

OCCUPATIONAL CODE (EXCERPT)

Act 299 of 1980

ARTICLE 20

339.2001 Definitions.

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, corporation, or limited liability company 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 if 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 that 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 that 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 making 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, if the professional service requires the application of engineering principles or data.

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

(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.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1992, Act 103, Eff. Sept. 1, 1992;—Am. 1997, Act 122, Imd. Eff. Nov. 3, 1997;—Am. 1998, Act 218, Imd. Eff. July 1, 1998.

Compiler's note: For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

Popular name: Act 299

339.2002 Boards of architects, professional engineers, and professional surveyors; creation; membership; terms; resignation, disability, or removal for cause.

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.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1981, Act 83, Imd. Eff. July 1, 1981;—Am. 1992, Act 103, Eff. Sept. 1, 1992

Popular name: Act 299

339.2003 Joint meetings of boards.

Sec. 2003. A joint meeting of the boards created by this article shall be held at least once annually at a time and place determined by the department. Two or more of the boards created by this article may meet jointly at the call of the chairperson of a board created by this article.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980.

Popular name: Act 299

339.2004 Architect, professional engineer, and professional surveyor; licensing requirements.

Sec. 2004. (1) In order to be licensed as an architect, an individual must meet all of the following:

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

(b) Pass an examination that tests the applicant's qualifications to practice architecture or provide equivalent proof of qualification acceptable to the department and the board of architects.

(c) Be of good moral character.

(d) Provide documentation of professional experience in architectural work satisfactory to the board.

(2) In order to be licensed as a professional engineer, an individual must meet all of the following:

(a) Provide documentation of at least 8 years of professional experience in engineering work acceptable to the board of professional engineers, including not more than 5 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) Pass the engineering fundamentals and professional practice examinations or provide equivalent proof of qualification to practice professional engineering acceptable to the department and the board.

(d) Be of good moral character.

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

(a) Provide documentation of at least 8 years of professional experience in professional surveying satisfactory to the board of professional surveyors, including not more than 5 years of education.

(b) Provide evidence of completion of a degree in professional surveying or a related degree that included professional surveying courses acceptable to the board of professional surveyors.

(c) Pass the professional surveying fundamentals and professional practice examinations or provide equivalent proof of qualification to practice professional surveying acceptable to the department and the board.

(d) Be of good moral character.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1981, Act 83, Imd. Eff. July 1, 1981;—Am. 1988, Act 463, Eff. Sept. 1, 1989;—Am. 2009, Act 143, Imd. Eff. Nov. 10, 2009;—Am. 2016, Act 435, Eff. Apr. 4, 2017.

Popular name: Act 299

339.2005 Repealed. 2016, Act 435, Eff. Apr. 4, 2017.

Compiler's note: The repealed section pertained to examination requirements for architect, professional engineer, and professional surveyor licensure.

339.2006 Maintenance of court action; allegation and proof of licensure; failure to make restitution.

Sec. 2006. (1) A person, a qualifying officer, a licensee, or an agent for a licensee under this article shall not bring or maintain an action in a court of this state for the collection of compensation for the performance of an act or contract for which licensure is required under this article without alleging and proving that the person, qualifying officer, licensee, or agent was licensed under this article during the performance of the act or contract. A person who has utilized the services of a person engaging in or attempting to engage in an occupation regulated under this article or using a title designated by this article without being licensed by the department may bring an action in a court of competent jurisdiction, or offer as a counterclaim to an action brought by an unlicensed person, for a refund of compensation after deducting the value of the goods or services retained by the person.

(2) If the department suspends a license for failure to make restitution, in whole or in part, the restitution in the form of repair or remedial corrective work shall be performed by a person appropriately licensed under this article and shall be paid for by the licensee.

History: Add. 2008, Act 319, Eff. Mar. 31, 2009.

Compiler's note: Former MCL 339.2006, which pertained to application for licensure, was repealed by Act 463 of 1988, Eff. Sept. 1, 1989

Popular name: Act 299

339.2007 Seal; signature.

Sec. 2007. (1) When he or she is licensed, a licensee shall obtain or adopt a seal, in a form authorized by the appropriate board, that bears the licensee's name and the legend indicating either "licensed architect", "licensed professional engineer", or "licensed professional surveyor". However, a seal that exists on September 1, 1992 and bears the legend "registered architect", "registered professional engineer", "registered land surveyor", or "licensed land surveyor" is acceptable if a seal is required under state law.

(2) A licensee shall apply his or her seal and signature to a plan, specification, plat, or report that is issued by the licensee and filed with a public authority. If the license of the licensee named on a document has expired or is suspended or revoked, a person shall not apply the licensee's seal or signature to the document unless the license is renewed, reinstated, or reissued.

(3) As used in this section and section 2008:

(a) "Electronic seal" means a seal created by electronic or optical means and affixed electronically to a document or electronic document.

(b) "Electronic signature" means a signature created by electronic or optical means and affixed electronically to a document or electronic document with intent to sign the document.

(c) "Seal" includes an electronic seal.

(d) "Signature" includes an electronic signature.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1992, Act 103, Eff. Sept. 1, 1992;—Am. 2013, Act 178, Eff. Feb. 25, 2014.

Popular name: Act 299

339.2008 Sealing documents requiring governmental agency approval or record; projects involving overlapping of architecture and engineering professions; sealing documents not prepared by licensee prohibited.

Sec. 2008. (1) A plan, plat, drawing, map, and the title sheet of specifications, an addendum, bulletin, or report or, if a bound copy is submitted, the index sheets of a plan, specification, or report, if prepared by a licensee and required to be submitted to a governmental agency for approval or record, shall carry the embossed, printed, or electronic seal of the person in responsible charge.

(2) If the overlapping of the professions of architecture and engineering is involved in a project, a licensed architect or licensed professional engineer who seals the plans, drawings, specifications, and reports may perform services in the field of the other practice if the services are incidental to the architectural or engineering project as a whole.

(3) A licensee shall not seal a plan, drawing, map, plat, report, specification, or other document that is not prepared by the licensee or under the supervision of the licensee as the person in responsible charge.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 2013, Act 178, Eff. Feb. 25, 2014.

Popular name: Act 299

339.2009 Renewal of license; continuing education.

Sec. 2009. (1) Beginning the license cycle after the effective date of the rules promulgated under subsection (2), a demonstration of the completion of a program of continuing education shall be required for renewal of a license issued under this article.

(2) The department shall, by rule, establish a program of continuing education for all licensees under this article.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1988, Act 463, Eff. Sept. 1, 1989;—Am. 2010, Act 324, Imd. Eff. Dec. 21, 2010.

Popular name: Act 299

339.2010 Firm; practice of architecture, professional engineering, or professional surveying; approval of nonlicensed principal and principal's firm; report; person in responsible charge at each place of business; exception.

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.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1992, Act 103, Eff. Sept. 1, 1992.

Popular name: Act 299

339.2011 Construction of public work involving architecture or professional engineering; requirements; exception.

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.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1981, Act 83, Imd. Eff. July 1, 1981;—Am. 1992, Act 103, Eff. Sept. 1, 1992

Popular name: Act 299

339.2012 Persons exempted.

Sec. 2012. (1) 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 detached 1- and 2-family residence building not exceeding 3,500 square feet in calculated floor area. For purposes of this subdivision, detached 1- and 2-family residence building does not include an adult foster care home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(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.

(2) As used in this section:

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

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

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1992, Act 103, Eff. Sept. 1, 1992;—Am. 2002, Act 495, Imd. Eff. July 3, 2002.

Popular name: Act 299

339.2013 Issuing license to person holding certificate of qualification or registration of another state or national council; equivalency; temporary license prohibited; review of application of individual seeking relicensure or reinstatement.

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.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1981, Act 83, Imd. Eff. July 1, 1981;—Am. 1988, Act 463, Eff. Sept. 1, 1989;—Am. 1992, Act 103, Eff. Sept. 1, 1992.

Popular name: Act 299

339.2014 Prohibited conduct; penalties.

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) Presents or attempts to use as the person's own the license or seal of another.

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

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

(e) Submits 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 that 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. As used in this subdivision, "calculated floor area" means that term as defined in section 2012(2)(a).

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1981, Act 83, Imd. Eff. July 1, 1981;—Am. 1992, Act 103, Imd. Eff. Sept. 1, 1992;—Am. 2002, Act 495, Imd. Eff. July 3, 2002.

Popular name: Act 229