

SENATE BILL No. 954

May 4, 2016, Introduced by Senator BOOHER and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 2001, 2004, and 2012 (MCL 339.2001, 339.2004,
and 339.2012), section 2001 as amended by 1998 PA 218, section 2004
as amended by 2009 PA 143, and section 2012 as amended by 2002 PA
495; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2001. As used in this article:

2 (a) "Architect" means ~~a person~~ **AN INDIVIDUAL** who, by reason of
3 knowledge of mathematics, the physical sciences, and the principles
4 of architectural design, acquired by professional education and
5 practical experience, is qualified to engage in the practice of
6 architecture.

7 (b) "Firm" means a sole proprietorship, partnership,
8 corporation, or limited liability company through which ~~a person~~ **AN**

1 **INDIVIDUAL WHO IS** licensed under this article offers or provides a
2 service to the public.

3 (c) "Person" means ~~a natural person~~ **AN INDIVIDUAL**,
4 notwithstanding section 105(5).

5 (d) "Person in responsible charge" means ~~a person~~ **AN**
6 **INDIVIDUAL WHO IS** licensed under this article **AND** who determines
7 technical questions of design and policy; advises the client;
8 supervises and is in responsible charge of the work of
9 subordinates; is the ~~person~~ **INDIVIDUAL** whose professional skill and
10 judgment are embodied in the plans, designs, plats, surveys, and
11 advice involved in the services; and who supervises the review of
12 material and completed phases of construction.

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

20 (f) "Practice of professional surveying" means providing
21 professional services such as consultation, investigation,
22 testimony, evaluation, planning, mapping, assembling, and
23 interpreting reliable scientific measurements and information
24 relative to the location, size, shape, or physical features of the
25 earth, improvements on the earth, the space above the earth, or any
26 part of the earth, and the utilization and development of these
27 facts and interpretations into an orderly survey map, plan, report,

1 description, or project. The practice of professional surveying
2 includes all of the following:

3 (i) Land surveying that is the surveying of an area for its
4 correct determination or description for its conveyance, or for the
5 establishment or reestablishment of a land boundary and the
6 designing or design coordination of the plotting of land and the
7 subdivision of land.

8 (ii) Geodetic surveying that includes surveying for
9 determination of the size and shape of the earth both horizontally
10 and vertically and the precise positioning of points on the earth
11 utilizing angular and linear measurements through spatially
12 oriented spherical geometry.

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

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

18 (v) Cartographic surveying for making maps, including
19 topographic and hydrographic mapping.

20 (g) "Practice of professional engineering" means professional
21 services, such as consultation, investigation, evaluation,
22 planning, design, or review of material and completed phases of
23 work in construction, alteration, or repair in connection with a
24 public or private utility, structure, building, machine, equipment,
25 process, work, or project, if the professional service requires the
26 application of engineering principles or data. **THE PRACTICE OF**
27 **PROFESSIONAL ENGINEERING DOES NOT INCLUDE THE PREPARATION, SIGNING,**

1 OR SUBMISSION OF SHOP DRAWINGS FOR A FIRE ALARM SYSTEM, AS DEFINED
 2 IN SECTION 1A OF THE ELECTRICAL ADMINISTRATIVE ACT, 1956 PA 217,
 3 MCL 338.881A.

4 (h) "Principal" means a sole proprietor; ~~—A partner OF A~~
 5 **PARTNERSHIP**; ~~—the president, vice-president, secretary, treasurer,~~
 6 or director of a corporation; ~~—or a member or manager of a limited~~
 7 liability company.

8 (i) "Professional engineer" means ~~a person~~ **AN INDIVIDUAL** who,
 9 by reason of knowledge of mathematics, the physical sciences, and
 10 the principles of engineering, acquired by professional education
 11 and practical experience, is qualified to engage in the practice of
 12 professional engineering.

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

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

22 Sec. 2004. (1) In order to be licensed as an architect, an
 23 individual ~~shall~~ **MUST** meet all of the following:

24 (a) ~~The requirements prescribed in section 2005(1).~~ **PROVIDE**
 25 **EVIDENCE OF COMPLETION OF A FIRST PROFESSIONAL DEGREE OR FURTHER**
 26 **DEGREE IN ARCHITECTURE SATISFACTORY TO THE BOARD OF ARCHITECTS.**

27 (b) Pass an examination ~~which~~ **THAT** tests the applicant's

1 qualifications to practice architecture or provide equivalent proof
 2 of qualification acceptable to the department and the board of
 3 architects.

4 (c) Be of good moral character.

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

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

11 (2) In order to be licensed as a professional engineer, an
 12 individual shall **MUST** meet all of the following:

13 (a) ~~The requirements prescribed in section 2005(2).~~ **PROVIDE**
 14 **DOCUMENTATION OF AT LEAST 8 YEARS OF PROFESSIONAL EXPERIENCE IN**
 15 **ENGINEERING WORK ACCEPTABLE TO THE BOARD OF PROFESSIONAL ENGINEERS,**
 16 **INCLUDING NOT MORE THAN 6 YEARS OF EDUCATION.**

17 (B) **PROVIDE EVIDENCE OF COMPLETION OF A BACCALAUREATE DEGREE**
 18 **IN ENGINEERING FROM AN ACCREDITED PROGRAM OR ITS EQUIVALENT, AS**
 19 **DETERMINED BY THE BOARD OF PROFESSIONAL ENGINEERS.**

20 (C) ~~(b)~~ Pass the engineering fundamentals and professional
 21 practice examinations or provide equivalent proof of qualification
 22 to practice professional engineering acceptable to the department
 23 and the board.

24 (D) ~~(e)~~ Be of good moral character.

25 (3) In order to be licensed as a ~~land~~ **PROFESSIONAL** surveyor,
 26 an individual shall **MUST** meet all of the following:

27 (a) ~~The requirements prescribed in section 2005(3).~~ **PROVIDE**

1 DOCUMENTATION OF AT LEAST 8 YEARS OF PROFESSIONAL EXPERIENCE IN
 2 PROFESSIONAL SURVEYING SATISFACTORY TO THE BOARD OF PROFESSIONAL
 3 SURVEYORS, INCLUDING NOT MORE THAN 5 YEARS OF EDUCATION.

4 (B) PROVIDE EVIDENCE OF COMPLETION OF A DEGREE IN PROFESSIONAL
 5 SURVEYING OR A RELATED DEGREE THAT INCLUDED PROFESSIONAL SURVEYING
 6 COURSES ACCEPTABLE TO THE BOARD OF PROFESSIONAL SURVEYORS.

7 (C) ~~(b)~~ Pass the ~~land~~ PROFESSIONAL surveying fundamentals and
 8 professional practice examinations or provide equivalent proof of
 9 qualification to practice ~~land~~ PROFESSIONAL surveying acceptable to
 10 the department and the board.

11 (D) ~~(e)~~ Be of good moral character.

12 Sec. 2012. (1) The following persons are exempt from the
 13 requirements of this article:

14 (a) A professional engineer **WHO IS** employed by a railroad or
 15 other interstate corporation ~~,~~ **AND** whose employment and practice is
 16 confined to the property of the corporation.

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

20 (c) An owner **THAT IS** doing architectural, engineering, or
 21 surveying work ~~upon~~ **ON** or in connection with the construction of a
 22 building on the owner's property for the owner's own use **AND** to
 23 which employees and the public are not generally to have access.

24 (d) ~~A person~~ **AN INDIVIDUAL WHO IS** not licensed under this
 25 article **AND** who is planning, designing, or directing the
 26 construction of a detached 1- and 2-family residence building ~~not~~
 27 ~~exceeding~~ **THAT DOES NOT EXCEED** 3,500 square feet in calculated

1 floor area. For purposes of this subdivision, detached 1- and 2-
2 family residence building does not include an adult foster care
3 home licensed under the adult foster care facility licensing act,
4 1979 PA 218, MCL 400.701 to 400.737.

5 (e) ~~A person~~ **AN INDIVIDUAL** who is licensed to engage in the
6 practice of architecture, professional engineering, or professional
7 surveying in another state while temporarily in this state to
8 present a proposal for services.

9 **(F) A PERSON WHO IS NOT LICENSED UNDER THIS ARTICLE; IS A FIRE**
10 **ALARM CONTRACTOR LICENSED UNDER THE ELECTRICAL ADMINISTRATIVE ACT,**
11 **1956 PA 217, MCL 338.881 TO 338.892; AND IS SUBMITTING FIRE ALARM**
12 **SHOP DRAWINGS FOR THE PURPOSE OF OBTAINING AN ELECTRICAL OR FIRE**
13 **ALARM PERMIT.**

14 (2) As used in this section:

15 (a) "Calculated floor area" means that portion of the total
16 gross area, measured to the outside surfaces of exterior walls,
17 intended to be habitable space.

18 (b) "Habitable space" means space in a building used for
19 living, sleeping, eating, or cooking. Habitable space does not
20 include a heater or utility room, a crawl space, a basement, an
21 attic, a garage, an open porch, a balcony, a terrace, a court, a
22 deck, a bathroom, a toilet room, a closet, a hallway, a storage
23 space, and other similar spaces **THAT ARE** not used for living,
24 sleeping, eating, or cooking.

25 Enacting section 1. Section 2005 of the occupational code,
26 1980 PA 299, MCL 339.2005, is repealed.

27 Enacting section 2. This amendatory act takes effect 90 days

1 after the date it is enacted into law.