

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Professional Licensing

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Professional Engineers – General Rules

5. Rule numbers or rule set range of numbers:

R 339.16001 – R 339.16044

6. Estimated time frame:

12 months

Name of person filling out RFR:

Weston MacIntosh

E-mail of person filling out RFR:

MacIntoshW1@michigan.gov

Phone number of person filling out RFR:

517-241-9269

Address of person filling out RFR:

611 W. Ottawa St.

P.O. Box 30670

Lansing, MI 48909

7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The Professional Engineers – General Rules pertain to definitions, education, experience, licensure, relicensure, examination, standards of conduct, the seal, license renewal, and continuing education for professional engineers.

Amendment of the rules will take place to supply clarity on definitions, education, experience, licensure, relicensure, examination, standards of conduct, the seal, license renewal, and continuing education requirements for professional engineers.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The department in consultation with the board.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 339.205, MCL 339.308, MCL 339.2009 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Under MCL 339.205, the department shall promulgate rules to implement articles 1 to 6 and rules which are necessary and appropriate to enable the department to fulfill its role.

Under MCL 339.308(1), a board shall promulgate rules as required in the article in which it is created as are necessary and appropriate to fulfill its role.

Under MCL 339.2009, the department shall, by rule, establish a program of continuing education for all licensees.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

No guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo covers the subject matter of the rules.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

No.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

Amendment of the rules last took place in 2023. No technological factors, economic conditions, or other factors make amendment of the rules necessary.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

Yes

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.