

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
AND THE BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.101.413 renewal dates and ) PROPOSED AMENDMENT,  
requirements, 24.183.301 standards ) ADOPTION, AND REPEAL  
of responsible charge, 24.183.404 fee )  
schedule, 24.183.406 branch office, )  
24.183.407 teaching of advanced )  
engineering subjects, 24.183.408 )  
certificate of authorization, )  
24.183.501 board-approved curricula, )  
24.183.502, 24.183.503, and )  
24.183.504 applications, 24.183.505 )  
exhibits of land surveying, 24.183.509 )  
examination procedures, 24.183.510 )  
grant and issue licenses, 24.183.511 )  
license seal, 24.183.701 and )  
24.183.801 comity, 24.183.702 and )  
24.183.802 classification of )  
experience, 24.183.1104 and )  
24.183.1107 uniform standards, )  
24.183.2102 inactive status, )  
24.183.2402 complaints, the adoption )  
of NEW RULES I teaching of land )  
surveying subjects and II definitions, )  
and the repeal of ARM 24.183.302 )  
direct supervision, 24.183.512 )  
application for emeritus status, )  
24.183.2101 renewals, and )  
24.183.2103 late renewals )

TO: All Concerned Persons

1. On July 29, 2016, at 1:30 p.m., a public hearing will be held in the large conference room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment, adoption, and repeal of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Professional Engineers and Professional Land Surveyors (board) no later than 5:00 p.m., on July 22, 2016, to advise us of the nature of the accommodation that you need. Please contact Ian Marquand, Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue,

P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdpels@mt.gov (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The 2015 Montana Legislature enacted Chapter 4, Laws of 2015 (House Bill 63), an act modernizing and revising licensing requirements and regulation of professional engineers, professional land surveyors, engineer interns, land surveyor interns, and businesses offering engineering and land surveying services. The bill was signed by the Governor and became effective on February 12, 2015.

Following passage of House Bill 63, the board undertook a comprehensive review of the administrative rules to determine the changes necessary to coincide with and further implement the new legislation. As a result of this review, the board is proposing revisions throughout the rules, some of which are technical in nature, such as renumbering or amending punctuation within rules following amendment and to comply with ARM formatting requirements. Other changes replace out-of-date terminology for current language and standardized processes, delete unnecessary or redundant sections, and amend rules for accuracy, consistency, simplicity, better organization, and ease of use. Accordingly, the board concluded that it is reasonably necessary to amend and repeal certain existing rules, and adopt new rules at this time. Authority and implementation citations are being amended throughout to accurately reflect all statutes implemented through the rules, to provide the complete sources of the board's rulemaking authority, and delete references to repealed statutes. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following the rule.

4. The department is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(ac) remain the same.

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(ad)	Professional Engineers and Professional Land Surveyors	Certificate of Authorization	Annually	October 1
		<del>Emeritus Status</del>		
		Engineer Intern	Biennially, as of June 30, 2015	June 30
		Land Surveyor Intern	Biennially, as of June 30, 2015	June 30
		Professional Engineer	Biennially, Even Numbered Years	June 30

		Professional Engineer by Comity	Biennially, Even Numbered Years	June 30
		Professional Land Surveyor	Biennially, Even Numbered Years	June 30
		Professional Land Surveyor by Comity	Biennially, Even Numbered Years	June 30

(ae) through (6)(e) remain the same.

~~(f) land surveyor intern, engineer intern, emeritus status license issued by the Board of Professional Engineers and Professional Land Surveyors;~~

(g) remains the same, but is renumbered (f).

(7) remains the same.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-141, MCA

REASON: The department determined it is reasonably necessary to remove emeritus status from the board's license types in (5)(ad), since House Bill 63 eliminated the status for both professional engineer and professional land surveyor licensees as of October 1, 2015. Additionally, the department is deleting (6)(f) to align with the 2014 adoption of new engineer intern/land surveyor intern certificate rules, which made these intern certificates renewable.

5. The board is proposing to amend the following rules. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.183.301 STANDARDS OF RESPONSIBLE CHARGE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS ~~(1) The term "responsible charge" directly relates to the degree of control a professional engineer is required to maintain while exercising independent control and direction of engineering work, and to the decisions which can be made only under the direct supervision of a professional engineer.~~

~~(a) The degree of control necessary to be in responsible charge shall be such that a licensee:~~

~~(i) personally makes engineering decisions or reviews and approves proposed decisions prior to their implementation, including consideration of alternatives, whenever technical decisions are made. In making engineering decisions, a licensee must be physically present or through the use of communication devices, can be available in a reasonable period of time; and~~

~~(ii) judges the qualifications of technical specialists and the validity and applicability of their recommendations before such recommendations are incorporated in the work.~~

~~(b) To be considered in responsible charge of a project, a licensee who signs engineering documents must be capable of answering questions asked by equally qualified professionals. These questions would be relevant to the decisions made during a licensee's participation in the project and require responses in sufficient detail to leave little question as to a licensee's technical knowledge of the work~~

~~performed. It is not necessary to defend decisions as in an adversary situation, but only to demonstrate that a licensee in responsible charge made the decisions and possessed sufficient knowledge of the project to make the decisions.~~

~~(i) Examples of questions to be answered by an engineer could relate to criteria for design, methods of analysis, methods of manufacture and construction, selection of materials and systems, economics of alternate solutions, and environmental considerations. A licensee should be able to clearly define the degree of control and how it is exercised within the organization and geographically, and to demonstrate that an engineer is answerable within that degree of control.~~

~~(2) The term "responsible charge" means that a professional land surveyor is required to maintain independent control over all facets of land surveying work.~~

~~(a) The degree of control necessary to be in responsible charge shall be such that a licensee personally makes land surveying decisions. In making land surveying decisions, a licensee must be physically present or able to provide verifiable evidence of personal knowledge of the land surveying work.~~

~~(b) To be considered in responsible charge of a project, a licensee who signs land surveying documents must be capable of defending the contents of the resulting documents by addressing issues related to the documents. Examples of issues include, but are not limited to:~~

~~(i) criteria for designs;~~

~~(ii) methods of analysis and conclusions made;~~

~~(iii) performance of surveys;~~

~~(iv) interpretation and construction of deeds;~~

~~(v) application of proportion methods; and~~

~~(vi) analysis of evidence related to unwritten property rights.~~

~~(c) A licensee should be able to clearly define the degree of control and how it is exercised within the organization and geographically, and to demonstrate that a land surveyor is answerable within that degree of control.~~

~~(1) A professional engineer in responsible charge shall:~~

~~(a) personally make engineering decisions, perform reviews, and consider alternatives or approve proposed technical decisions prior to their implementation;~~

~~(b) be physically present or available by electronic or voice communications prior to evaluation and implementation of technical decisions;~~

~~(c) judge the qualifications and recommendations of technical personnel before such recommendations are implemented; and~~

~~(d) be qualified and have sufficient knowledge to explain decisions related to the project, including, but not limited to:~~

~~(i) design criteria applied;~~

~~(ii) methods of analysis;~~

~~(iii) methods of manufacture and construction utilized;~~

~~(iv) materials and systems selected;~~

~~(v) economic analysis of alternate solutions; and~~

~~(vi) environmental considerations.~~

~~(2) A professional land surveyor in responsible charge shall:~~

~~(a) personally make land surveying decisions;~~

~~(b) be physically present or able to verify their personal knowledge of the land surveying work; and~~

(c) be qualified and have sufficient knowledge to explain decisions related to signed land survey documents.

AUTH: 37-67-202, MCA

IMP: 37-67-101, 37-67-328, MCA

REASON: The board is rewriting this rule to align with House Bill 63 changes and to simplify and streamline the rule language for clarity and ease of use.

24.183.404 FEE SCHEDULE (1) Fees shall be transmitted paid to the Board of Professional Engineers and Professional Land Surveyors. Fees board, except for payment of examination fees for examinations administered by third-party vendors, which shall must be paid directly to the vendor approved by the board. The board assumes no responsibility for loss in transit of such remittances. Applicants not submitting the proper fees will be notified by the department of examination fees remitted between examinees and third-party vendors.

~~(2) In every case, should the board deny the issuance of a certificate and/or license to any applicant, the initial fee deposited shall be retained by the board as an application fee.~~

~~(3)~~ (2) Fees are as follows:

(a) through (d)(i) remain the same.

(ii) ~~Examination and reexamination only for Montana law~~ state-specific exam land surveyor examination, initial, or subsequent exam 100

(iii) ~~Reschedule fee for Montana law~~ state-specific land surveyor exam 25

(iv) through (e)(i) remain the same.

(ii) ~~Annual renewal fee of certificate of authorization~~ 25

(f) remains the same.

(i) ~~Professional engineer~~ PE 100

(ii) ~~Professional land surveyor~~ PLS 100

(iii) ~~Dual license as a professional engineer~~ PE and ~~land surveyor~~ PLS 120

(iv) ~~Renewal fee for EI, LSI~~ 25

(g) remains the same.

(i) ~~Emeritus application~~ 25

(ii) ~~Reactivation from emeritus status~~ 250

~~(iii)~~ (i) ~~Reactivation from inactive status~~ Continuing education review for conversion of a license to active status 60

(iv) and (v) remain the same, but are renumbered (ii) and (iii).

~~(vi)~~ ~~FE exam score retrieval~~ 50

(4) remains the same but is renumbered (3).

AUTH: 37-1-134, 37-67-202, ~~37-67-311~~, 37-67-322, 37-67-327, MCA

IMP: 37-1-134, 37-1-141, 37-1-319, ~~37-67-303~~, ~~37-67-311~~, 37-67-312, 37-67-313, ~~37-67-320~~, ~~37-67-321~~, 37-67-322, 37-67-327, MCA

REASON: The board is deleting (2) as no longer necessary because 37-67-327(5), MCA, provides that all fees are nonrefundable.

To align with House Bill 63 changes, the board is striking the two fees in renumbered (2)(g) associated with emeritus status. The board estimates that the proposed fee elimination will affect approximately 48 persons and decrease annual revenue by \$1,425.

During the rule review, the board discovered a conflict between (2)(g)(iii) and ARM 24.101.403(1)(h) regarding fees to convert from inactive to active status. At present, there is no difference between board fees for active and inactive licensure, and renewal of PE and PLS licenses is the same. However, the board identified a cost for reviewing continuing education information submitted by licensees wishing to change to an active license. The board is now amending (2)(g)(i) and redesignating the fee to adequately cover the costs of those reviews.

The board determined it is reasonably necessary to delete the fee to retrieve a Fundamentals of Engineering (FE) exam score as it is no longer being assessed or collected. The board will continue to process requests for FE exam scores as requests for a "license history" under ARM 24.101.403.

24.183.406 BRANCH OFFICE ~~(1) A branch office of an engineering or land surveying firm is defined as an office established to solicit and/or provide engineering or land surveying services.~~

(a) and (b) remain the same, but are renumbered (1) and (2).

~~(2) A resident professional engineer is defined as a person holding a valid professional engineering license in Montana and who supervises and is in responsible charge of all engineering work performed in the branch office. The resident professional engineer is not required to be physically located at the branch office.~~

~~(3) A resident professional land surveyor is defined as a person holding a valid professional land surveyor license in Montana and who supervises and is~~ Resident licensees ~~in responsible charge of all land surveying work performed in the branch office. The resident professional land surveyor is~~ are ~~not required to be physically located at the branch office.~~

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-67-101, 37-67-202, 37-67-328, MCA

REASON: The board is striking the definition for "branch office" from (1) since House Bill 63 established a new definition in 37-67-101, MCA. The board is also combining (2) and (3) with other definitions into a single rule in NEW RULE II.

24.183.407 TEACHING OF ADVANCED ENGINEERING SUBJECTS

~~(1) The term "teaching of advanced engineering subjects" means engineering class instruction of courses at the junior class level and above within a board approved curriculum.~~

(2) remains the same, but is renumbered (1).

AUTH: 37-1-131, ~~37-67-201~~, 37-67-202, MCA

IMP: 37-1-131, 37-67-101, 37-67-323, 37-67-324, MCA

REASON: The board is relocating (1) with other definitions to a centralized definitions rule at NEW RULE II.

24.183.408 CERTIFICATE OF AUTHORIZATION ~~(1) Applications received by the department must be on a board-approved form and accompanied by the appropriate fees. An application not accompanied by the appropriate fees or not completed in its entirety with all required information shall be returned to the applicant with instructions.~~

~~(a) The application must:~~

~~(i) designate the Montana licensed professional engineer or the Montana licensed professional land surveyor in responsible charge; and~~

~~(ii) include proof that the sole proprietorship, firm, partnership, or corporation is registered with the Montana Secretary of State's office.~~

~~(2) (1) Certificates of authorization shall be renewed annually on or before the date set by ARM 24.101.413. The annual renewal form must indicate the name and license number of the professional engineer and/or professional land surveyor in responsible charge and affirm that they are in good standing with the Montana Secretary of State's office and be accompanied by the renewal fee as specified by ARM 24.183.404.~~

~~(2) The renewal form must identify by name and license number the professional engineer or professional land surveyor in responsible charge and affirm the certificate holder is in good standing with the Secretary of State.~~

~~(3) A professional engineer or professional land surveyor designated in responsible charge on a certificate of authorization who leaves the employment of a sole proprietorship, firm, partnership, or corporation (who has obtained the required certificate of authorization from the board) for whatever reason, must provide written notification to certificate holder shall notify the board office of that fact, in writing within 45 working days. The sole proprietorship, firm, partnership, or corporation certificate holder must provide the board office designate a replacement professional engineer and/or professional land surveyor in responsible charge and notify the board in writing within 45 working days, on a prescribed form, the change of the professional engineer and/or professional land surveyor in responsible charge or surrender the certificate of authorization. Failure to name another professional engineer and/or professional land surveyor in responsible charge within 45 working days may be cause for suspension of the certificate of authorization and cause for revocation.~~

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-131, ~~37-67-320~~, 37-67-328, MCA

REASON: The board determined it is reasonably necessary to rewrite this rule to align with House Bill 63 changes and to simplify and streamline the rule.

24.183.501 BOARD-APPROVED CURRICULA – EVALUATION OF EDUCATION CREDITS (1) Baccalaureate engineering or engineering technology programs accredited by the Accreditation Board for Engineering and Technology

~~(ABET) or equivalent curricula as approved by the board shall meet the educational requirement. In evaluating documentation of education credits, the board shall:~~

~~(2) (a) The board-approved curriculum for land surveying applicants shall contain a minimum of 60 semester credits and must include six credits in English, seven credits in math, six credits in drafting, nine credits in basic science, five credits in humanities and social sciences or approved Associate of Applied Science benchmarks, 11 credits in surveying techniques, and 16 credits in principles and practice of land surveying courses taught by a licensed professional land surveyor. One academic quarter's credit shall be credited at credit the applicant two-thirds of one semester credit for each academic quarter credit earned. ;~~

~~(3) (b) The board shall make publicly available a list available of Montana schools which offer land surveying curricula accepted by the board. ; and~~

~~(c) All accept all course credits accepted deemed as transferable to the land surveying curricula of any school approved by the board shall be accepted by the board when transfer is accomplished by the applicant.~~

AUTH: 37-67-202, MCA

IMP: ~~37-67-306, 37-67-323, 37-67-324, 37-67-325, 37-67-326, MCA~~

REASON: The board is amending this rule by relocating the definitions of board-approved curricula to NEW RULE II and by reorganizing and simplifying the guidelines for board review of education credits.

~~24.183.502 APPLICATIONS (1) Applications received must be on a board-approved form and accompanied by appropriate fees. An application not accompanied by the appropriate fees or not completed in its entirety with all required information shall be deemed incomplete. Fees will be deposited as received.~~

~~(2) Professional engineer and professional land surveyor applicants must complete and submit the board's law and rule questionnaire as part of the application process. Incomplete questionnaires will be returned.~~

~~(1) Applicants shall complete all experience required for approval of an application:~~

~~(a) prior to submission of an application; or~~

~~(b) at a time approved by the board.~~

~~(2) The board shall accept an application as complete when the applicant submits to the department:~~

~~(a) board-approved application forms completed in entirety;~~

~~(b) all required supplemental documentation;~~

~~(c) all applicable fees paid in full; and~~

~~(d) for professional engineer and professional land surveyor applicants, the board's law and rule questionnaire completed in entirety.~~

~~(3) Applications for foreign- Foreign-educated professional engineer applicants must shall: include a foreign degree evaluation. The applicant must arrange for the evaluation and shall be solely responsible for its cost.~~

~~(a) The evaluation must:~~

~~(i) be performed by a board-approved foreign degree evaluator;~~

~~(ii) be sent directly to the board by the evaluator; and~~



~~(iii) indicate whether the foreign degree is equivalent to an engineering or engineering technology program accredited by the Accreditation Board for Engineering and Technology (ABET).~~

~~(b) The board maintains a list of approved foreign degree evaluators.~~

~~(a) arrange for a foreign degree evaluation performed by NCEES to verify whether the foreign degree is equivalent to an ABET-accredited engineering or engineering technology program;~~

~~(b) arrange for direct delivery of the evaluation from NCEES to the board;~~  
and

~~(c) pay all costs of the evaluation and delivery to the board.~~

~~(4) Applicants shall provide explanations of information submitted in an application upon request by the board.~~

~~(4) (5) The board, after due consideration of an application and of information pertaining thereto shall:~~

~~(a) will find the applicant eligible to sit for the appropriate exam; or~~

~~(b) request the applicant to furnish such additional information as may be necessary allowed by law; or~~

~~(c) advise the applicant of the status of the application in accordance with provisions of the law.~~

~~(5) (6) Applications received after a board-set application deadline will be processed for the following examination.~~

~~(6) If an application is withdrawn, no refund of the application fee will be made.~~

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-104, ~~37-67-303, 37-67-306, 37-67-307, 37-67-308, 37-67-309, 37-67-310, 37-67-311, 37-67-312, 37-67-313, 37-67-322, 37-67-323, 37-67-324, 37-67-325, 37-67-326, 37-67-327,~~ MCA

REASON: Since the board's last rule changes in 2014, a significant number of applicants have submitted applications before acquiring the necessary experience. The board and its staff invested considerable time reviewing these applications only to declare them incomplete and noncompliant with statute. To address those applications and align with statutory changes, the board is amending (1) to require that all experience is acquired prior to application.

The board is also amending this rule to identify NCEES as the only evaluator of foreign education acceptable to the board because NCEES is the only entity now conducting such reviews. The board is deleting the provision at (6) regarding nonrefundable application fees as it is redundant with department rule.

24.183.503 APPLICATION REFERENCES (1) ~~The An~~ applicant shall arrange for the submission of completed reference forms ~~as described in required by 37-67-305 and/or 37-67-308 37-67-323, 37-67-324, 37-67-325, and 37-67-326,~~ MCA. The application must include a reference form, which the applicant shall provide to the references listed a reference form to each person listed as a reference on the application. ~~The reference form must be received directly from the applicant's~~

references. Each person providing a reference for the applicant shall complete and send the reference form directly to the board.

(2) For an application for licensure as a professional engineer, the board must receive five references, three of which must be from licensed professional engineers.

(3) For an application for certification as an engineer intern, the board must receive three references. None is required to be from licensed professional engineers.

(4) For an application for licensure as a professional land surveyor, the board must receive five references, three of which must be from licensed professional land surveyors.

(5) For an application for certification as a land surveyor intern under 37-67-326(1)(a), (b), or (c), MCA, the board must receive three references, one of which must be from a licensed professional land surveyor. This rule also applies to applicants who apply under 37-67-326(1)(d), MCA, but only until October 1, 2022.

(2) (6) The board will accept a reference form only when it is fully completed and bears the signature of the person providing the reference. All completed and signed reference forms must be received before the board will take action on the application.

AUTH: 37-67-202, MCA

IMP: 37-67-303, 37-67-305, 37-67-308, 37-67-322, 37-67-323, 37-67-324, 37-67-325, 37-67-326, MCA

REASON: Because House Bill 63 repealed the specific statutory provisions regarding required references for licensure or certification, the board is now amending this rule to clearly delineate those requirements.

24.183.504 EXPIRATION OF APPLICATIONS (1) An application will expire one year from the date of receipt the fee is paid; except applications from exam applicants will expire one year from the date the applicant is approved to take the exam.

(2) If the applicant has not successfully completed all application and examination requirements within this period, and still desires to pursue licensure, the applicant must submit a new, original application, and appropriate fees, with supporting documents. The year begins for the exam applicants on the date the applicant has been approved by the board or designated board staff to take the exam.

(3) Applications in which the applicant does not already possess the experience required for licensure or approval to take an examination are incomplete and will not be accepted.

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-131, 37-67-303, 37-67-322, MCA

REASON: The board determined it is reasonably necessary to amend this rule to start the one-year application period when an application is deemed complete.

Currently, an applicant may submit an application in which the board finds only partial experience. The application would remain open for a full year and then require another board review. To address those applications and align with statutory changes, the board is amending this rule to require that all experience is acquired prior to application, which will save time and money, and allow the licensing bureau to reject these applications as incomplete without requiring board review.

24.183.505 EXHIBITS OF LAND SURVEYING PROJECTS (1) and (2) remain the same.

(3) ~~An~~ Before October 1, 2022, an applicant applying for certification as a land surveyor intern under 37-67-310(1) and (2), MCA, is exempt from this requirement 37-67-326(1)(d), MCA, must comply with (1) and (2) of this rule.

AUTH: 37-67-202, MCA

IMP: ~~37-67-308,~~ 37-67-326, MCA

REASON: The board is amending this rule to align with the sunset date established by House Bill 63 for land surveyor intern applicants on the experience only certification pathway.

24.183.509 EXAMINATION PROCEDURES (1) The examinations required are defined in ~~37-67-314~~ 37-67-327, MCA.

(2) Applicants for the Fundamentals of Engineering exam may register directly with ~~the National Council of Examiners for Engineering and Surveying (NCEES)~~ without prior approval of the board ~~and may take the examination at any location offered by NCEES. NCEES shall schedule the exam and collect all required fees, including fees for rescheduling an exam.~~

(3) Applicants for the Fundamentals of Land Surveying, Principles and Practices of Engineering, and Principles and Practices of Land Surveying exams ~~who are~~ must be approved by the board ~~may~~ prior to registering with NCEES to take the examination ~~at any location offered by NCEES.~~

(4) ~~Applicants will be notified of the time and place of the exam by NCEES.~~ An applicant who wishes to reschedule an exam other than the Fundamentals of Engineering exam, shall pay an exam reschedule fee ~~to the board~~ specified by ARM 24.183.404.

~~(5) A passing grade set by NCEES will be required.~~

~~(6) (5)~~ A candidate failing to pass any exam, other than the Fundamentals of Engineering exam, may ~~take that~~ re-take the examination again upon payment of the reexamination fee specified by ARM 24.183.404.

(6) The minimum passing score for the Montana state-specific land surveyor exam shall be 70 percent.

(7) An examinee who fails the Montana state-specific land surveyor exam may:

(a) request a diagnostic report on the exam results within 60 days after the date of notification of the failure; and

(b) re-take the exam as many as two times within two years of the date on which the applicant is approved to take the exam.

(8) An applicant who fails the Montana state-specific land surveyor examination three times or whose application expires may reapply two years after the third failure or the application expiration date. Staff may approve the new application.

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-131, ~~37-1-134, 37-67-311, 37-67-327~~, MCA

REASON: The board is amending (3) to address applicant confusion by clarifying that the board must approve certain examinees prior to them registering with NCEES. The board determined it is unnecessary to include NCEES examination procedures in board rule, and is removing them from (4) and (5). Additionally, the board is amending (4) to reference the rule containing the exam rescheduling fee, ARM 24.183.404, which is already provided in (5).

The board is adding (6) to identify the 70% minimum passing score for its state-specific land surveyor exam. Although the score was previously set by board motion, the board is now establishing it in rule, along with other amendments to further implement the new 2015 state-specific exam.

The board is amending (7) and adding (8) to limit the number of reexaminations for the state-specific land surveyor exam. In 2015, the board began administering its state-specific land surveyor exam in a new format. With the new format, the board decided to place a three-attempt limit before requiring a new application, and to require anyone who fails to pass the exam within three attempts to wait two years before trying again.

#### 24.183.510 GRANT AND ISSUE LICENSES AND CERTIFICATES

~~(1) At the time~~ When an applicant meets the requirements for licensure or certification by the board, the department shall assign the applicant ~~will be assigned~~ a license or certificate number and ~~issued a~~ issue the license or certificate as a professional engineer and/or professional land surveyor as appropriate. ~~These~~ The department shall assign license or certificate numbers will be issued consecutively in the order in which the board approved the applications are approved by the board. ~~The applicant will be advised of the license number in the notice sent to the applicant.~~

(2) The board shall grant a license authorizing the practice of professional engineering or professional land surveying by a sole proprietorship, firm, partnership, or corporation after approval of an application for certificate of authorization and payment of the license fee.

~~(2) (3) The engineer~~ Engineer intern certificate certificates will be active for two years and may be renewed for additional two-year periods for a fee prescribed in ARM 24.183.404. ~~Pursuant to an agreement with the National Council of Examiners for Engineering and Surveying (NCEES), the board has agreed to retain examination scores. Upon request, the individual may obtain the national exam score and verification for a fee prescribed by the department.~~

~~(3) (4) The land~~ Land surveyor intern certificate certificates will be valid active for two years and may be renewed for additional two-year periods for a fee prescribed in ARM 24.183.404.

~~(4) A license authorizing the practice of professional engineering or professional land surveying by a sole proprietorship, firm, partnership, or corporation shall be granted by the board and issued by the department after approval of an application for certificate of authorization and payment of the license fee. A wall certificate shall be signed by the presiding officer and shall bear the license number of the licensee, sole proprietorship, firm, partnership, or corporation.~~

~~(5) All licenses and certificates identified through this rule shall be subject to lapse, expiration, and termination under 37-1-141, MCA, and ARM 24.101.413.~~

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-131, 37-67-305, 37-67-306, 37-67-307, 37-67-308, 37-67-309, 37-67-320, 37-67-312, 37-67-313, 37-67-314, 37-67-323, 37-67-324, 37-67-325, 37-67-326, 37-67-328, MCA

REASON: The board is amending and reorganizing this rule to similarly represent both licenses and certificates in the rule text and title. Additionally, the board is deleting unnecessary provisions at (2) regarding its relationship with NCEES, and (4) regarding wall certificates for certificates of authorization, as well as (5), which is redundant to department rule.

24.183.511 LICENSE SEAL - FORM AND USE ~~(1) Upon approval of the application by the board, the licensee will be advised that the licensee may secure an official seal. The following seals are authorized:~~

(1) Individuals licensed as a Professional Engineer, Professional Land Surveyor, or Professional Engineer and Professional Land Surveyor may obtain a seal in the form of an embossing or rubber stamp or digital seal to be used for purposes of sealing printed drawings, specifications, and other documents prepared by or under the supervision of the licensee.

(2) A licensee's seal must contain the licensee's name, license number (such as #####PE, #####LS, or #####ES), and the applicable legend "Professional Engineer," "Professional Land Surveyor," or "Professional Engineer and Land Surveyor."

(3) Seals of the following commercial designated sizes and types are authorized:

(a) pocket seal, the size commercially designated as a 1 5/8" inch pocket seal;

(b) a desk seal or rubber stamp seal the size commercially designated as a two-inch 2" desk seal; and

(c) the seal will bear the licensee's name, license number and the legend "Licensed Professional Engineer", "Licensed Professional Land Surveyor" or "Licensed Professional Engineer and Professional Land Surveyor"; and

(c) 2" rubber stamp seal.

(d) a digital seal is allowed to may be reduced in size to one-half of its original the size of the original seal.

(4) The seal, digital seal, and the signature must be of sufficient print quality to legibly reproduce on all copies or prints of final original drawings to which they are applied.

~~(2) (5) For stamping plans, specifications and reports, licensees are authorized to use a facsimile made of their official seal. The title page of all sets of plans and all documents filed with public authorities must bear the seal and original signature of the licensee in responsible charge.~~

~~(3) Individuals licensed as a "Professional Engineer", "Professional Land Surveyor" or "Professional Engineer and Professional Land Surveyor" may secure an official seal, which must contain the licensee's name, license number, and the applicable legend "Licensed Professional Engineer", "Licensed Professional Land Surveyor", or "Licensed Professional Engineer and Land Surveyor". For the purpose of sealing printed drawings, specifications, and other appropriate documents, each licensee shall obtain an embossing or rubber stamp and an electronic reproduction facsimile of the seal to be used on documents prepared by or under the supervision of a licensee. When required, the seal or electronic reproducible facsimile must be applied on all final original drawings, with the licensee's signature, to produce legible reproduction on all copies or prints made from the drawings.~~

~~(4) A signature is:~~

~~(a) an original manual signature of the licensee who applied it; or~~

~~(b) a digital signature, which has an electronic authentication process attached or is logically associated with an electronic document, and must be:~~

~~(i) unique to the person using it;~~

~~(ii) capable of verification;~~

~~(iii) under the sole control of the person using it; and~~

~~(iv) linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.~~

~~(6) Licensees may use a digital seal for stamping plans, specifications, survey documents, and reports.~~

AUTH: 37-67-202, MCA

IMP: 37-67-314, MCA

REASON: The board is amending this rule's title to better describe its purpose. The board is also amending this rule to address questions by more clearly describing the types of seals used by licensees and specifying the way license numbers must be displayed on seals, i.e., the traditional number followed by letters.

24.183.701 COMITY FOR PROFESSIONAL ENGINEERS (1) The board may, upon receipt of application and payment of proper fee, issue a license as a professional engineer license by comity to any person who submits verification of licensure from any state, or territory, or possession of the United States, or any foreign country, and meets the application requirements of this rule. Applicants All applicants shall submit to the department, either electronically or by mail, the department-approved application form with the appropriate fee, and a completed engineer laws and rules questionnaire.

(2) Applicants with a National Council of Examiners for Engineering and Surveying (NCEES) record may arrange for NCEES to deliver their most current record, updated within two years of the application date, directly to the board office. An applicant with a current NCEES record is not required to submit references or

educational transcripts also shall submit a department-approved application form and board-approved experience forms.

~~(3) Professional engineers applying by comity. Applicants without a NCEES record shall submit to the department, either electronically or by mail, the department-approved application form with the appropriate fee and the following:~~

~~(a) remains the same.~~

~~(b) five completed reference forms as required by which meet the requirements of ARM 24.183.503; and~~

~~(c) verification of licensure from all states and verification of passing both the Fundamentals of Engineering examination and the Principles and Practices of Engineering examination. in which the applicant has ever been licensed;~~

~~(d) verification of having passed the Fundamentals of Engineering examination; and~~

~~(e) verification of having passed the Principles and Practices of Engineering examination.~~

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-304, 37-67-312, MCA

REASON: The board is amending this rule on PE licensure via comity to address questions and clarify the different requirements for applicants with and without NCEES career records. The board is amending (1) to address foreign licensure as a criterion for comity licensing pursuant to House Bill 63. Additionally, to ensure that submitted references are up-to-date, the board is amending (2) to require that NCEES records be updated within two years of application. It is reasonably necessary to amend this rule with ARM 24.183.801 so the two comity licensure rules are as parallel as possible.

#### 24.183.702 CLASSIFICATION OF ENGINEERING EXPERIENCE

~~(1) Engineering experience for the purpose of application for licensure or certification shall be classified as ~~the following:~~~~

~~(a) subprofessional experience;~~

~~(b) preprofessional experience; or~~

~~(c) professional experience.~~

~~(2) Engineering experience shall be quantified as follows:~~

~~(a) Subprofessional experience is experience gained before receipt of a baccalaureate degree. Such experience may be gained during periods of college or university enrollment, and shall be credited at one-half the time value of preprofessional experience, gained after receipt of a baccalaureate degree. No more than one year of subprofessional experience may be counted as preprofessional experience. Such preprofessional experience may include one or more of the following:~~

~~(i) supervised engineering experience; or~~

~~(ii) supervised construction experience.~~

~~(b) Preprofessional experience is gained following receipt of a baccalaureate degree. Such preprofessional experience may include:~~

(b) No more than one year of subprofessional experience may be credited as preprofessional experience.

~~(i) no more than one year of subprofessional experience as defined in (a);~~

~~(ii) progressive experience on engineering projects which indicate the experience is of increasing quality and required greater responsibility;~~

~~(iii) experience not obtained in violation of the licensure act;~~

~~(iv) experience gained under the supervision of a licensed professional engineer/land surveyor or, if not, an explanation of why the experience should be considered acceptable;~~

~~(v) credible teaching experience at an advanced level, post graduate or senior graduate, in a college or university offering an engineering curriculum of four years or more that is approved by the board;~~

~~(vi) experience gained in engineering research and design projects by members of an engineering faculty, in an engineering curriculum approved by the board;~~

(vii) (c) a A master's degree in engineering from an institution which offers a board-approved curriculum at the baccalaureate level will be credited as one year of preprofessional experience;

(viii) (d) a A Ph.D. in engineering from an institution which offers a board-approved curriculum at the baccalaureate level will be credited as two years of preprofessional experience, but the applicant shall not count an additional one year for a master's degree, if earned. All degrees shall have been obtained from colleges or universities with board-approved programs which shall include a one year credit for any master's degree earned in the course of completing the Ph.D.

~~(c) Professional experience is gained after initial licensure by a state, territory, or possession of the United States.~~

~~(2) All experience must be completed at the time of application.~~

~~(3) Experience should be gained under the supervision of a registered professional engineer and, if not, an explanation should be made showing why the experience should be considered acceptable.~~

~~(4) Engineer applicants may be asked by the board to provide a more detailed explanation of their knowledge of fundamental principles of engineering design and the practical solution of engineering problems.~~

AUTH: 37-67-202, MCA

IMP: ~~37-67-305, 37-67-306,~~ 37-67-312, 37-67-323, 37-67-324, MCA

REASON: The board determined it is reasonably necessary to combine all relevant definitions into a single location. The board is therefore relocating experience definitions from this rule to NEW RULE II. The board is further amending and streamlining this rule to clearly quantify engineering experience for both licensure and engineer intern certification.

24.183.801 COMITY CONSIDERATION FOR PROFESSIONAL LAND

SURVEYORS (1) The board may, upon receipt of an application and payment of proper fee, issue a license as a professional land surveyor license by comity to any person who submits verification of licensure from any state, or territory, or



possession of the United States, or any foreign country, and meets the application requirements of this rule. Applicants shall submit, ~~either electronically or by mail, to the department,~~ a department-approved application form, with the appropriate fee, and a completed land surveyors laws and rules questionnaire, and the following:

- (a) remains the same.
  - (b) five completed reference forms ~~as required by~~ which meet the requirements of ARM 24.183.503; and
  - (c) verification of licensure from all states in which the applicant has ever been licensed; and
  - (d) ~~verification of passing both~~ having passed the Fundamentals of Land Surveying examination; ~~and~~
  - (e) verification of having passed the Principles and Practices of Land Surveying examination; ~~and~~
  - (f) exhibits as required by ARM 24.183.505.
- (2) Applicants with a current National Council of Examiners for Engineering and Surveying (NCEES) record may arrange for NCEES to deliver their most current record directly to the board office.
- (3) Upon approval of the application by the board, the comity applicants shall pass a closed book, state-specific, land surveying examination ~~with a score of 70 percent or more.~~

AUTH: 37-1-131, 37-67-202, MCA  
IMP: 37-1-304, 37-67-313, MCA

**REASON:** It is reasonably necessary to amend this rule with ARM 24.183.701 so the two comity licensure rules are as parallel as possible. The board is amending (1) to address foreign licensure as a criterion for comity licensing and add the exhibits requirement to align with House Bill 63. Finally, the board is relocating the passing grade for the state-specific land surveyor exam from (3) to ARM 24.183.509.

#### 24.183.802 CLASSIFICATION OF LAND SURVEYING EXPERIENCE

- (1) ~~Land surveying experience for the purpose of application for Applicants for land surveyor licensure shall be classified or certification shall classify experience listed in their applications as progressive land surveying experience and nonprogressive land surveying experience.~~
- (2) ~~Non-progressive experience is experience that must be gained under the supervision of a licensed professional land surveyor and may include:~~
- (a) ~~construction layout of buildings and miscellaneous structures;~~
  - (b) ~~surveys necessary to obtain data and location of highways, roads, pipelines, canals, etc.;~~
  - (c) ~~construction staking for land modification, highways, roads, utilities, etc.;~~
- ~~or~~
- (d) ~~other construction surveying experience.~~
- (3) (2) Nonprogressive land surveying experience shall be credited at one-half the time value of progressive experience and shall be limited to a total of no more than two years.

(3) Applicants shall provide documentation of combined office and field experience as follows:

(a) for applicants seeking licensure under 37-67-325(1)(a), MCA, and are required to obtain at least four years of combined office and field experience, at least 12 months must be office experience, and at least 12 months must be field experience;

(b) for applicants seeking licensure under 37-67-325(1)(b) and (1)(c), MCA, and are required to obtain at least six years of combined office and field experience, at least 18 months must be office experience, and at least 18 months must be field experience;

(c) for applicants seeking licensure under 37-67-325(1)(d), MCA, and are required to obtain at least ten years of combined office and field experience, at least 48 months must be office experience, and at least 48 months must be field experience; and

(d) for applicants seeking certification under 36-67-326(1)(d), MCA, and are required to obtain at least six years of combined office and field experience, at least 29 months must be office experience, and at least 29 months must be field experience.

~~(4) Progressive experience is experience that must be gained under the supervision of a licensed professional land surveyor and may include one or more of the following:~~

~~(a) experience on land surveying projects, which indicate the experience is of increasing quality and requiring greater responsibility;~~

~~(b) experience not obtained in violation of the licensure act;~~

~~(c) experience such as aliquot part subdivision of sections, retracing existing boundaries, establishing new boundaries, corner search and reestablishment, researching existing public records, survey computations, preparation of legal descriptions, certificates of survey, subdivision plats, corner recordation forms, exhibits, and other documents pertinent to such work; or~~

~~(d) experience teaching surveying subjects at an advanced undergraduate or postgraduate level in an accredited college or university offering a land surveying curriculum supervised by a licensed land surveyor.~~

~~(5) All experience must be completed at the time of application.~~

~~(6) Land surveyor applicants may be asked by the board to provide a more detailed explanation of their experience in the field aspects of the profession.~~

AUTH: 37-67-202, MCA

IMP: ~~37-67-308, 37-67-309, 37-67-313, 37-67-325, 37-67-326,~~ MCA

REASON: The board determined it is reasonably necessary to combine all relevant definitions into a single location. The board is therefore relocating land surveying experience definitions from this rule to NEW RULE II. The board is further amending and streamlining this rule to clearly quantify experience for both land surveyor licensure and intern certification. Additionally, due to the unique aspects of land surveying experience, the board concluded that minimums must be placed for office and field experience to ensure balanced experience among applicants.

24.183.1104 UNIFORM STANDARDS FOR CERTIFICATES OF SURVEY

(1) through (1)(d)(x) remain the same.

(xi) lengths of all lines shown to at least tenths of a foot, and all angles and bearings shown to at least the nearest minute. Distance measurements must be stated in English units, but their metric equivalents, shown to the nearest hundredth of a meter, may be noted parenthetically. If grid distances are shown, then ground distance must be shown parenthetically;

(xii) through (1)(h) remain the same.

AUTH: 37-67-202, 76-3-403, 76-3-411, MCA

IMP: 37-67-314, 76-3-101 through 76-3-105, 76-3-201, 76-3-203, 76-3-205, 76-3-206, 76-3-207, 76-3-209, 76-3-301 through 76-3-307, 76-3-401 through 76-3-406, 76-3-411, MCA

REASON: The board was approached late in 2014 about the use of "grid distances" in the preparation of land surveying documents. After consideration and a positive recommendation by the rules committee, the board agreed to make small amendments to the rules on certificates of survey and final subdivision plats to allow for the inclusion of grid distances, provided they be accompanied by ground distances.

24.183.1107 UNIFORM STANDARDS FOR FINAL SUBDIVISION PLATS

(1) through (2)(e)(ix) remain the same.

(x) lengths of all lines shown to at least tenths of a foot, and all angles and bearings shown to at least the nearest minute. Distance measurements must be stated in English units, but their metric equivalents, shown to the nearest hundredth of a meter, may be noted parenthetically. If grid distances are shown, then ground distance must be shown parenthetically;

(xi) through (5) remain the same.

AUTH: 37-67-202, 76-3-403, 76-3-411, MCA

IMP: 37-67-314, 76-3-101 through 76-3-105, 76-3-201, 76-3-203, 76-3-205, 76-3-206, 76-3-207, 76-3-209, 76-3-301 through 76-3-307, 76-3-401 through 76-3-406, 76-3-411, MCA

REASON: See REASON for ARM 24.183.1104

24.183.2102 INACTIVE STATUS AND CONVERSION FROM INACTIVE TO ACTIVE STATUS (1) through (3) remain the same.

(a) signifies to the board, in writing, that upon issuance of the active license, the applicant intends to be an active practitioner in the state of Montana; and

(b) presents satisfactory evidence that the applicant has attended 30 hours of continuing education which comply with the continuing education rules of the board in the two years immediately preceding the request for reactivation.

(4) remains the same.

AUTH: 37-1-319, ~~37-67-202~~, MCA

IMP: 37-1-319, MCA

REASON: The board discussed necessary changes to ARM 24.183.404 and this rule, specifically the requirement that reactivating licensees provide proof of continuing education. As a result of that discussion, the board is amending (3)(b) to clearly delineate the period when the qualifying CE must be earned for licensees converting from inactive to active status. The committee and the board determined the current language is too vague regarding this timeframe.

~~24.183.2402 COMPLAINT PROCESS ANONYMOUS COMPLAINTS (1) A person, government or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.~~

~~(2) Complaints must be in writing, and must be filed on the proper complaint form prescribed by the board. The board form shall contain a release of records statement, to be signed by the complainant.~~

~~(3) Upon receipt of the written complaint form, the board office shall log in the complaint and assign the complaint a complaint number. The complaint will then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, or the expiration of time for submitting a response, both complaint and response (if any) shall be considered by the screening panel of the board for appropriate action including dismissal, investigation or a finding of reasonable cause of violation of a particular or specific statute or rule. The board office shall notify both complainant and licensee of the determination made by the screening panel.~~

~~(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.~~

~~(5) (1) The screening panel board will not act upon accept anonymous complaints.~~

AUTH: 37-67-202, MCA

IMP: ~~37-1-308, 37-1-309, 37-67-202, 37-67-331, MCA~~

REASON: The board determined that virtually all of this rule is unnecessary and duplicative of department rules and procedures on the compliance process. The board decided to retain the prohibition of anonymous complaints, but clarify that it is a board decision to not accept them.

6. The proposed new rules provide as follows:

NEW RULE I TEACHING OF LAND SURVEYING SUBJECTS (1) Either the class instructor or the person in responsible charge of the board-approved curriculum shall be a licensed professional land surveyor and be in responsible charge of class instruction of land surveying subjects.

AUTH: 37-1-131, 37-67-202, MCA

IMP: 37-1-131, 37-67-101, 37-67-325, 37-67-326, MCA

REASON: The board has determined it is reasonably necessary to mirror the existing rule for engineers, ARM 24.183.407, and address teaching experience as part of progressive land survey experience, defined in NEW RULE II.

NEW RULE II DEFINITIONS (1) "ABET" means the Accreditation Board of Engineering and Technology.

(2) "Advanced engineering subjects" means engineering class instruction of courses at the junior-class level and above within a board-approved curriculum.

(3) "Board-approved curricula" means:

(a) For engineering applicants, baccalaureate engineering or engineering technology programs accredited by ABET or equivalent curricula as approved by the board.

(b) For land surveying applicants, a minimum of 60 semester credits comprised of:

(i) at least six credits in English, seven credits in math, six credits in drafting, nine credits in basic science, five credits in humanities and social sciences or approved associate of applied science degree benchmarks; and

(ii) 12 credits in surveying techniques and 15 credits in principles and practice of land surveying courses taught by a licensed professional land surveyor.

(4) "Direct supervision" means regular and direct oversight and guidance of engineering or land surveying work, including plans, designs, surveys, and client advice at the time the work occurs, and licensee's acceptance of responsibility for the work.

(5) "Land surveying subjects" means surveying class instruction of courses that cover the principles and practices of land surveying and surveying techniques, excluding those courses that involve construction surveying, route surveying, or photogrammetry.

(6) "NCEES" means the National Council of Examiners for Engineering and Surveying.

(7) "Nonprogressive land survey experience" means experience obtained under the supervision of a licensed professional land surveyor and may include one or more of the following:

(a) construction layout of buildings and miscellaneous structures;

(b) surveys necessary to obtain data and location of highways, roads, pipelines, canals, etc.;

(c) construction staking for land modification, highways, roads, utilities, etc.;

or

(d) other construction surveying experience.

(8) "Preprofessional experience" means engineering experience obtained after completion of a baccalaureate degree, which must be obtained under the supervision of a licensed professional engineer or professional land surveyor or be approved by the board and may include one or more of the following:

(a) experience on engineering projects which indicates progressive quality and increasing responsibilities over time;

- (b) experience teaching advanced undergraduate or post-graduate courses offered as part of a board-approved curriculum; or
  - (c) experience obtained in engineering research or design projects by faculty teaching a board-approved curriculum.
- (9) "Principles and practices of land surveying courses" means instruction in the application of surveying techniques and legal principles to analyze and resolve practical surveying problems.
- (10) "Professional experience" means experience obtained after initial licensure by a state, territory, or possession of the United States, the U.S. District of Columbia, or any foreign country.
- (11) "Progressive land survey experience" means experience obtained under the supervision of a licensed professional land surveyor and may include one or more of the following:
- (a) experience on land surveying projects which, over time, are of increasing quality and require greater responsibility of the applicant;
  - (b) experience with aliquot part subdivision of sections, retracing existing boundaries, establishing new boundaries, corner search and reestablishment, research existing public records, survey computations, preparation of legal descriptions, certificates of survey, subdivision plats, corner recordation forms, exhibits, and other documents pertinent to such work; or
  - (c) experience teaching advanced undergraduate or post-graduate land survey courses offered as part of a board-approved curriculum.
- (12) "Resident" means a person possessing an active professional engineer or registered professional license or land surveyor license issued by the board.
- (13) "Signature" means:
- (a) licensee's or applicant's original manual signature; or
  - (b) licensee's or applicant's digital equivalent.
- (14) "Subprofessional experience" means supervised engineering or construction experience obtained prior to completion of a baccalaureate degree, and which must occur after an applicant has commenced a college-level education.
- (15) "Surveying techniques courses" means instruction in basic field methodology, measurement, data collection, and calculations.

AUTH: 37-67-202, MCA

IMP: 37-67-101, 37-67-103, 37-67-314, 37-67-322, 37-67-323, 37-67-324, 37-67-325, 37-67-326, 37-67-328, MCA

**REASON:** The board has determined it is reasonably necessary to adopt NEW RULE II to relocate existing definitions and place all definitions used throughout the board's statutes and administrative rules in a single location.

In a 2015 review of land surveying curricula offered by Montana institutions of higher learning, the board discovered that the current requirement of 11 credits in surveying techniques and 16 credits in principles and practice of land surveying did not match well with university courses that are typically taught in three-credit blocks. The board is amending the credits at (3)(b)(ii) to align with university offerings and better serve both faculty and students at institutions offering land surveying courses.

The board is clarifying in the new definition of "Land surveying subjects" at (5) that engineering surveying (construction surveying, route surveying, or photogrammetry) is not required to be taught by a licensed land surveyor and could be taught by an engineer.

7. The rules proposed to be repealed are as follows:

24.183.302 DIRECT SUPERVISION at ARM page 24-21012

AUTH: 37-67-202, MCA

IMP: 37-67-103, MCA

REASON: The board has determined, upon recommendation from legal counsel, that it is reasonably necessary to repeal ARM 24.183.302, 24.183.512, 24.183.2101, and 24.183.2103. The board concluded these rules are no longer necessary as they have been rendered moot by House Bill 63, are superfluous to department rules on the same subject, or are being replaced by other rules in different subchapters.

24.183.512 APPLICATION FOR EMERITUS STATUS at ARM page 24-21029

AUTH: 37-67-202, MCA

IMP: 37-67-321, MCA

24.183.2101 RENEWALS at ARM page 24-21289

AUTH: 37-67-202, MCA

IMP: 37-1-141, MCA

24.183.2103 LATE RENEWALS at ARM page 24-21290

AUTH: 37-1-134, 37-67-202, MCA

IMP: 37-1-141, MCA

8. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdpels@mt.gov](mailto:dlibsdpels@mt.gov), and must be received no later than 5:00 p.m., August 5, 2016.

9. An electronic copy of this notice of public hearing is available at [www.engineer.mt.gov](http://www.engineer.mt.gov) (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be

considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

10. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to [dlibsdpels@mt.gov](mailto:dlibsdpels@mt.gov); or made by completing a request form at any rules hearing held by the agency.

11. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on May 27, 2015, by electronic mail and regular mail.

12. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of ARM 24.101.413 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.183.301, 24.183.404, 24.183.406, 24.183.407, 24.183.408, 24.183.501, 24.183.502, 24.183.503, 24.183.504, 24.183.505, 24.183.509, 24.183.510, 24.183.511, 24.183.701, 24.183.702, 24.183.801, 24.183.802, 24.183.1104, 24.183.1107, 24.183.2102, and 24.183.2402 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULES I and II will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.183.302, 24.183.512, 24.183.2101, and 24.183.2103 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations are available upon request to the Board of Professional Engineers and Professional Land Surveyors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdpels@mt.gov](mailto:dlibsdpels@mt.gov).



13. Ian Marquand, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS  
BYRON STAHLY, PROFESSIONAL  
ENGINEER, PRESIDING OFFICER

/s/ DARCEE L. MOE

Darcee L. Moe  
Rule Reviewer

/s/ PAM BUCY

Pam Bucy, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 27, 2016