

Act No. 103
Public Acts of 1992
Approved by the Governor
June 24, 1992
Filed with the Secretary of State
June 25, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Rep. Kosteva

ENROLLED HOUSE BILL No. 4726

AN ACT to amend sections 2001, 2002, 2005, 2007, 2010, 2011, 2012, 2013, and 2014 of Act No. 299 of the Public Acts of 1980, entitled as amended "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of the department of licensing and regulation and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," sections 2002, 2011, and 2014 as amended by Act No. 83 of the Public Acts of 1981 and sections 2005 and 2013 as amended by Act No. 463 of the Public Acts of 1988, being sections 339.2001, 339.2002, 339.2005, 339.2007, 339.2010, 339.2011, 339.2012, 339.2013, and 339.2014 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 2001, 2002, 2005, 2007, 2010, 2011, 2012, 2013, and 2014 of Act No. 299 of the Public Acts of 1980, sections 2002, 2011, and 2014 as amended by Act No. 83 of the Public Acts of 1981 and sections 2005 and 2013 as amended by Act No. 463 of the Public Acts of 1988, being sections 339.2001, 339.2002, 339.2005, 339.2007, 339.2010, 339.2011, 339.2012, 339.2013, and 339.2014 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 2001. As used in this article:

(a) "Architect" means a person who, by reason of knowledge of mathematics, the physical sciences, and the principles of architectural design, acquired by professional education and practical experience, is qualified to engage in the practice of architecture.

(b) "Firm" means a sole proprietorship, partnership, or corporation through which a person licensed under this article offers or provides a service to the public.

(c) "Person" means a natural person notwithstanding section 105(5).

(d) "Person in responsible charge" means a person licensed under this article who determines technical questions of design and policy; advises the client; supervises and is in responsible charge of the work of subordinates; is the person whose professional skill and judgment are embodied in the plans, designs, plats, surveys, and advice involved in the services; and who supervises the review of material and completed phases of construction.

(e) "Practice of architecture" means professional services, such as consultation, investigation, evaluation, planning, design, or review of material and completed phases of work in construction, alteration, or repair in connection with a public or private structure, building, equipment, works, or project when the professional service requires the application of a principle of architecture or architectural design.

(f) "Practice of professional surveying" means providing professional services such as consultation, investigation, testimony, evaluation, planning, mapping, assembling, and interpreting reliable scientific measurements and information relative to the location, size, shape, or physical features of the earth, improvements on the earth, the space above the earth, or any part of the earth, and the utilization and development of these facts and interpretations into an orderly survey map, plan, report, description, or project. The practice of professional surveying includes all of the following:

(i) 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.

(ii) Geodetic surveying which includes surveying for 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.

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

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

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

(g) "Practice of professional engineering" means professional services, such as consultation, investigation, evaluation, planning, design, or review of material 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, when the professional service requires the application of engineering principles or data.

(h) "Principal" means a sole proprietor, partner, or the president, vice-president, secretary, treasurer, or director of a corporation.

(i) "Professional engineer" means a person who, by reason of knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in the practice of professional engineering.

(j) "Professional surveyor" means a person who, by reason of knowledge of law, mathematics, physical sciences, and techniques of measuring acquired by professional education and practical experience, is qualified to engage in the practice of professional surveying.

(k) "Services" means professional service offered or provided by an architect in the practice of architecture, a professional engineer in the practice of professional engineering, or a professional surveyor in the practice of professional surveying.

Sec. 2002. (1) The boards of architects, of professional engineers, and of professional surveyors are created.

(2) The board of architects consists of 5 architects, 1 professional engineer who is a member of the board of professional engineers, and 1 professional surveyor who is a member of the board of professional surveyors. Two members of the board shall represent the general public.

(3) The board of professional engineers consists of 5 professional engineers, 1 architect who is a member of the board of architects, and 1 professional surveyor who is a member of the board of professional surveyors. Two members of the board shall represent the general public.

(4) The board of professional surveyors consists of 5 professional surveyors, 1 professional engineer who is a member of the board of professional engineers, and 1 architect who is a member of the board of architects. Two members of the board shall represent the general public.

(5) Of the initial members of the board of architects, the terms of 3 of the members, including 2 of the members who are licensed architects and 1 of the members representing the general public, shall be 4 years; the term of 1 of the members who is a licensed architect shall be 3 years; the term of 1 of the members who is a licensed architect shall be 2 years; and the terms of 2 of the members, including 1 of the members who is a licensed architect and 1 of the members of the general public, shall be 1 year. The term of the member who is a licensed professional engineer shall coincide with that member's term on the board of professional engineers. The term of the member who is a licensed professional surveyor shall coincide with that member's term on the board of professional surveyors.

(6) Of the initial members of the board of professional engineers, the terms of 3 of the members, including 2 of the members who are licensed professional engineers and 1 of the members representing the general public, shall be 4 years; the term of 1 of the members who is a licensed professional engineer shall be 3 years; the term of 1 of the members who is a licensed professional engineer shall be 2 years; and the terms of 2 of the members, including 1 of the members who is a licensed professional engineer and 1 of the members of the general public shall be 1 year. The term of the member who is a licensed architect shall coincide with that member's term on the board of architects. The term of the member who is a licensed professional surveyor shall coincide with that member's term on the board of professional surveyors.

(7) Of the initial members of the board of professional surveyors, the terms of 3 of the members, including 2 of the members who are licensed professional surveyors and 1 of the members representing the general public, shall be 4 years; the term of 1 of the members who is a licensed professional surveyor shall be 3 years; the term of 1 of the members who is a licensed professional surveyor shall be 2 years; and the terms of 2 of the members, including 1 of the members who is a licensed professional surveyor and 1 of the members of the general public, shall be 1 year. The term of the member who is a licensed professional engineer shall coincide with that member's term on the board of professional engineers. The term of the member who is a licensed architect shall coincide with that member's term on the board of architects.

(8) A licensee who serves on more than 1 board created under this article, and who resigns, is disabled, or is removed for cause by the governor from the board under which he or she is licensed, shall no longer represent that board on any other board created under this article.

Sec. 2005. (1) In order to be examined as an architect, an applicant shall meet all of the following requirements:

(a) Provide documentation of not less than 8 years of professional experience in architectural work satisfactory to the board of architects, including not more than 6 years of education.

(b) Provide evidence of completion of a first professional degree or further degree in architecture satisfactory to the board of architects.

(c) Provide not less than 5 references, 3 of which shall be references from licensed architects who have personal knowledge of the applicant's professional experience.

(2) In order to be examined as a professional engineer, an individual shall meet all of the following requirements for admission to the professional practice examination:

(a) Provide documentation of not less than 8 years of professional experience in engineering work acceptable to the board of professional engineers, including not more than 6 years of education.

(b) Provide evidence of completion of a baccalaureate degree in engineering from an accredited program or its equivalent, as determined by the board of professional engineers.

(c) Provide not less than 5 references, 3 of which shall be from professional engineers who have personal knowledge of the applicant's professional experience.

(3) In order to be examined as a professional surveyor, an individual shall meet all of the following requirements:

(a) For admission to the professional surveying fundamentals examination, an applicant shall provide an affidavit stating that a degree acceptable to the board shall be completed not later than 6 months after the date of the examination.

(b) For admission to the professional practice examination, an applicant shall provide all of the following:

(i) Documentation of not less than 8 years of professional experience in professional surveying satisfactory to the board of professional surveyors, including not more than 5 years of education.

(ii) Evidence of completion of a degree in professional surveying or a related degree with professional surveying courses acceptable to the board of professional surveyors.

(iii) Not less than 5 references, 3 of which shall be from licensed professional surveyors who have personal knowledge of the applicant's professional experience.

(4) The examination required by this article shall be given at least once a year.

(5) An examinee shall be notified in writing of the examinee's results on each part of the examination.

(6) Notwithstanding section 316(3), an individual with a mental or physical handicap may be tested using special equipment, facilities, or assistance. However, the examination shall not be varied in form, content, or the format in which answers are submitted.

(7) All requirements for licensure shall be completed within 10 years after receipt of the application by the department. If the requirements are not completed within the 10-year period, the application shall be void.

Sec. 2007. A licensee, upon being licensed, shall obtain a seal authorized by the appropriate board and bearing the licensee's name and the legend indicating either "licensed architect", "licensed professional engineer", or "licensed professional surveyor". However, a seal existing on the effective date of the 1991 amendatory act that amended this section with the legend "registered architect", "registered professional engineer", "registered land surveyor", or "licensed land surveyor" is acceptable if a seal is required under state law. A plan, specification, plat, or report issued by a licensee shall be sealed when filed with a public authority. A document shall not be sealed after the license of the licensee named on the document has expired or is suspended or revoked unless the license is renewed, reinstated, or reissued.

Sec. 2010. (1) A firm may engage in the practice of architecture, professional engineering, or professional surveying in this state, if not less than 2/3 of the principals of the firm are licensees.

(2) However, a nonlicensed principal and the principal's firm shall apply for and receive an approval from the department to engage in the practice of architecture, professional engineering, or professional surveying, if the conduct of the firm and its principals comply with rules promulgated by the department.

(3) Upon request by the department, a firm shall report to the department the names and addresses of its principals, persons in responsible charge, unlicensed principals, and any other information the department considers necessary.

(4) A firm shall employ a person in responsible charge in the field of services offered at each place of business in this state where services are offered by the firm, except at a field office which provides only a review of construction.

Sec. 2011. (1) Except as otherwise provided in subsection (2), the state or a county, city, township, village, school district, or other political subdivision of this state shall not engage in the construction of a public work involving the practice of architecture or professional engineering unless all of the following requirements are met:

(a) The plans and specifications and estimates have been prepared by a licensed architect or licensed professional engineer.

(b) The review of the materials used and completed phases of construction is made under the direct supervision of a licensed architect or licensed professional engineer.

(c) Each survey of land on which the public work has been or is to be constructed is made under the supervision of a licensed professional surveyor.

(2) This section does not apply to a public work for which the contemplated expenditure for the completed project is less than \$15,000.00.

Sec. 2012. The following persons are exempt from the requirements of this article:

(a) A professional engineer employed by a railroad or other interstate corporation, whose employment and practice is confined to the property of the corporation.

(b) A designer of a manufactured product, if the manufacturer of the product assumes responsibility for the quality of the product.

(c) An owner doing architectural, engineering, or surveying work upon or in connection with the construction of a building on the owner's property for the owner's own use to which employees and the public are not generally to have access.

(d) A person not licensed under this article who is planning, designing, or directing the construction of a residence building not exceeding 3,500 square feet in calculated floor area. As used in this subdivision and section 2014(e), "calculated floor area" means that portion of the total gross area, measured to the outside surfaces of exterior walls intended to be habitable, including a heater or utility room, but not including a crawl space; an unfinished and nonhabitable portion of a basement or attic; or a garage, open porch, balcony, terrace, or court.

(e) A person who is licensed to engage in the practice of architecture, professional engineering, or professional surveying in another state while temporarily in this state to present a proposal for services.

Sec. 2013. (1) The department, upon application, shall issue a license to a person who holds an appropriate certificate of qualification or registration issued by proper authority of a board of registration examiners of another state or national council acceptable to the department and the board, if the requirements for the registration of architects, professional engineers, or professional surveyors under which the certificate of qualification or registration was issued are determined to be equivalent by the appropriate board. A board under this article shall not issue a temporary license as provided under section 213.

(2) The appropriate board shall review the application of an individual who seeks relicensure or reinstatement 3 or more years after the expiration of the individual's most recent license if the individual does not meet the requirements for licensure in force at the time of application for relicensure or reinstatement.

Sec. 2014. A person is subject to the penalties set forth in article 6 who commits 1 of the following:

(a) Uses the term "architect", "professional engineer", "land surveyor", "professional surveyor", or a similar term in connection with the person's name unless the person is licensed in the appropriate practice under this article.

(b) Presenting or attempting to use as the person's own the license or seal of another.

(c) Attempting to use an expired, suspended, or revoked license.

(d) Using the words "architecture", "professional engineering", "land surveying", "professional surveying", or a similar term in a firm name without authorization by the appropriate board.

(e) Submitting to a public official of this state or a political subdivision of this state for approval, a permit or a plan for filing as a public record, a specification, a report, or a land survey which does not bear 1 or more seals of a licensee as required by this article. This subdivision does not apply to a public work costing less than \$15,000.00 or a residential building containing not more than 3,500 square feet of calculated floor area.

Section 2. This amendatory act shall take effect September 1, 1992.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.