

PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS

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Subchapter 1

Organizational Rules

24.183.101 BOARD ORGANIZATION (1) The board of professional engineers and land surveyors hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in chapter 1 of this title. (History: 37-67-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff 7/1/81; TRANS, from Commerce, 2002 MAR p. 1756.)

Subchapter 2

Procedural Rules

24.183.201 PROCEDURAL RULES (1) The board of professional engineers and land surveyors hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in chapter 2 of this title. (History: 37-67-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.202 PUBLIC PARTICIPATION RULES (1) The board of professional engineers and land surveyors hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in chapter 2 of this title. (History: 37-67-202, MCA; IMP, 2-3-103, MCA; NEW 1978 MAR p. 77, Eff. 1/25/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1756.)

Subchapter 3

Definitions

24.183.301 STANDARDS OF RESPONSIBLE CHARGE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS (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. (History: 37-67-202, MCA; IMP, 37-67-101, 37-67-328, MCA; NEW, 2001 MAR p. 553, Eff. 4/6/01; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2014 MAR p. 2840, Eff. 11/21/14; AMD, 2016 MAR p. 2424, Eff. 12/24/16.)

24.183.302 DIRECT SUPERVISION (REPEALED) (History: 37-67-202, MCA; IMP, 37-67-103, MCA; NEW, 2001 MAR p. 553, Eff. 4/6/01; TRANS, from Commerce, 2002 MAR p. 1756; REP, 2016 MAR p. 2424, Eff. 12/24/16.)

24.183.303 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, including three credits in survey 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) "Engineer-surveyor" means an individual licensed in Montana as both a professional engineer and professional land surveyor, with a license designation as "ES."

(6) "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.

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

(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, on land surveying projects, which, over time, are of increasing quality and require greater responsibility, and which must include experience with the Public Land Survey System (PLSS) and Bureau of Land Management Manual of Survey Instructions, and may include one or more of the following:

(a) 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

(b) 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. (History: 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; NEW, 2016 MAR p. 2424, Eff. 12/24/16; AMD, 2019 MAR p. 635, Eff. 5/25/19; AMD, 2021 MAR p. 1215, Eff. 9/25/21.)

Subchapter 4

General Provisions

24.183.401 BOARD ELECTED OFFICERS (1) The board shall elect from its members a presiding officer, vice-presiding officer and a secretary annually.

(2) The presiding officer shall be the executive officer of the board. When present, the presiding officer shall preside at all meetings and shall appoint such committees as the board may authorize from time-to-time. The presiding officer shall sign all certificates and other official papers and shall perform all other duties usually pertaining to the office of presiding officer and permitted by law.

(3) The vice-presiding officer, in the absence of the presiding officer, shall perform the duties delegated to the presiding officer in the preceding subsections, except the presiding officer shall sign all official papers of the board.

(4) In the absence of the presiding officer and vice-presiding officer from a regular or special meeting of the board, the remaining members shall appoint a board member to serve as the presiding officer, who shall serve until the conclusion of the meeting or until the arrival of the elected presiding officer. (History: 37-67-202, MCA; IMP, 37-67-201, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 1687, Eff. 12/8/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.402 BOARD MEETINGS (1) The board shall hold at least two meetings annually, with public notice as prescribed by the Department of Labor and Industry, and as called by the presiding officer. (History: 37-67-202, MCA; IMP, 37-67-201, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2014 MAR p. 2840, Eff. 11/21/14.)

24.183.403 BOARD SEAL (1) The seal of the board shall be an embossed circular seal, one and one-half inches in diameter, consisting of two concentric circles. The inner circle shall contain the Great Seal of the state of Montana and the seal shall contain the wording: "Montana Board of Professional Engineers and Professional Land Surveyors". (History: 37-67-202, MCA; IMP, 37-67-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.404 FEE SCHEDULE (1) Fees shall be paid to the board, except for payment of examination fees for examinations administered by third-party vendors, which shall be paid directly to the vendor. The board assumes no responsibility for loss of examination fees remitted between examinees and third-party vendors.

(2) Fees are:

(a) Engineer intern (EI) initial application	\$25
(b) Land surveyor intern (LSI) initial application	25
(c) Professional engineer (PE) initial application	75
(d) Professional land surveyor (PLS) initial application	75
(i) Montana state-specific land surveyor examination, initial, or subsequent exam	100
(ii) Reschedule Montana state-specific land surveyor exam	25
(e) Certificate of authorization	
(i) Initial application	75
(ii) Annual renewal fee	25
(f) Biennial renewal fees	
(i) PE	75
(ii) PLS	75
(iii) Engineer-surveyor	75
(iv) EI, LSI	25
(g) Miscellaneous	
(i) Reexamination fee for PE, PS, FS	25
(ii) Exam reschedule fee for PE, PS, FS	25

(3) Additional standardized fees are specified in ARM 24.101.403. (History: 37-1-134, 37-67-202, 37-67-322, 37-67-327, MCA; IMP, 37-1-134, 37-1-141, 37-1-319, 37-67-312, 37-67-313, 37-67-322, 37-67-327, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 2134, Eff. 12/17/82; AMD, 1984 MAR p. 922, Eff. 6/15/84; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1987 MAR p. 1555, Eff. 9/11/87; AMD, 1988 MAR p. 1979, Eff. 9/9/88; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2000 MAR p. 743, Eff. 3/17/00; AMD, 2001 MAR p. 2288, Eff. 11/22/01; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2006 MAR p. 1630, Eff. 6/23/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2007 MAR p. 1327, Eff. 9/7/07; AMD, 2012 MAR p. 80, Eff. 1/13/12; AMD, 2014 MAR p. 2840, Eff. 11/21/14; AMD, 2016 MAR p. 2424, Eff. 12/24/16; AMD, 2019 MAR p. 635, Eff. 5/25/19; AMD, 2022 MAR p. 1668, Eff. 8/6/22.)

24.183.405 FEE ABATEMENT (1) The Board of Professional Engineers and Professional Land Surveyors adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2006 MAR p. 1630, Eff. 6/23/06.)

24.183.406 BRANCH OFFICE (1) Each branch office of an engineering firm must have a resident professional engineer in responsible charge.

(2) Each branch office of a surveying firm must have a resident professional land surveyor in responsible charge.

(3) Resident licensees in responsible charge of work performed in the branch office are not required to be physically located at the branch office. (History: 37-1-131, 37-67-202, MCA; IMP, 37-67-101, 37-67-202, 37-67-328, MCA; NEW, 2006 MAR p. 1630, Eff. 6/23/06; AMD, 2016 MAR p. 2424, Eff. 12/24/16.)

24.183.407 TEACHING OF ADVANCED ENGINEERING SUBJECTS IN MONTANA (1) When teaching advanced engineering subjects in Montana, either the class instructor or the person in responsible charge of the board-approved curriculum shall be a Montana licensed professional engineer and be in responsible charge of class instruction of engineering classes at the junior level and above. (History: 37-1-131, 37-67-202, MCA; IMP, 37-1-131, 37-67-101, 37-67-323, 37-67-324, MCA; NEW, 2007 MAR p. 1327, Eff. 9/7/07; AMD, 2016 MAR p. 2424, Eff. 12/24/16; AMD, 2019 MAR p. 635, Eff. 5/25/19.)

24.183.408 CERTIFICATE OF AUTHORIZATION (1) Certificates of authorization shall be renewed annually on or before the date set by ARM 24.101.413 and accompanied by the fee 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 business entity named on the certificate of authorization 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 certificate holder shall notify the board office in writing within 45 working days. The certificate holder must designate a replacement professional engineer and/or professional land surveyor in responsible charge and notify the board in writing within 45 working days.

(4) In the event that a certificate holder no longer has a Montana licensee in responsible charge as required by 37-67-328, MCA, the certificate holder shall notify the board office. A certificate holder without a Montana licensed person in responsible charge must not offer or provide engineering or land surveying services in Montana until a Montana licensee in responsible charge has been identified. (History: 37-1-131, 37-67-202, MCA; IMP, 37-1-131, 37-67-328, MCA; NEW, 2007 MAR p. 1327, Eff. 9/7/07; AMD, 2010 MAR p. 530, Eff. 2/26/10; AMD, 2012 MAR p. 80, Eff. 1/13/12; AMD, 2016 MAR p. 2424, Eff. 12/24/16; AMD, 2019 MAR p. 635, Eff. 5/25/19.)

24.183.409 AFFILIATION WITH NATIONAL ASSOCIATIONS (1) The board may affiliate with the National Council of Examiners for Engineering and Surveying (NCEES). Any delegate or delegates to the council appointed by the board shall attend meetings of the council at the expense of the board. (History: 37-67-202, MCA; IMP, 37-67-202, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1994 MAR p. 2935, Eff. 11/11/94; TRANS, from Commerce, 2002 MAR p. 1756.)

24.183.410 ENGINEERING SERVICES INCIDENTAL TO THE PRACTICE OF ARCHITECTURE (1) The performance of engineering services that are incidental to a licensee's work as an architect are those services which:

- (a) can be safely and competently performed by the licensee without jeopardizing the life, health, property, and welfare of the public;
- (b) are in an area where the licensee has demonstrated competence by adequate education, training, and experience;
- (c) arise from, and are directly related to, work performed in the licensed profession;
- (d) are substantially less in scope and magnitude when compared to the work performed or to be performed by the licensee in the licensed profession; and
- (e) comply with all of the laws of Montana relating to the practice of engineering.

(2) Architects performing incidental practice as stated in (1) shall:

- (a) perform only that part of the work for which the architect is professionally qualified;
- (b) use professional engineers or other appropriately licensed professionals for those portions of the work in which the architect is not qualified;
- (c) assume responsibility for compliance with all laws, codes, rules, and ordinances of the state or its political subdivisions pertaining to the documents; and
- (d) not hold himself/herself out to be an engineer or as performing engineering services. (History: 37-67-202, MCA; IMP, 37-67-103, MCA; NEW, 2014 MAR p. 2840, Eff. 11/21/14.)

24.183.411 TEACHING OF LAND SURVEYING SUBJECTS (1) When teaching land surveying subjects in Montana, either the class instructor or the person in responsible charge of the board-approved curriculum shall be a Montana licensed professional land surveyor and be in responsible charge of class instruction of land surveying subjects. (History: 37-1-131, 37-67-202, MCA; IMP, 37-1-131, 37-67-101, 37-67-325, 37-67-326, MCA; NEW, 2016 MAR p. 2424, Eff. 12/24/16; AMD, 2021 MAR p. 1215, Eff. 9/25/21.)

Subchapter 5

Licensing

24.183.501 BOARD-APPROVED CURRICULA – EVALUATION OF EDUCATION CREDITS (1) In evaluating documentation of education credits, the board shall:

- (a) credit the applicant two-thirds of one semester credit for each academic quarter credit earned;
- (b) make publicly available a list of Montana schools which offer land surveying curricula accepted by the board; and
- (c) accept all course credits deemed as transferable to the land surveying curricula of any school approved by the board. (History: 37-67-202, MCA; IMP, 37-67-323, 37-67-324, 37-67-325, 37-67-326, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2014 MAR p. 2840, Eff. 11/21/14; AMD, 2016 MAR p. 2424, Eff. 12/24/16.)

24.183.502 APPLICATIONS (1) Applicants shall complete all experience required for approval of an application prior to submission of an application.

- (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) Foreign-educated professional engineer applicants shall:
 - (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.
- (5) The board, after due consideration of an application shall:
 - (a) find the applicant eligible to sit for the appropriate exam;
 - (b) request such additional information as may be allowed by law; or
 - (c) advise the applicant of the status of the application.

(6) Applications received after a board-set application deadline will be processed for the following examination. (History: 37-1-131, 37-67-202, MCA; IMP, 37-1-104, 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; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2007 MAR p. 1327, Eff. 9/7/07; AMD, 2010 MAR p. 530, Eff. 2/26/10; AMD, 2011 MAR p. 920, Eff. 5/27/11; AMD, 2012 MAR p. 80, Eff. 1/13/12; AMD, 2016 MAR p. 2424, Eff. 12/24/16; AMD, 2019 MAR p. 635, Eff. 5/25/19.)

24.183.503 APPLICATION REFERENCES (1) An applicant shall arrange for the submission of completed reference forms required by 37-67-323, 37-67-324, 37-67-325, and 37-67-326, MCA. The applicant shall provide a reference form to each person listed as a reference on the application. 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.

(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. (History: 37-67-202, MCA; IMP, 37-67-322, 37-67-323, 37-67-324, 37-67-325, 37-67-326, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2012 MAR p. 80, Eff. 1/13/12; AMD, 2014 MAR p. 2840, Eff. 11/21/14; AMD, 2016 MAR p. 2424, Eff. 12/24/16.)

24.183.504 EXPIRATION OF APPLICATIONS (1) An application will expire one year from the date 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, with supporting documents.

(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. (History: 37-1-131, 37-67-202, MCA; IMP, 37-1-131, 37-67-322, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1997 MAR p. 196, Eff. 1/28/97; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2007 MAR p. 1327, Eff. 9/7/07; AMD, 2011 MAR p. 920, Eff. 5/27/11; AMD, 2016 MAR p. 2424, Eff. 12/24/16.)

24.183.505 EXHIBITS OF LAND SURVEYING PROJECTS (1) An applicant for licensure as a land surveyor shall submit no less than two and no more than four exhibits of land surveying projects demonstrating the diversity of the applicant's experience. A minimum of one exhibit shall be a certificate of survey or subdivision plat that demonstrates the applicant's knowledge of the principles and practices of boundary surveying.

(2) An applicant shall submit a written narrative describing each exhibit and the applicant's responsibilities and professional decision-making processes related to the land surveying project.

(3) Before October 1, 2022, an applicant applying for certification as a land surveyor intern under 37-67-326(1)(d), MCA, must comply with (1) and (2) of this rule. (History: 37-67-202, MCA; IMP, 37-67-326, MCA; NEW, 2014 MAR p. 2840, Eff. 11/21/14; AMD, 2016 MAR p. 2424, Eff. 12/24/16; AMD, 2019 MAR p. 635, Eff. 5/25/19.)

24.183.506 EQUIVALENCY OF MILITARY EDUCATION, TRAINING, AND EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a professional engineer or professional land surveyor.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States armed forces;
- (b) United States reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a professional engineer or professional land surveyor. Satisfactory evidence includes:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and

(c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 1088, Eff. 5/23/14.)

Rules 24.183.507 and 24.183.508 reserved

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

(2) Applicants for the Fundamentals of Engineering exam may register directly with NCEES without prior approval of the board.

(3) Applicants for the Fundamentals of Land Surveying, Principles and Practices of Engineering, and Principles and Practices of Land Surveying exams must be approved by the board prior to registering with NCEES to take the examination.

(4) An applicant who wishes to reschedule an exam other than the Fundamentals of Engineering exam, shall pay an exam reschedule fee specified by ARM 24.183.404.

(5) A candidate failing to pass any exam, other than the Fundamentals of Engineering exam, may re-take the examination 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. (History: 37-1-131, 37-67-202, MCA; IMP, 37-1-131, 37-67-327, MCA; Eff. 12/31/72; AMD, Eff. 11/4/74; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2007 MAR p. 1327, Eff. 9/7/07; AMD, 2010 MAR p. 530, Eff. 2/26/10; AMD, 2014 MAR p. 2840, Eff. 11/21/14; AMD, 2016 MAR p. 2424, Eff. 12/24/16.)

24.183.510 GRANT AND ISSUE LICENSES AND CERTIFICATES

(1) When an applicant meets the requirements for licensure or certification by the board, the department shall assign the applicant a license or certificate number and issue the license or certificate. The department shall assign license or certificate numbers consecutively in the order in which the board approved the applications.

(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.

(3) Engineer intern 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.

(4) Land surveyor intern 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. (History: 37-1-131, 37-67-202, MCA; IMP, 37-1-131, 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; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1678, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2007 MAR p. 1327, Eff. 9/7/07; AMD, 2012 MAR p. 80, Eff. 1/13/12; AMD, 2014 MAR p. 2840, Eff. 11/21/14; AMD, 2016 MAR p. 2424, Eff. 12/24/16.)

24.183.511 LICENSE SEAL – FORM AND USE (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) 1 5/8" pocket seal;
- (b) 2" desk seal; and
- (c) 2" rubber stamp seal.

(d) A digital seal may be reduced in size to one-half of 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.

(5) The title page of all plans and documents filed with public authorities must bear the seal and original signature of the licensee in responsible charge.

(6) Licensees may use a digital seal for stamping plans, specifications, survey documents, and reports. (History: 37-67-202, MCA; IMP, 37-67-314, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2006 MAR p. 1630, Eff. 6/23/06; AMD, 2016 MAR p. 2424, Eff. 12/24/16.)

24.183.512 APPLICATION FOR EMERITUS STATUS (REPEALED)

(History: 37-67-202, MCA; IMP, 37-67-321, MCA; NEW, 1986 MAR p. 1958, Eff. 11/29/86; TRANS, from Commerce, 2002 MAR p. 1756; REP, 2016 MAR p. 2424, Eff. 12/24/16.)

Rule 24.183.513 reserved

24.183.514 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

24.183.515 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

Subchapter 6 reserved

Subchapter 7

Licensure of Professional Engineers

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

(2) Applicants with a NCEES record may arrange for NCEES to deliver their current record, updated within two years of the application date, directly to the board office. An applicant with a NCEES record also shall submit a department-approved application form and board-approved experience forms.

(3) Applicants without a NCEES record shall submit to the department the department-approved application form and the following:

(a) educational transcripts;

(b) five completed reference forms which meet the requirements of ARM 24.183.503;

(c) verification of licensure from all states 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.

(4) Professional experience claimed by an applicant to meet the provisions of 37-67-312, MCA, regarding a precensure deficiency of experience does not have to occur under the supervision of a professional engineer. (History: 37-1-131, 37-67-202, MCA; IMP, 37-1-304, 37-67-312, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2014 MAR p. 2840, Eff. 11/21/14; AMD, 2016 MAR p. 2424, Eff. 12/24/16; AMD, 2019 MAR p. 635, Eff. 5/25/19.)

24.183.702 CLASSIFICATION OF ENGINEERING EXPERIENCE

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

- (a) subprofessional experience;
- (b) preprofessional experience; or
- (c) professional experience.

(2) Engineering experience shall be quantified as follows:

(a) Subprofessional experience shall be credited at one-half the time value of preprofessional experience.

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

(c) 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.

(d) 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, which shall include a one year credit for any master's degree earned in the course of completing the Ph.D. (History: 37-67-202, MCA; IMP, 37-67-312, 37-67-323, 37-67-324, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1998 MAR p. 534, Eff. 2/27/98; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2006 MAR p. 1630, Eff. 6/23/06; AMD, 2014 MAR p. 2840, Eff. 11/21/14; AMD, 2016 MAR p. 2424, Eff. 12/24/16.)

Subchapter 8

Licensure of Professional Land Surveyors

24.183.801 COMITY FOR PROFESSIONAL LAND SURVEYORS (1) The board may issue a professional land surveyor license by comity to any person who submits verification of licensure from any state, territory, or possession of the United States, or any foreign country, and meets the application requirements of this rule. Applicants shall submit a department-approved application form, fee, a completed land surveyors laws and rules questionnaire, and:

(a) educational transcripts, when applicable;
(b) five completed reference forms which meet the requirements of ARM 24.183.503;

(c) verification of licensure from all states in which the applicant has ever been licensed;

(d) verification of having passed the Fundamentals of Land Surveying examination;

(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 NCEES record may arrange for NCEES to deliver their 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.

(4) Professional experience claimed by an applicant to meet the provisions of 37-67-313, MCA, regarding a prelicensure deficiency of experience does not have to occur under the supervision of a professional land surveyor. (History: 37-1-131, 37-67-202, MCA; IMP, 37-1-304, 37-67-313, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 903, Eff. 6/24/78; AMD, 1979 MAR p. 1687, Eff. 12/28/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1983 MAR p. 645, Eff. 6/17/83; AMD, 1986 MAR p. 1958, Eff. 11/29/86; AMD, 1997 MAR p. 196, Eff. 1/28/97; AMD, 2002 MAR p. 1326, Eff. 4/26/02; TRANS, from Commerce, 2002 MAR p. 1756; AMD, 2014 MAR p. 2840, Eff. 11/21/14; AMD, 2016 MAR p. 2424, Eff. 12/24/16; AMD, 2019 MAR p. 635, Eff. 5/25/19.)

24.183.802 CLASSIFICATION OF LAND SURVEYING EXPERIENCE

(1) Applicants for land surveyor licensure or certification shall classify experience listed in their applications as progressive land surveying experience and nonprogressive land surveying experience.

(2) 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 37-67-326(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. (History: 37-67-202, MCA; IMP, 37-67-313, 37-67-325, 37-67-326, MCA; NEW, 2006 MAR p. 1630, Eff. 6/23/06; AMD, 2014 MAR p. 2840, Eff. 11/21/14; AMD, 2016 MAR p. 2424, Eff. 12/24/16; AMD, 2019 MAR p. 635, Eff. 5/25/19.)

Subchapter 9 reserved

