; continuing education waiver** ~~license renewal; requirements.~~

Rule 40. (1) ~~A licensee shall obtain continuing education, as specified in R 339.16042.~~
An applicant for license renewal who has been licensed during the 2-year period immediately preceding the expiration date of the license shall obtain not less than 30

hours of continuing education in activities approved under R 339.16041 during the 2-year period immediately preceding the expiration date of the license.

~~(2) A licensee shall certify the completion of continuing education requirements as a condition for licensure renewal in a format prescribed by the department.~~ **Submission of an application for renewal constitutes the applicant's certification of compliance with this rule and R 339.16041.**

~~(3) The department shall not renew a license if the continuing education requirements have not been completed.~~ **A licensee shall retain documentation of satisfying the requirements of this rule and R 339.16041 for a period of 4 years from the date of filing the application for license renewal.**

~~(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.~~ **A licensee is subject to audit under this part and may be required to submit documentation as described by R 339.16041 upon request of the department.**

(5) A request for a continuing education waiver pursuant to section 204(2) of the act, MCL 339.204(2), must be received by the department before the expiration date of the license.

R 339.16041 Acceptable continuing education; limitations.

Rule 41. (1) **The department shall grant credit for continuing education hours that satisfy the requirements in the following chart:** ~~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.~~

Activity Code	Activity and Proof Required	Number of Continuing Education Hours Granted for Activity
(a)	<p>Completing a continuing education program or activity related to professional engineering that is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • Another state’s board of engineers. • Michigan Society of Professional Engineers. • NCEES. • ABET. <p>If audited, a licensee shall submit documentation or 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 hours approved by the approving entity are granted for this activity.</p>
(b)	<p>Passing an academic course related to professional engineering offered by a college or university that offers a baccalaureate degree or higher degree in an engineering program that is accredited by EAC/ABET or CEAB.</p>	<p>Fifteen continuing education hours are granted for each semester credit or 10 continuing education hours are</p>

	<p>If audited, a licensee shall submit a copy of the transcript showing the number of credit hours of the academic courses related to professional engineering.</p>	<p>granted for each quarter credit.</p>
(c)	<p>Attending a seminar, in-house course, workshop, or professional or technical presentation related to professional engineering.</p> <p>If audited, the licensee shall submit 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>	<p>One continuing education hour is granted for every 50 minutes attending the activity.</p>
(d)	<p>Teaching, instructing, or presenting a subject related to professional engineering.</p> <p>If audited, a licensee shall submit 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>	<p>Two continuing education hours are granted for every 50 minutes of teaching, instruction or presenting.</p> <p>A maximum of 12 continuing education hours are granted for this activity during each renewal period.</p>
(e)	<p>Publication of a peer-reviewed paper, article, or book related to professional engineering.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Six continuing education hours are granted for this activity.</p> <p>Credit is not granted for multiple publications of the same peer-review paper, article, or book.</p> <p>A maximum of 18 continuing education hours are granted for this activity during each renewal period.</p>
(f)	<p>Serving as a voting member on a state or national professional engineering committee, board, council, or association. To receive credit, a licensee must participate in at least 50% of the regularly</p>	<p>Three continuing education hours are granted for the year in which the licensee serves as a member.</p>

	<p>scheduled meetings of the committee, board, council, or association.</p> <p>If audited, a licensee shall submit documentation satisfactory to the department verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p>	<p>A maximum of 6 continuing education hours are granted for this activity during each renewal period.</p>
(g)	<p>Attending a Michigan board of professional engineers 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 submit a copy of the form completed, signed, and dated by the department employee who was present at the meeting.</p>	<p>One continuing education hour is granted for each meeting attended.</p> <p>A maximum of 6 continuing education hour are granted for this activity during each renewal period.</p>
(h)	<p>Serving as a school-sponsored mentor to an engineering student in a school-sponsored program. To receive credit, this activity shall not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall submit a letter from an authorized official from the school verifying the licensee's role and the number of mentoring hours the licensee provided.</p>	<p>Four continuing education hours are granted for this activity.</p> <p>A maximum of 8 continuing education hours are granted for this activity during each renewal period.</p>
(i)	<p>Participating in a company-sponsored or hosted seminar or training that is designed to enhance professional development in the licensee's area of professional practice.</p> <p>If audited, a licensee shall submit documentation or a certificate of completion issued by the company presenting the seminar or training showing the licensee's name, company name, subject of seminar or training, and the date on which the seminar or training was held.</p>	<p>One continuing education hour is granted for every 50 minutes of the seminar or training.</p>

(2) Continuing education hours are not 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 hours during the renewal period.

(3) Not more than 12 continuing education hours shall be earned during a 24-hour period.

R 339.16042 ~~Continuing education hours required; renewal.~~ **Rescinded.**

~~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.~~

R 339.16043 ~~Determination of credit; forms; record keeping.~~ **Rescinded.**

~~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.~~

R 339.16044 ~~Auditing.~~ **Rescinded.**

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