MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-123.1

Summary

Proposed rule changes from board actions and Senate Bill 227 (2025) - Red Tape Relief Initiative

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Hearing Date and Time

Monday, August 18, 2025, at 10:30 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the rules listed in this notice. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/86596566555

Meeting ID: 865 9656 6555; Passcode: 115755

Dial by Telephone +1 646 558 8656

Meeting ID: 865 9656 6555; Passcode: 115755

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, August 22, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, August 4, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

In support of the Governor's Red Tape Relief Initiative, the Department of Labor and Industry (department) is conducting comprehensive reviews of the administrative rules of the professional licensing boards administratively attached to the department. This review focuses on updating rules to current standards and procedures, and eliminating unnecessary, redundant, and over burdensome regulations and those duplicated in statute. Other changes replace out-of-date terminology for current language and processes, and amend rules and catchphrases for accuracy, consistency, simplicity, better organization, streamlining, and ease of use for customers and staff.

The 2025 Montana Legislature enacted Senate Bill (SB) 227 (Chapter 372, Laws of 2025), an act eliminating individual board seals and removing redundancies and conflicting provisions among professional licensing board statutes. The bill will become effective October 1, 2025. It is reasonably necessary to repeal three rules to align with this legislation.

Following consideration of the department's suggestions, the board is amending and repealing several rules to align with the Red Tape Relief Initiative. The streamlined rules will increase department efficiencies by further standardizing procedures used among all licensing boards and programs. If an additional specific basis for a proposed action exists, the board will identify the reason immediately following the specific rule.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

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, associate or baccalaureate land surveying programs accredited by ABET, or 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~~ six 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.

Authorizing statute(s): 37-67-202, MCA

Implementing statute(s): 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

Reasonable Necessity Statement

It is reasonably necessary to amend the board-approved curricula for land surveying applicants at (3)(b) and (b)(i) to align with the sunset of the statutory "experience only" licensure option. Effective October 1, 2022, this licensure pathway at 37-67-325(1)(d) and 37-67-326(1)(d), MCA, ended and is no longer available. The board concluded it is necessary to standardize qualifying land surveying education since every applicant needs an education credential to apply for a land surveyor intern or professional land surveyor license. The board is expanding qualifying education to include ABET-accredited land surveyor programs to promote mobility. The application process may be shortened for applicants if they are no longer required to list and describe all classes in their educational programs.

24.183.509 EXAMINATION PROCEDURES

(1) The required examinations ~~required~~ are ~~defined~~ set forth in 37-67-327, MCA.

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

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

(4) ~~An applicant who wishes to~~ To reschedule ~~an exam~~ any examination other than the Fundamentals of Engineering~~,~~ or Fundamentals of Land Surveying ~~exam shall~~ examination, applicants must pay ~~an exam reschedule~~ the rescheduling fee ~~specified by~~ in ARM 24.183.404.

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

(6) The minimum passing score for the Montana state-specific land surveyor ~~exam shall be~~ examination is 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.~~

Authorizing statute(s): 37-1-131, 37-67-202, MCA

Implementing statute(s): 37-1-131, 37-67-327, MCA

Reasonable Necessity Statement

The board is amending this rule to make Montana's examination and application processes more consistent and open across the board's license types by treating access to the Fundamentals of Land Surveying examination in the same manner as the Fundamentals of Engineering examination.

The board is amending (7) and striking (8) to lessen restrictions on access to the state-specific examination and reduce both applicant wait time and staff workload. The board concluded that there is no need to limit the number of examination attempts since successful passage is required for licensure.

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~~ must 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 Practice~~s~~ 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~~ must 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.

Authorizing statute(s): 37-1-131, 37-67-202, MCA

Implementing statute(s): 37-1-304, 37-67-313, MCA

Reasonable Necessity Statement

It is reasonably necessary to amend (1)(a) because all licensure pathways now require education and the language adds nothing meaningful.

The board is amending (3) following a review of the state-specific land surveyor examination's content and concluding that the examination's material can be adequately assessed through an open-book format.

24.183.1104 UNIFORM STANDARDS FOR CERTIFICATES OF SURVEY

(1) A certificate of survey must comply with the following requirements:

(a) A certificate of survey must be legibly drawn with permanent black ink or printed or reproduced by a process guaranteeing a permanent record and must be 18 inches by 24 inches or 24 inches by 36 inches. Margins must be a minimum 1/2-inch on all sides, or as required by the filing office.

(b) One original on three mil or heavier matte stable-base polyester film or equivalent and/or one original on 24# white bond paper or equivalent must be submitted, or on such medium as required by the filing office.

(c) If more than one sheet must be used to adequately depict the land surveyed, each sheet must show the number of that sheet and the total number of sheets included. All certifications must be placed on sheet number one of the certificate of survey.

(d) A certificate of survey must show or contain the following information:

(i) a title or title block including the quarter-section, section, township, range, principal meridian, county, and if applicable, city or town in which the surveyed land is located. Except as provided in (1)(f)(v), a certificate of survey must not contain the title "plat," "subdivision," or any title other than "Certificate of Survey";

(ii) the name(s) of the person(s) who commissioned the survey, the name(s) of the owner(s) of the land surveyed, if other than the person(s) commissioning the survey, the names of any adjoining plats, and the numbers of any adjoining certificates of survey previously filed;

(iii) the date the survey was completed and a brief explanation of why the certificate of survey was prepared, such as to create a new parcel, retrace a section line, or retrace an existing parcel of land;

(iv) a north arrow;

(v) a scale bar. The scale of the certificate of survey must be sufficient to legibly represent the required information and data on the certificate of survey;

(vi) the location of, and other information relating to all monuments found, set, reset, replaced, or removed as required by ARM 24.183.1101;

(A) If additional monuments are to be set after the certificate of survey is filed, the location of these monuments must be shown by a distinct symbol, and the certificate of survey must contain a certification by the land surveyor as to the reason the monuments have not been set and the date by which they will be set, as required by ARM 24.183.1101(1)(d).

(B) All monuments found during the survey that influenced the position of any corner or boundary indicated on the certificate of survey must be clearly shown as required by ARM 24.183.1101(1)(c).

(C) Witness and reference monuments must be clearly shown.

(vii) the location of any section corner or corners of divisions of sections the land surveyor deems to be pertinent to the survey or was used as a control in the survey;

(viii) basis of bearing. For purposes of this rule, the term "basis of bearing" means the land surveyor's statement as to the origin of the bearings shown on the certificate of survey. If the basis of bearing(s) refers to two previously monumented points in a previously filed survey document, then the two previously monumented points must be shown and described on the certificate of survey, the line marked by the two

previously monumented points must be labeled "basis of bearing," and the previously filed survey document name or number must be cited in the land surveyor's statement as to the origin of the bearing(s). If the certificate of survey shows true bearings, the basis of bearing must describe the method by which these true bearings were determined;

(ix) the bearings, distances, and curve data of all boundary lines and all control or pertinent lines used to determine the boundaries of the parcel(s) surveyed. If the parcel surveyed is bounded by an irregular shoreline or a body of water that is a riparian boundary, the bearings and distances of a meander traverse generally paralleling the riparian boundary must be given;

(A) The courses along a meander line are shown solely to provide a basis for calculating the area of a parcel that has one or more riparian boundaries as the parcel existed at the time of survey.

(B) For purposes of this rule, a line that indicates a fixed boundary of a parcel is not a "meander" or "meander line" and may not be designated as one.

(C) If a boundary, control, or pertinent line contains multiple segments of the whole, then the overall distance must be shown, and each segment must at least include distance.

(x) data on all curves sufficient to enable the reestablishment of the curves on the ground. For circular curves, the data must at least include radius and arc length, and either delta angle, radial bearings, or chord bearing and distance. All non-tangent points of intersection on the curve must show either the bearings of radial lines or chord length and bearing. Non-tangent curves must be so labeled;

(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 distances must be shown parenthetically;

(xii) at least one record measurement reference for each line and curve, if available, must be shown;

(xiii) a narrative legal description of the parcel(s) surveyed.

(A) The land surveyor, at his or her discretion, may choose the form of the narrative legal description as follows:

(I) If the parcel surveyed is either an aliquot part of a U.S. government section or a U.S. government lot, the narrative legal description may be the aliquot part or the government lot description of the parcel;

(II) If the certificate of survey depicts the division of one or more parcels shown on a previously filed certificate of survey, the narrative legal description may be the number of the previously filed certificate of survey and the parcel number of the parcel(s) previously surveyed;

(III) If the certificate of survey depicts the retracement of one or more parcels shown on a previously filed certificate of survey, plat, or amended plat, the narrative legal description may be the number of the previously filed certificate of survey or the name of the previously filed plat or amended plat, and the parcel number of the parcel(s) previously surveyed;

(IV) If the survey creates or retraces one or more parcels, the narrative legal description may be either the metes-and-bounds description of each individual parcel created by the survey or the metes-and-bounds description of the perimeter boundary of the parcels surveyed; or

(V) If the narrative legal description does not fall within (1)(d)(xiii)(A)(I), (II), or (III), then the narrative legal description required by this subsection must conform with (1)(d)(xiii)(A)(IV).

(B) When the narrative legal description is metes-and-bounds, the point of beginning, which is also the point of closure of the legal description of the parcel surveyed, must be labeled "Point of Beginning." Alternatively, the point of beginning may be labeled "POB" if the abbreviation is defined on the certificate of survey.

(C) The requirement of this rule does not apply to certificates of survey that depict a partial retracement of the boundaries of an existing parcel or establish the location of lines or corners that control the location of an existing parcel.

(xiv) all parcels created or retraced by the certificate of survey designated by number or letter, and the bearings, distances, curve data, and area of each parcel, except as provided in (1)(f)(iii). If a parcel created by the certificate of survey is identifiable as a 1/32 or larger aliquot part of a U.S. government section or as a U.S. government lot, it may be

designated by number or letter or by its aliquot part or government lot identification;

(xv) the location, bearings, distances, and curve data of any easement that will be created by reference to the certificate of survey;

(xvi) the dated signature and the seal of the land surveyor responsible for the survey. The land surveyor's signature certifies that the certificate of survey has been prepared in conformance with the applicable sections of the Montana Subdivision and Platting Act and the regulations adopted under the Act;

(xvii) a memorandum of any oaths administered under 76-3-405, MCA;

(xviii) if applicable, the certificate of the examining land surveyor; and

(xix) space for the clerk and recorder's filing information.

(e) Certificates of survey that do not represent a division or aggregation of land, such as those depicting the retracement of an existing parcel and those prepared for informational purposes, must contain a statement as to their purpose and must meet applicable requirements of this rule for form and content. If the purpose of a certificate of survey is stated as a retracement or partial retracement, and if multiple tracts of record contained within the parcel's perimeter boundary on the certificate of survey are not individually shown, then the certificate of survey does not expunge the tracts of record unless it conforms to (1)(f)(iv) and contains the acknowledged certificate of the property owner(s) citing the applicable exemption in its entirety.

(f) Procedures for divisions of land exempted from review as subdivisions. If one or more parcels on a certificate of survey is created by an exemption from subdivision review under 76-3-207, MCA, then, except as provided in (1)(f)(iii) and (iv), the certificate of survey must establish the boundaries of the exemption parcel(s). The certificate of survey is not required to establish, but may establish, the exterior boundaries of the remaining portion of the parent tract of land. However, the certificate of survey must show portions of the existing unchanged boundaries sufficient to identify the location and extent of the exemption parcel to be created. Unsurveyed portions of the parent tract of land must be labeled, "NOT A PART OF THIS CERTIFICATE OF SURVEY" or "NOT INCLUDED IN THIS CERTIFICATE OF SURVEY". The certificate of survey must contain the acknowledged certificate of the property owner stating that the division of land is exempt from review as a subdivision and cite the applicable exemption in its entirety. The certificate of survey must meet the following requirements:

(i) If the exemption relied upon requires that the property owner enter into a covenant running with the land, the certificate of survey may not

be filed unless it shows or contains a signed and acknowledged recitation of the covenant in its entirety.

(ii) If a certificate of survey invokes the exemption for gift(s) or sale(s) to members of the landowner's immediate family, the certificate of survey must indicate the name of the proposed grantee, the relationship of the grantee to the landowner, and the parcel to be conveyed to the grantee.

(iii) If a certificate of survey invokes the exemption for the relocation of common boundary line(s):

(A) The certificate of survey must contain the signatures of all landowners whose tracts of record will be altered by the proposed relocation. The certificate of survey must show that the exemption was used only to change the location of a boundary line or lines common to two or more tracts of record, and must clearly distinguish the prior boundary location or locations (shown, for example, by dashed or broken line(s) with a notation) from the new boundary location or locations (shown, for example, by solid line(s) with a notation);

(B) The certificate of survey must show the boundaries of the area that is being removed from one tract of record and joined with another tract of record. The certificate of survey is not required to establish, but may establish, the exterior boundaries of the resulting tracts of record. However, the certificate of survey must show portions of the existing unchanged boundaries sufficient to clearly identify both the location and the extent of the boundary relocation. Unsurveyed portions of the tracts of record must be labeled, "NOT A PART OF THIS CERTIFICATE OF SURVEY" or "NOT INCLUDED IN THIS CERTIFICATE OF SURVEY"; and

(C) The certificate of survey must contain the following notation: "The area that is being removed from one tract of record and joined with another tract of record is not itself a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with the [certificate of survey or amended plat] on which said area is described, unless said area is included with or excluded from adjoining tracts of record."

(iv) If a certificate of survey invokes the exemption for aggregation of parcels or lots:

(A) The certificate of survey must contain the signatures of all landowners whose tracts of record will be altered by the

proposed aggregation. The certificate of survey must show that the exemption was used only to eliminate a boundary line or lines common to two or more tracts of record, and must clearly distinguish the prior boundary location or locations (shown, for example, by dashed or broken line(s) with a notation) from the new perimeter boundary location or locations (shown, for example, by solid line(s) with a notation); and

(B) The certificate of survey must establish the perimeter boundary of the resulting tract(s) of record.

(v) A survey document that modifies lots on a filed plat and invokes an exemption from subdivision review under 76-3-201 or 76-3-207~~(1)(d), (e), or (f)~~, MCA, must be entitled "amended plat of [lot, block, and name of subdivision being amended]," but for all other purposes must comply with the requirements for form and descriptive content of certificates of survey contained in this rule.

(vi) If the certificate of survey invokes an exemption from subdivision review under 76-3-207, MCA, the certificate of survey must contain or be accompanied by a certification by the county treasurer that all real property taxes and special assessments assessed and levied on the surveyed land have been paid.

(vii) For purposes of this rule, when the parcel of land for which an exemption from subdivision review is claimed is being conveyed under a contract-for-deed, the terms "property owner," "landowner," and "owner" mean the seller of the land under the contract-for-deed.

(g) The land surveyor, at his or her discretion, may provide additional information on the certificate of survey regarding the survey.

(h) Procedures for filing certificates of survey of divisions of land entirely exempted from the requirements of the Montana Subdivision and Platting Act. The divisions of land described in 76-3-201, 76-3-205, and 76-3-209, MCA, and divisions of federally owned land made by a U.S. government agency are not required to be surveyed, nor must a certificate of survey or plat showing these divisions be filed with the clerk and recorder. However, a certificate of survey of one of these divisions may be filed with the clerk and recorder if the certificate of survey meets the requirements for form and content for certificates of survey contained in this rule, and contains a certificate of all the landowners citing the applicable exemption from the Act in its entirety, or when applicable, that the land surveyed is owned by the federal government. The certificate of survey must establish the boundaries of the exemption parcel(s). The certificate of survey is not required to establish, but may establish, the exterior boundaries of the remaining portion

of the parent tract of land. However, the certificate of survey must show portions of the existing unchanged boundaries sufficient to identify the location and extent of the exemption parcel to be created. Unsurveyed portions of the parent tract of land must be labeled, "NOT A PART OF THIS CERTIFICATE OF SURVEY" or "NOT INCLUDED IN THIS CERTIFICATE OF SURVEY."

Authorizing statute(s): 37-67-202, 76-3-403, 76-3-411, MCA

Implementing statute(s): 37-67-314, 76-3-101, 76-3-102, 76-3-103, 76-3-104, 76-3-105, 76-3-201, 76-3-203, 76-3-205, 76-3-206, 76-3-207, 76-3-209, 76-3-301, 76-3-302, 76-3-303, 76-3-304, 76-3-305, 76-3-306, 76-3-307, 76-3-401, 76-3-402, 76-3-403, 76-3-404, 76-3-405, 76-3-406, 76-3-411, MCA

Reasonable Necessity Statement

It is reasonably necessary to amend (1)(f)(v) by striking the specific subsections of the referenced statute. In 2023, 76-3-207, MCA, was amended by the addition of several subsections. Instead of adding more subsections and having to do this whenever the statute is amended, the board is removing all subsections to reference the entire statute.

24.183.1107 UNIFORM STANDARDS FOR FINAL SUBDIVISION PLATS

(1) A final subdivision plat must comply with the following requirements:

(a) the plat complies with the requirements contained in (2);

(b) the plat includes a Conditions of Approval sheet(s) that complies with the requirements contained in (4); and

(c) the plat is accompanied by documents listed in (5).

(2) A plat must comply with the following requirements:

(a) A plat must be legibly drawn with permanent black ink or printed or reproduced by a process guaranteeing a permanent record and must be 18 inches by 24 inches or 24 inches by 36 inches. Margins must be a minimum 1/2-inch on all sides, or as required by the filing office.

(b) One original on three mil or heavier matte stable-base polyester film or equivalent and/or one original on 24# white bond paper or equivalent must be submitted, or on such medium as required by the filing office.

(c) If more than one sheet must be used to adequately depict the land surveyed, each sheet must show the number of that sheet and the total number of sheets included. Except as provided in (4)(b), all certifications must be placed on sheet number one of the plat.

(d) A survey document that results in an increase in the number of lots or modifies six or more lots on a filed plat must be entitled "amended plat of (lot, block, and name of subdivision being amended)," and unless it is exempt from subdivision review by 76-3-201 or 76-3-207~~(1)(d), (e), or (f)~~, MCA, must meet the filing requirements for final subdivision plats specified in this rule.

(e) A plat must show or contain the following information:

(i) a title or title block including the quarter-section, section, township, range, principal meridian, county, and if applicable, city or town in which the subdivision is located. The title of the plat must contain the words "plat" and either "subdivision" or "addition";

(ii) the name(s) of the person(s) who commissioned the survey, the name(s) of the owner(s) of the land to be subdivided, if other than the person(s) commissioning the survey, the names of any adjoining plats, and the numbers of any adjoining certificates of survey previously filed;

(iii) a north arrow;

(iv) a scale bar. The scale of the plat must be sufficient to legibly represent the required information and data on the plat;

(v) the location of, and other information relating to all monuments found, set, reset, replaced, or removed as required by ARM 24.183.1101;

(A) If additional monuments are to be set after the plat is filed, the location of these monuments must be shown by a distinct symbol, and the plat must contain a certification by the land surveyor as to the reason the monuments have not been set and the date by which they will be set, as required by ARM 24.183.1101(1)(d).

(B) All monuments found during the survey that influenced the position of any corner or boundary indicated on the plat must be clearly shown as required by ARM 24.183.1101(1)(c).

(C) Witness and reference monuments must be clearly shown.

(vi) the location of any section corner or corners of divisions of sections the land surveyor deems to be pertinent to the survey or was used as control in the survey;

(vii) basis of bearing. For purposes of this rule, the term "basis of bearing" means the land surveyor's statement as to the origin of the bearings

shown on the plat. If the basis of bearing(s) refers to two previously monumented points in a previously filed survey document, then the two previously monumented points must be shown and described on the plat, the line marked by the two previously monumented points must be labeled "basis of bearing," and the previously filed survey document name or number must be cited in the land surveyor's statement as to the origin of the bearing(s). If the plat shows true bearings, the basis of bearing must describe the method by which these true bearings were determined;

(viii) the bearings, distances, and curve data of all boundary lines and all control or pertinent lines used to determine the boundaries of the subdivision. If the subdivision is bounded by an irregular shoreline or a body of water that is a riparian boundary, the bearings and distances of a meander traverse generally paralleling the riparian boundary must be given;

(A) The courses along a meander line are shown solely to provide a basis for calculating the area of a parcel that has one or more riparian boundaries as the parcel existed at the time of survey.

(B) For purposes of this rule, a line that indicates a fixed boundary of a parcel is not a "meander" or "meander line" and may not be designated as one.

(C) If a boundary, control, or pertinent line contains multiple segments of the whole, then the overall distance must be shown, and each segment must at least include distance.

(ix) data on all curves sufficient to enable the reestablishment of the curves on the ground. For circular curves, the data must at least include radius and arc length, and either delta angle, radial bearings, or chord bearing and distance. All non-tangent points of intersection on the curve must show either the bearings of radial lines or chord length and bearing. Non-tangent curves must be so labeled;

(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 distances must be shown parenthetically;

(xi) at least one record measurement reference for each line and curve, if available, must be shown;

(xii) all lots and blocks in the subdivision designated by number, the bearings, distances, and curve data of each lot and block, the area of each lot, and the total area of all lots. (Excepted lands must be labeled "NOT INCLUDED IN THIS SUBDIVISION" or "NOT INCLUDED IN THIS PLAT";

(xiii) all existing rights-of-way for streets, alleys, avenues, roads, and highways that adjoin or are within the boundaries of the subdivision; their names and widths from public record (if ascertainable); the bearings, distances, and curve data of their adjoining boundaries. If the existing right(s)-of-way is contained within the boundaries of the subdivision, then the area of the portion of the right(s)-of-way within the subdivision shall be shown;

(xiv) all rights-of-way for streets, alleys, avenues, roads, and highways that will be created by the filing of the plat; their names, widths, bearings, distances, curve data, and area;

(xv) except as provided in (2)(e)(xiii) and (xiv), the location, bearings, distances, curve data, and areas of all parks, common areas, and other grounds dedicated for public use;

(xvi) the total area of the subdivision;

(xvii) a narrative legal description of the subdivision.

(A) The land surveyor, at his or her discretion, may choose the form of the narrative legal description as follows:

(I) If the land to be subdivided is either an aliquot part of a U.S. government section or a U.S. government lot, the narrative legal description may be the aliquot part or the government lot description of the land;

(II) If the plat depicts the division of one or more parcels shown on a previously filed certificate of survey or plat, the narrative legal description may be the number of the previously filed certificate of survey or name of the previously filed plat and the parcel number of the parcel(s) previously surveyed;

(III) The narrative legal description may be the metes-and-bounds description of the perimeter boundary of the subdivision; or

(IV) If the narrative legal description does not fall within (2)(e)(xvii)(A)(I) or (II), the narrative legal description

required by this subsection is the metes-and-bounds description of the perimeter boundary of the subdivision.

(B) When the narrative legal description is metes-and-bounds, the point of beginning, which is also the point of closure of the legal description of the subdivision surveyed, must be labeled "Point of Beginning." Alternatively, the point of beginning may be labeled "POB" if the abbreviation is defined on the plat.

(xviii) the dated signature and the seal of the land surveyor responsible for the survey. The land surveyor's signature certifies that the plat has been prepared in conformance with the applicable sections of the Montana Subdivision and Platting Act and the regulations adopted under the Act. The land surveyor's signature and certification do not include certification of the Conditions of Approval sheet(s);

(xix) a memorandum of any oaths administered under 76-3-405, MCA;

(xx) the dated, signed, and acknowledged consent to the subdivision of the owner of the land to be subdivided. For purposes of this rule, when the parcel of land proposed for subdivision is being conveyed under a contract-for-deed, the terms "property owner," "landowner," and "owner" mean the seller of the land under the contract-for-deed;

(xxi) certification by the governing body that the final plat is approved;

(xxii) if applicable, the landowner's certificate of dedication of streets, alleys, avenues, roads, highways, parks, playground easements, or other public improvements;

(xxiii) if applicable, or as required by subdivision regulations, the landowner(s)' certification statement(s) as follows:

(A) A statement that federal, state, and local plans, policies, regulations, and/or conditions of subdivision approval that may limit the use of the property, including the location, size, and use are shown on the Conditions of Approval sheet or as otherwise stated.

(B) A statement that buyers of property should ensure that they have obtained and reviewed all sheets of the plat and all documents recorded and filed in conjunction with the plat and that buyers of property are strongly encouraged to contact the local planning department and become informed of any limitations on the use of the property prior to closing.

(C) A statement that all or part of the required public improvements have been installed and/or security requirements pursuant to 76-

3-507, MCA, secure the future construction of any remaining public improvements to be installed.

(xxiv) if applicable, a certificate of the governing body accepting any dedicated land, easements, or improvements;

(xxv) if applicable, the certificate of the examining land surveyor;

(xxvi) space for the clerk and recorder's filing information; and

(xxvii) a minimum two-inch by four-inch blank space below the clerk and recorder's filing information for the recording numbers of the documents listed in (5).

(f) The land surveyor, at his or her discretion, may provide additional information on the plat regarding the survey.

(3) The following certifications of final plat approval must appear on the plat or on the Conditions of Approval sheet as contained in (4), or recorded or filed as contained in (5) of these rules:

(a) A certification by the county treasurer that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid and, if applicable, certification of the local health officer having jurisdiction.

(4) If applicable, a sheet(s) of the plat prepared by the landowner(s) or their representative(s) depicting conformance with subdivision application approval shall be entitled "Conditions of Approval of [insert name of subdivision]" with a title block including the quarter-section, section, township, range, principal meridian, county, and, if applicable, city or town in which the subdivision is located, and shall contain:

(a) any text and/or graphic representations of requirements by the governing body for final plat approval including, but not limited to, setbacks from streams or riparian areas, floodplain boundaries, no-build areas, building envelopes, or the use of particular parcels;

(b) a certification statement by the landowner that the text and/or graphics shown on the Conditions of Approval sheet(s) represent(s) requirements by the governing body for final plat approval and that all conditions of subdivision application have been satisfied; and

(c) a notation stating that the information shown is current as of the date of the certification required in (4)(b), and that changes to any land-use restrictions or encumbrances may be made by amendments to covenants, zoning regulations, easements, or other documents as allowed by law or by local regulations.

(5) If applicable, the following documents as specified by local government shall accompany the approved final plat and shall be recorded or filed with the plat as specified by the clerk and recorder, and the recording or filing number(s) for each document may be written on the plat by the clerk and recorder:

(a) a title report or certificate of a title abstractor showing the names of the owners of record of the land to be subdivided, and the names of any lien holders or claimants of record against the land, and the written consent to the subdivision by the owners of the land if other than the subdivider, and any lien holders or claimants of record against the land;

(b) any covenants or deed restrictions relating to the subdivision;

(c) for lots less than 20 acres in size, exclusive of public roadways, a certification from the Montana Department of Environmental Quality stating that it has approved the plans and specifications for water supply and sanitary facilities pursuant to 76-4-104(2), MCA;

(d) if required by the governing body, for lots of 20 acres or greater in size, written documentation that the subdivider has demonstrated that there is an adequate water source and at least one area for a septic system and replacement drainfield for each lot in accordance with 76-3-604(8)(b), MCA;

(e) a copy of any security requirements, pursuant to 76-3-507, MCA, securing the future construction of any remaining public improvements to be installed;

(f) unless otherwise provided in local subdivision regulations, copies of final plans, profiles, grades, and specifications for improvements, including a complete grading and drainage plan, with the certification of a professional engineer that all required improvements which have been installed are in conformance with the attached plans. Local subdivision regulations may authorize the subdivider, under conditions satisfactory to the governing body, to prepare these plans and specifications after the final plat has been filed, or file them with a government official other than the clerk and recorder, or both. If the approved plans and specifications are or will be filed with a government official other than the clerk and recorder, then a document or a statement on the Conditions of Approval sheet that states where the plans can be obtained must be filed or recorded;

(g) if a street, alley, avenue, road, or highway created by the plat will intersect with a state or federal right-of-way, a copy of the access or encroachment permit; and

(h) any other documents satisfying subdivision application approval required by the governing body to be filed or recorded.

Authorizing statute(s): 37-67-202, 76-3-403, 76-3-411, MCA

Implementing statute(s): 37-67-314, 76-3-101, 76-3-102, 76-3-103, 76-3-104, 76-3-105, 76-3-201, 76-3-203, 76-3-205, 76-3-206, 76-3-207, 76-3-209, 76-3-301, 76-3-302, 76-3-303, 76-3-304, 76-3-305, 76-3-306, 76-3-307, 76-3-401, 76-3-402, 76-3-403, 76-3-404, 76-3-405, 76-3-406, 76-3-411, MCA

Reasonable Necessity Statement

It is reasonably necessary to amend (2)(d) by striking the specific subsections of the referenced statute. In 2023, 76-3-207, MCA, was amended by the addition of several subsections. Instead of adding more subsections and having to do this whenever the statute is amended, the board is removing all subsections to reference the entire statute.

24.183.2102 INACTIVE LICENSURE ~~STATUS AND CONVERSION FROM INACTIVE TO ACTIVE STATUS~~

(1) ~~A licensee~~ Licensees not engaged in licensed activities may request to place ~~the license~~ their licenses on inactive status. ~~by either indicating on the renewal form that inactive status is desired, or by informing the board office, in writing, that an inactive status is desired. It is the sole responsibility of the inactive licensee to keep the board informed as to any change of address during the period of time the license remains on inactive status. Inactive licensees must pay the renewal fee biennially to maintain license status.~~

~~(2) A licensee may not practice any professional engineering or professional land surveying work in the state of Montana while the license is on inactive status.~~

(2) While inactive, licensees must inform the board of any change in the licensee's residency or mailing address.

(3) To avoid lapse, expiration, or termination, an inactive license must be renewed each renewal period.

(4) Licensees do not need to obtain continuing education until converting to active status.

~~(3)~~(5) ~~Upon application and payment of the appropriate fee, the board may convert an inactive status license to active status if the applicant completes each of the following~~ For an inactive licensee to become active, the licensee must:

(a) ~~signifies to the board, in writing, that upon issuance of the active license, the applicant intends to be an active practitioner in Montana~~ request to move to an active status via a board-approved form; and

(b) ~~presents satisfactory evidence that the applicant has attended~~ demonstrate completion of 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)~~(6) In the event an inactive licensee does not maintain a current license in any jurisdiction for the three previous years prior to requesting conversion to active status, the board may require the applicant to take and pass the principles and practice of engineering (PE) examination or the principles and practice of land surveying (PLS) examination.

Authorizing statute(s): 37-1-319, MCA

Implementing statute(s): 37-1-319, MCA

Reasonable Necessity Statement

The board is amending this rule to simplify and standardize language, align with current procedures, and allow further utilization of electronic submission and processes by not specifying "written" forms. It is reasonably necessary to clarify that no continuing education is required during periods of inactive status to avoid confusion.

The board is removing the requirement for a statement of intent to actively practice in Montana when shifting from inactive to active license status. While current active licensure is required to practice in the state, the board has no ability to require or enforce this kind of intent.

REPEAL

The rules proposed to be repealed are as follows:

24.183.401 BOARD ELECTED OFFICERS

Authorizing statute(s): 37-67-202, MCA

Implementing statute(s): 37-67-201, MCA

Reasonable Necessity Statement

The board is repealing this rule, ARM 24.183.402, and 24.183.403 as unnecessary and to align with the repeal of the implemented statute, 37-67-201, MCA, by SB 227. Further, statutory

provisions at 37-1-124, MCA, adequately address the obligations and duties of the board's presiding officer and additional elected officers, as well as board meetings.

24.183.402 BOARD MEETINGS

Authorizing statute(s): 37-67-202, MCA

Implementing statute(s): 37-67-201, MCA

24.183.403 BOARD SEAL

Authorizing statute(s): 37-67-202, MCA

Implementing statute(s): 37-67-201, MCA

24.183.506 EQUIVALENCY OF MILITARY EDUCATION, TRAINING, AND EXPERIENCE

Authorizing statute(s): 37-1-145, MCA

Implementing statute(s): 37-1-145, MCA

Reasonable Necessity Statement

It is reasonably necessary to repeal this rule to align with amendments to 37-1-145, MCA, by House Bill 583 in 2023. The amended statute provides for all boards and programs to accept relevant military education, training, or service toward license qualifications. Specific board or program rules are no longer needed.

24.183.2401 SCREENING PANEL

Authorizing statute(s): 37-67-202, MCA

Implementing statute(s): 37-1-307, MCA

Reasonable Necessity Statement

At times, the number of appointed board members or board members' ability to attend can drive scheduling of screening panels. Members of board panels are always established and replaced, when necessary, by the board presiding officer. It is not necessary to state the

composition of a screening panel in rule and doing so may actually limit the ability of the presiding officer to hold a screening meeting. The process of naming or replacing screening panel members will remain consistent following repeal of this unnecessary rule.

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed rule changes are small businesses that intend to employ licensed professional land surveyors and assist land surveyor applicants in obtaining Montana licensure. Several of the changes in this project will lessen restrictions on examination and re-examination of land surveyor applicants and may reduce application processing time as well. The board has determined that the proposed rule changes will not create a significant and direct impact on these small businesses. Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The primary bill sponsor was contacted by email on April 24, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Troy Jensen, Chair, Board of Professional Engineers and Professional Land Surveyors