

HOUSE BILL No. 4726

April 18, 1991, Introduced by Rep. Kosteva and referred to the Committee on State Affairs.

A bill 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

"Occupational code,"

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:

1 Section 1. Sections 2001, 2002, 2005, 2007, 2010, 2011,
2 2012, 2013, and 2014 of Act No. 299 of the Public Acts of 1980,
3 sections 2002, 2011, and 2014 as amended by Act No. 83 of the
4 Public Acts of 1981 and sections 2005 and 2013 as amended by Act
5 No. 463 of the Public Acts of 1988, being sections 339.2001,

1 339.2002, 339.2005, 339.2007, 339.2010, 339.2011, 339.2012,
2 339.2013, and 339.2014 of the Michigan Compiled Laws, are amended
3 to read as follows:

4 Sec. 2001. As used in this article:

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

10 (b) "Firm" means a sole proprietorship, partnership, or cor-
11 poration through which a person licensed under this article
12 offers or provides a service to the public.

13 ~~(c) "Land surveyor" means a person who, by reason of knowl-~~
14 ~~edge of law, mathematics, physical sciences, and techniques of~~
15 ~~measuring land acquired by professional education and practical~~
16 ~~experience, is qualified to engage in the practice of land~~
17 ~~surveying.~~

18 (C) ~~(d)~~ "Person" means a natural person NOTWITHSTANDING
19 SECTION 105(5).

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

1 (E) ~~(f)~~ "Practice of architecture" means professional
2 services, such as consultation, investigation, evaluation, plan-
3 ning, design, or review of material and completed phases of work
4 in construction, alteration, or repair in connection with a
5 public or private structure, building, equipment, works, or
6 project when the professional service requires the application of
7 a principle of architecture or architectural design.

8 ~~(g) "Practice of land surveying" means the surveying of an~~
9 ~~area for its correct determination, description, and conveyanc-~~
10 ~~ing, or for the establishment or reestablishment of a land bound-~~
11 ~~ary and the plotting of land and subdivisions of land.~~

12 (F) "PRACTICE OF PROFESSIONAL SURVEYING" MEANS PROVIDING
13 PROFESSIONAL SERVICES SUCH AS CONSULTATION, INVESTIGATION, TESTI-
14 MONY, EVALUATION, PLANNING, MAPPING, ASSEMBLING, AND INTERPRETING
15 RELIABLE SCIENTIFIC MEASUREMENTS AND INFORMATION RELATIVE TO THE
16 LOCATION, SIZE, SHAPE, OR PHYSICAL FEATURES OF THE EARTH,
17 IMPROVEMENTS ON THE EARTH, THE SPACE ABOVE THE EARTH, OR ANY PART
18 OF THE EARTH, AND THE UTILIZATION AND DEVELOPMENT OF THESE FACTS
19 AND INTERPRETATIONS INTO AN ORDERLY SURVEY MAP, PLAN, REPORT,
20 DESCRIPTION, OR PROJECT. THE PRACTICE OF PROFESSIONAL SURVEYING
21 INCLUDES ALL OF THE FOLLOWING:

22 (i) LAND SURVEYING WHICH IS THE SURVEYING OF AN AREA FOR ITS
23 CORRECT DETERMINATION OR DESCRIPTION FOR ITS CONVEYANCE, OR FOR
24 THE ESTABLISHMENT OR REESTABLISHMENT OF A LAND BOUNDARY AND THE
25 DESIGNING OR DESIGN COORDINATION OF THE PLOTTING OF LAND AND THE
26 SUBDIVISION OF LAND.

1 (ii) GEODETIC SURVEYING WHICH INCLUDES SURVEYING FOR
2 DETERMINATION OF THE SIZE AND SHAPE OF THE EARTH BOTH
3 HORIZONTALLY AND VERTICALLY AND THE PRECISE POSITIONING OF POINTS
4 ON THE EARTH UTILIZING ANGULAR AND LINEAR MEASUREMENTS THROUGH
5 SPATIALLY ORIENTED SPHERICAL GEOMETRY.

6 (iii) UTILIZING AND MANAGING LAND INFORMATION SYSTEMS
7 THROUGH ESTABLISHMENT OF DATUMS AND LOCAL COORDINATE SYSTEMS AND
8 POINTS OF REFERENCE.

9 (iv) ENGINEERING AND ARCHITECTURAL SURVEYING FOR DESIGN AND
10 CONSTRUCTION LAYOUT OF INFRASTRUCTURE.

11 (v) CARTOGRAPHIC SURVEYING FOR THE MAKING OF MAPS, INCLUDING
12 TOPOGRAPHIC AND HYDROGRAPHIC MAPPING.

13 (G) ~~-(h)-~~ "Practice of professional engineering" means pro-
14 fessional services, such as consultation, investigation, evalu-
15 ation, planning, design, or review of material and completed
16 phases of work in construction, alteration, or repair in connec-
17 tion with a public or private utility, structure, building,
18 machine, equipment, process, work, or project, when the profes-
19 sional service requires the application of engineering principles
20 or data.

21 (H) ~~-(i)-~~ "Principal" means a sole proprietor, partner, or
22 the president, vice-president, secretary, treasurer, or director
23 of a corporation.

24 (I) ~~-(j)-~~ "Professional engineer" means a person who, by
25 reason of knowledge of mathematics, the physical sciences, and
26 the principles of engineering, acquired by professional education

1 and practical experience, is qualified to engage in the practice
2 of professional engineering.

3 (J) "PROFESSIONAL SURVEYOR" MEANS A PERSON WHO, BY REASON OF
4 KNOWLEDGE OF LAW, MATHEMATICS, PHYSICAL SCIENCES, AND TECHNIQUES
5 OF MEASURING ACQUIRED BY PROFESSIONAL EDUCATION AND PRACTICAL
6 EXPERIENCE, IS QUALIFIED TO ENGAGE IN THE PRACTICE OF PROFES-
7 SIONAL SURVEYING.

8 (k) "Services" means professional service offered or pro-
9 vided by an architect in the practice of architecture, a profes-
10 sional engineer in the practice of professional engineering, or a
11 ~~land surveyor in the practice of land surveying~~ PROFESSIONAL
12 SURVEYOR IN THE PRACTICE OF PROFESSIONAL SURVEYING.

13 Sec. 2002. (1) The boards of architects, of professional
14 engineers, and of ~~land~~ PROFESSIONAL surveyors are created.

15 (2) The board of architects consists of 5 architects, 1 pro-
16 fessional engineer who is a member of the board of professional
17 engineers, and 1 ~~land~~ PROFESSIONAL surveyor who is a member of
18 the board of ~~land~~ PROFESSIONAL surveyors. Two members of the
19 board shall represent the general public.

20 (3) The board of professional engineers consists of 5 pro-
21 fessional engineers, 1 architect who is a member of the board of
22 architects, and 1 ~~land~~ PROFESSIONAL surveyor who is a member of
23 the board of ~~land~~ PROFESSIONAL surveyors. Two members of the
24 board shall represent the general public.

25 (4) The board of ~~land~~ PROFESSIONAL surveyors consists of 5
26 ~~land~~ PROFESSIONAL surveyors, 1 professional engineer who is a
27 member of the board of professional engineers, and 1 architect

1 who is a member of the board of architects. Two members of the
2 board shall represent the general public.

3 (5) Of the initial members of the board of architects, the
4 terms of 3 of the members, including 2 of the members who are
5 licensed architects and 1 of the members representing the general
6 public, shall be 4 years; the term of 1 of the members who is a
7 licensed architect shall be 3 years; the term of 1 of the members
8 who is a licensed architect shall be 2 years; and the terms of 2
9 of the members, including 1 of the members who is a licensed
10 architect and 1 of the members of the general public, shall be 1
11 year. The term of the member who is a licensed professional
12 engineer shall coincide with that member's term on the board of
13 professional engineers. The term of the member who is a licensed
14 ~~land~~ PROFESSIONAL surveyor shall coincide with that member's
15 term on the board of ~~land~~ PROFESSIONAL surveyors.

16 (6) Of the initial members of the board of professional
17 engineers, the terms of 3 of the members, including 2 of the mem-
18 bers who are licensed professional engineers and 1 of the members
19 representing the general public, shall be 4 years; the term of 1
20 of the members who is a licensed professional engineer shall be 3
21 years; the term of 1 of the members who is a licensed profes-
22 sional engineer shall be 2 years; and the terms of 2 of the mem-
23 bers, including 1 of the members who is a licensed professional
24 engineer and 1 of the members of the general public shall be 1
25 year. The term of the member who is a licensed architect shall
26 coincide with that member's term on the board of architects. The
27 term of the member who is a licensed ~~land~~ PROFESSIONAL surveyor

1 shall coincide with that member's term on the board of ~~land~~
2 PROFESSIONAL surveyors.

3 (7) Of the initial members of the board of ~~land~~
4 PROFESSIONAL surveyors, the terms of 3 of the members, including
5 2 of the members who are licensed ~~land~~ PROFESSIONAL surveyors
6 and 1 of the members representing the general public, shall be 4
7 years; the term of 1 of the members who is a licensed ~~land~~
8 PROFESSIONAL surveyor shall be 3 years; the term of 1 of the mem-
9 bers who is a licensed ~~land~~ PROFESSIONAL surveyor shall be 2
10 years; and the terms of 2 of the members, including 1 of the mem-
11 bers who is a licensed ~~land~~ PROFESSIONAL surveyor and 1 of the
12 members of the general public, shall be 1 year. The term of the
13 member who is a licensed professional engineer shall coincide
14 with that member's term on the board of professional engineers.
15 The term of the member who is a licensed architect shall coincide
16 with that member's term on the board of architects.

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

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

24 (a) Provide documentation of not less than 8 years of pro-
25 fessional experience in architectural work satisfactory to the
26 board of architects, including not more than 6 years of
27 education.

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

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

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

10 (a) Provide documentation of not less than 8 years of pro-
11 fessional experience in engineering work acceptable to the board
12 of professional engineers, including not more than 6 years of
13 education.

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

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

20 (3) In order to be examined as a ~~land~~ PROFESSIONAL survey-
21 or, an individual shall meet all of the following requirements:

22 (a) For admission to the ~~land~~ PROFESSIONAL surveying fun-
23 damentals examination, an applicant shall provide an affidavit
24 stating that a degree acceptable to the board shall be completed
25 not later than 6 months after the date of the examination.

26 (b) For admission to the professional practice examination,
27 an applicant shall PROVIDE ALL OF THE FOLLOWING:

1 (i) ~~Provide documentation~~ DOCUMENTATION of not less than 8
2 years of professional experience in ~~land~~ PROFESSIONAL surveying
3 satisfactory to the board of ~~land~~ PROFESSIONAL surveyors,
4 including not more than 5 years of education.

5 (ii) ~~Provide evidence~~ EVIDENCE of completion of a degree in
6 ~~land~~ PROFESSIONAL surveying or a related degree with ~~land~~
7 PROFESSIONAL surveying courses acceptable to the board of ~~land~~
8 PROFESSIONAL surveyors.

9 (iii) ~~Provide not~~ NOT less than 5 references, 3 of which
10 shall be from licensed ~~land~~ PROFESSIONAL surveyors who have
11 personal knowledge of the applicant's professional experience.

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

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

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

21 (7) All requirements for licensure shall be completed within
22 10 years after receipt of the application by the department. If
23 the requirements are not completed within the 10-year period, the
24 application shall be void.

25 Sec. 2007. A licensee, upon being licensed, shall obtain a
26 seal authorized by the appropriate board and bearing the
27 licensee's name and the legend indicating either "licensed

1 architect", "licensed professional engineer", or "licensed ~~land~~
2 PROFESSIONAL surveyor". However, a seal existing on the effec-
3 tive date of ~~this article~~ THE 1991 AMENDATORY ACT THAT AMENDED
4 THIS SECTION with the legend "registered architect", "registered
5 professional engineer", ~~or~~ "registered land surveyor", OR
6 "LICENSED LAND SURVEYOR" is acceptable if a seal is required
7 under state law. A plan, specification, plat, or report issued
8 by a licensee shall be sealed when filed with a public
9 authority. A document shall not be sealed after the license of
10 the licensee named on the document has expired or is suspended or
11 revoked unless the license is renewed, reinstated, or reissued.

12 Sec. 2010. (1) A firm may engage in the practice of archi-
13 tecture, professional engineering, or ~~land~~ PROFESSIONAL survey-
14 ing in this state, if not less than 2/3 of the principals of the
15 firm are licensees.

16 (2) However, A nonlicensed principal and the principal's
17 firm shall apply for and receive an approval from the department
18 to engage in the practice of architecture, professional engineer-
19 ing, or ~~land~~ PROFESSIONAL surveying, if the conduct of the firm
20 and its principals comply with rules promulgated by the
21 department.

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

26 (4) A firm shall employ a person in responsible charge in
27 the field of ~~professional service~~ SERVICES offered at each

1 place of business in this state where ~~a service is~~ SERVICES ARE
2 offered by the firm, except at a field office which provides only
3 a review of construction.

4 Sec. 2011. (1) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN SUB-
5 SECTION (2), THE state or a county, city, township, village,
6 school district, or other political subdivision of this state
7 shall not engage in the construction of a public work involving
8 THE PRACTICE OF architecture or professional engineering unless
9 all of the following requirements are met:

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

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

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

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

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

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

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

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

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

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

22 Sec. 2013. (1) The department, upon application, shall
23 issue a license to ~~an individual~~ A PERSON who holds an appro-
24 priate certificate of qualification or registration issued by
25 proper authority of a board of registration examiners of another
26 state or national council acceptable to the department and the
27 board, if the requirements for the registration of architects,

1 professional engineers, or ~~land~~ PROFESSIONAL surveyors under
2 which the certificate of qualification or registration was issued
3 are determined to be equivalent by the appropriate board. A
4 board under this article shall not issue a temporary license as
5 provided under section 213.

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

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

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

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

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

22 (d) Using the words "architecture", "professional
23 engineering", "land surveying", "PROFESSIONAL SURVEYING", or a
24 similar term in a firm name without authorization by the appro-
25 priate board.

26 (e) Submitting to a public official of this state or a
27 political subdivision of this state for approval, a permit or a

1 plan for filing as a public record, a specification, a report, or
2 a land survey which does not bear 1 or more seals of a licensee
3 as required by this article. This subdivision does not apply to
4 a public work costing less than \$15,000.00 or a residential
5 building containing not more than 3,500 square feet of calculated
6 floor area.