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# Montana Laws and Rules for Engineers

by

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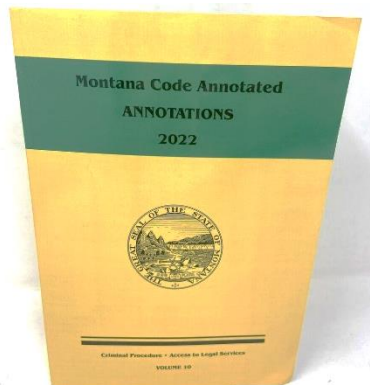
Examination



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### Montana Code Annotated

State laws (called statutes) are enacted by the Montana State Legislature, which is a bicameral body made up of the Montana Senate and House of Representatives. When a bill has passed, it is transmitted to the Governor for signature and then becomes law. If the Governor vetoes the bill, the Legislature must override a veto with a 2/3 majority vote in both the Senate and House of Representatives for the bill to become law.



Passed bills (acts) from each legislative session are published chronologically in Session Laws. Next, the laws (called statutes) are added to the *Montana Code* in the appropriate locations with numbering, formatting, and removal of replaced or repealed statutes. Annotations are also added such as notes and references, and the resulting publication is often termed the *Montana Code Annotated*. The codified laws are cited as Mont. Code or MCA.

The Montana Code Annotated is divided into dozens of titles. Laws with relevance to engineering are in Title 37, Chapter 67, which is cited as MCA 37-67, and informally called the Laws of the Board. The organization is as follows:

### Montana Code Annotated

- Title 37: Professions and Occupations
  - Chapter 67: Engineers and Land Surveyors
    - Parts: 1 to 3
    - Sections: Various

See the “Helpful Resources” section for the website addresses with the latest laws, rules, and Board information. The laws and rules in this course are current as of November 2024.



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## **Laws of the Board**

The law dedicated to the practice of engineering (and several other professions) is MCA 37-67, known as the “Laws of the Board”. The Laws of the Board gives authority to the *Montana Board of Professional Engineers and Professional Land Surveyors* (Board) to enact the laws and manage licensing. The following is the contents with **bold** sections being of particular importance for practicing professional engineers.

### **MCA 37-67: Engineers and Land Surveyors**

#### **Part 1. General**

##### **37-67-101 Definitions**

##### **37-67-102 Representation as practitioner to be considered as practice**

##### **37-67-103 Exemptions**

#### Part 2. Board of Professional Engineers and Professional Land Surveyors

##### 37-67-201 Organization -- meetings -- seal

##### 37-67-202 Rulemaking

##### 37-67-203 Compensation of board members -- expenses

##### 37-67-204 Record of proceedings -- register of applicants

#### Part 3. Licensing

##### **37-67-301 License required to practice or offer to practice**

##### 37-67-304 Local government not to impose fee or examination

##### 37-67-312 Licensure of professional engineers without examination by comity

##### 37-67-313 Licensure of professional land surveyors by comity

##### **37-67-314 Issuance of licenses -- seal of professional engineer or professional land surveyor**

##### 37-67-317 Deposit of moneys collected

##### 37-67-322 Application -- contents -- fees

##### 37-67-323 Qualifications of applicant for examination and licensure as professional engineer

##### 37-67-324 Qualifications of applicant for certification as engineer intern

##### 37-67-325 Qualifications of applicant for examination and licensure as professional land surveyor

##### 37-67-326 Qualifications of applicant for examination and certification as land surveyor intern



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37-67-327 Examinations -- fees -- third-party services

37-67-328 Certificate of authorization

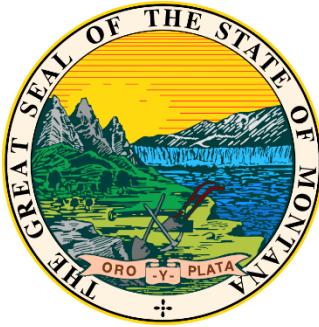
**37-67-329 Emeritus status**

**37-67-331 Revocation, suspension, restriction, or limitation of license --  
grounds**



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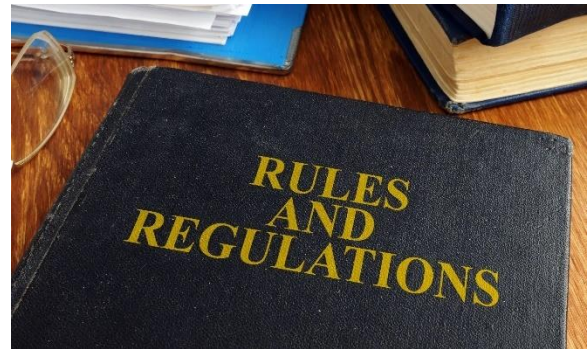
## **Administrative Rules of Montana**



State laws are often high-level and lack details required for implementation. The Montana Legislature delegates state agencies to manage the implementation of laws and to create rules and regulations that complement the laws. The compilation of agency regulations is called the *Administrative Rules of Montana* and is normally cited as ARM. The regulations are enforceable just like state statutes.

Recently proposed and adopted rules are published twice each month in the Montana Administrative Register.

The Administrative Rules of Montana is grouped into titles and chapters representing different state agencies (departments, divisions, districts, boards, councils, authorities, and commissions). Professional engineering is under Title 24, Chapter 24.183. This is cited as ARM 24.183, and referred to as “Rules of the Board” in this course.



The organization is as follows:

### **WAC**

- Title 24: Labor and Industry
  - Chapter 24.183: Board of Professional Engineers and Professional Land Surveyors
    - Subchapters: 1 to 24
      - Sections: Various



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**Rules of the Board**

ARM 24.183 is known as the “Rules of the Board”. It covers the professional engineering and a few other professions. The following are the contents with sections in **bold** of particular importance for practicing professional engineers.

ARM 24.183 - Board of Professional Engineers and Professional Land Surveyors

24.183.1	Organizational Rules
24.183.2	Procedural Rules
<b>24.183.3</b>	<b>Definitions</b>
<b>24.183.4</b>	<b>General Provisions</b>
24.183.5	Licensing
24.183.7	Licensure of Professional Engineers
24.183.8	Licensure of Professional Land Surveyors
24.183.10	Corner Recordation Requirements
24.183.11	Uniform Standards for Monumentation, Certificates of Survey, and Final Subdivision Plats
<b>24.183.15</b>	<b>Shop Drawings</b>
<b>24.183.21</b>	<b>Renewals and Continuing Education</b>
<b>24.183.22</b>	<b>Unprofessional Conduct</b>
24.183.24	Complaint Procedures



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## State Board

The state agency for professional engineering is the *Montana Board of Professional Engineers and Professional Land Surveyors* (Board). The Board is under the Montana Department of Labor & Industry.



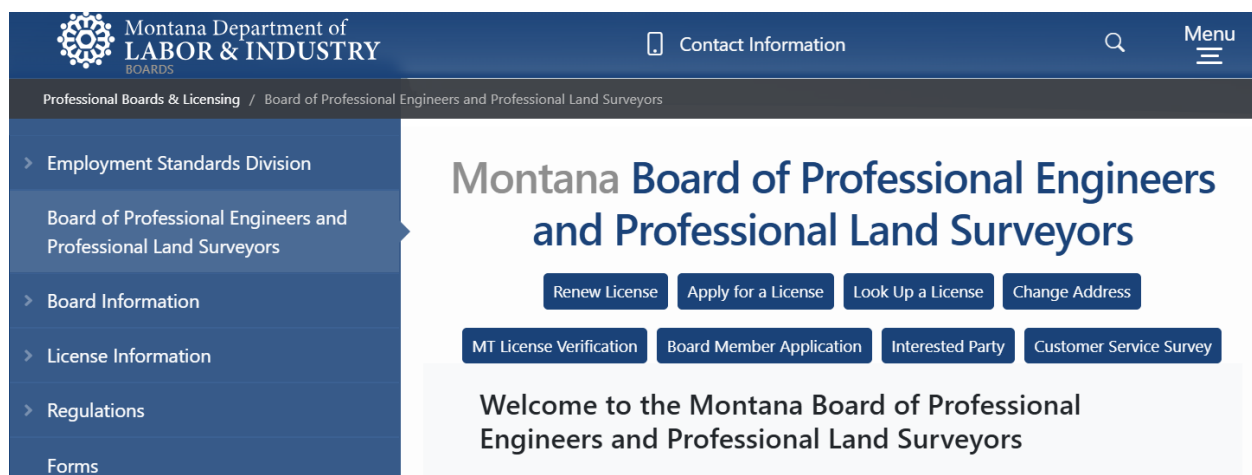
The Board regulates individuals and firms for the following professions:

- Professional Engineers
- Professional Land Surveyors

The Board oversees over 5,000 professional engineers. The Board has the authority to manage and further regulate professional engineering. The Board can make modifications to Rules of the Board (ARM 24.183).

## Board Website

The board website <<https://boards.bsd.dli.mt.gov/professional-engineers-land-surveyors/html>> contains a variety of topics and answers to FAQs:







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**Practice of Professional Engineering**

The following is a copy-paste of the relevant laws and rules that help define the practice of professional engineering:

**Laws of the Board**

**37-67-101. Definitions.** As used in this chapter, the following definitions apply:

- (1) "Board" means the board of professional engineers and professional land surveyors provided for in 2-15-1763.
- (2) "Branch office" means any office or location where business is conducted that is not the headquarters, main office, home office, or other primary location of a sole proprietorship, firm, partnership, or corporation for purposes of regulation under 37-67-328.
- (3) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.
- (4) "Engineer intern" means a person who complies with the requirements for education, experience, and character and has passed an examination in the fundamental engineering subjects, as provided in this chapter.
- (5) (a) "Engineering survey" means all survey activities required to support the sound conception, planning, design, construction, maintenance, operation, and association of engineering projects.  
(b) The term does not include the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

...

- (7) (a) "Practice of engineering" means:
  - (i) any service or creative work the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to the services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of water, teaching of advanced engineering subjects, engineering surveys, and the inspection of construction for the purpose of ensuring compliance with drawings and specifications;
  - (ii) any of the functions described in subsection (7)(a)(i) that embrace the services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or



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consumer products or equipment of mechanical, electrical, hydraulic, pneumatic, or thermal nature insofar as they involve safeguarding life, health, or property.

(b) The term includes other professional services necessary to the planning, progress, and completion of any engineering services.

(c) The term does not include the work ordinarily performed by persons who operate or maintain machinery or equipment, communication lines, signal circuits, electric powerlines, or pipelines.

...

(9) "Professional engineer" means a person who, by reason of special knowledge and use of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and engineering experience, is qualified to practice engineering and who has been licensed as a professional engineer by the board.

...

(11) "Responsible charge" means direct charge and control and personal supervision either of engineering work or of land surveying. Only a professional engineer or a professional land surveyor may legally assume responsible charge under this chapter.

**37-67-102. Representation as practitioner to be considered as practice.** (1) A person must be considered to practice or offer to practice engineering, within the meaning and intent of this chapter, who:

(a) practices any branch of the profession of engineering;

(b) by verbal claim, sign, advertisement, letterhead, card, or in any other way represents that the person is a professional engineer or through the use of some other title implies that the person is a professional engineer or is licensed under this chapter; or

(c) represents that the person is able to perform or does perform any engineering service or work or any other service designated by the practitioner that is recognized as engineering.

...

**37-67-103. Exemptions.** The following are exempt from licensure under this chapter:

(1) the practice of any other legally recognized professions or trades;

(2) the mere execution of work by a contractor, as distinguished from its planning or design or the supervision of the construction of work as a lead supervisor or superintendent;



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- (3) the work of an employee or a subordinate of a person holding a license under this chapter or an employee of a person practicing lawfully under this chapter if the work does not include final engineering or land surveying designs or decisions and is done under the direct supervision of a person holding a license under this chapter or a person practicing lawfully under this chapter;
- (4) the practice of professional engineering by licensed architects when the practice is purely incidental to their practice of architecture.

**37-67-301. License required to practice or offer to practice.** In order to safeguard life, health, and property and to promote the public welfare, a person in either a public or private capacity practicing or offering to practice engineering or land surveying is required to submit evidence that the person is qualified to practice and is licensed as provided in this chapter. It is unlawful for a person to practice or to offer to practice in this state engineering or land surveying or to use in connection with the person's name or otherwise assume, use, or advertise any title or description tending to convey the impression that the person is a professional engineer or a professional land surveyor unless the person has been licensed under the provisions of this chapter.

**37-67-314. Issuance of licenses -- seal of professional engineer or professional land surveyor.** (1) The department shall issue to an applicant who, in the opinion of the board, has met the requirements of this chapter a license authorizing the applicant to engage in the practice of engineering or the practice of land surveying and to assume responsible charge of engineering or land surveying projects in this state. The license for a professional engineer must carry the designation "professional engineer" and for a professional land surveyor "professional land surveyor" and must include the full name and license number of the licensee.

(2) Each licensee may, upon licensure, obtain a seal of a design authorized by the board. The licensee shall sign, date, and seal professional or technical documents created in the practice of professional engineering or professional land surveying.

(3) A license is prima facie evidence that the named person is entitled to all rights, privileges, and responsibilities of a professional engineer or professional land surveyor while the license remains valid.

(4) It is unlawful for a licensee whose license has expired to sign or seal any professional or technical document or be in responsible charge of a professional engineering or professional land surveying project.



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**37-67-329. Emeritus status.** On October 1, 2015, any licensee previously approved for emeritus status under this chapter becomes an inactive licensee subject to rules of the board regarding inactive licensee status.

Rules of the Board

**24.183.303 - DEFINITIONS**

...

(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."

...

(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.

...

(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.

...

(12) "Resident" means a person possessing an active professional engineer or registered professional license or land surveyor license issued by the board.



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(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.

**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.

**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



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(d) not hold himself/herself out to be an engineer or as performing engineering services.

**24.183.512 - APPLICATION FOR EMERITUS STATUS**

(1) A registrant who has terminated his practice of engineering or land surveying may apply for a certificate of emeritus status by submitting to the board a completed application therefore accompanied by the fee established by ARM 24.183.404.

**24.183.1501 - Fire Protection Shop Drawings**

(1) When fire protection shop drawings are used to finalize engineering concepts:

(a) The licensee (a licensed professional engineer) shall provide the design concept adequate for shop drawing preparation by others. The design concept for sprinkler systems must include as a minimum:

- (i) the density and water flow pressure requirements for the sprinkler system design;
- (ii) the classification of commodities to be protected; and
- (iii) confirmation of adequate water supply.

(b) A properly qualified technician or licensee shall execute the design concept and prepare shop drawings. Shop drawings for sprinkler systems must include as a minimum:

- (i) layout of risers;
- (ii) cross-mains;
- (iii) branch lines;
- (iv) sprinkler heads;
- (v) sizing of pipe;
- (vi) hanger locations; and
- (vii) hydraulic calculations, in accordance with the design concepts.

(2) The licensee should not seal the shop drawings. A letter of review must be prepared indicating the licensee's acceptance of the shop drawings as being in accordance with the design concept. Such review letter may be made available to appropriate jurisdictional authorities and interested parties.

(3) For the purposes of (1) (b), a "qualified technician" is a person who has at least one of the following qualifications:

(a) a national institute for certification in engineering technologies (NICET) level III technician certification;



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- (b) a NICET level IV technician certification; or
  - (c) 20 years experience in the field of automatic sprinkler layout in Montana, with the end of the 20-year experience term terminating February 1, 2002.
- (4) A licensee shall not be required to provide design concepts or letter of review for:
- (a) projects exempt from building code requirements for fire protection;
  - (b) remodeling involving less than 100 sprinklers to an existing fire protection system, provided there is no change in occupancy classification, storage configuration, or other change in occupancy use that would require design concept modifications; or
  - (c) routine maintenance, when accomplished in accordance with national fire protection association (NFPA) standard #25, "Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems."
- (5) Information regarding the organizations referred to in this rule can be obtained from:
- (a) NICET, 1420 King Street, Alexandria, VA 22314, or via the internet at <http://nicet.org>; and
  - (b) NFPA, PO Box 9101, Quincy, Massachusetts, 02269- 9101, or via the internet at <http://www.nfpa.org/Home/index.asp>.

#### **24.183.2101 - RENEWALS**

- (1) Licenses must be renewed on or before the date set by ARM 24.101.413.
- (2) Renewal notices will be sent as specified in ARM 24.101.414. The renewal notice will specify the fees for renewal.
- (3) The provisions of ARM 24.101.408 apply.

#### **24.183.2102 - INACTIVE STATUS AND REACTIVATION**

- (1) A licensee may place the license 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.





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(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.

(3) 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:

- (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.

(4) 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.





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## **Engineering Disciplines and Competence**

An engineers initial area of practice (a.k.a. area of competency, discipline, or branch) is typically identified through NCEES P.E. examination and initial licensure. A licensee can take additional exams to gain qualifications in multiple disciplines. The Board does not give special recognition to a licensee's qualified discipline(s). Discipline names are not listed on seals.

Licensees should only undertake assignments in subject matter with demonstrated **competence** by adequate **education, training, and experience**. Licensees should not seal documents that are outside their areas of competence.

Engineers are allowed to perform **incidental** architectural services as defined below.

### **Rules of the Board**

#### **24.183.2207 - UNPROFESSIONAL CONDUCT**

...

(f) publicly expressing a professional opinion on technical subjects when the opinion is not founded upon adequate knowledge of the facts and **competence** in the subject matter;

...

(j) affixing a signature or seal to any plans or documents outside the **competence** of the licensee or not prepared under their responsible charge;

### **Other Administrative Rules of Montana**

#### **24.114.301 DEFINITIONS**

(9) "**Incidental** architectural services" per 37-65-103, MCA, means:

(a) those architectural services that are **incidental** to a professional engineer's engineering practice, which:

(i) can be safely and **competently** performed by the professional engineer without jeopardizing the health, safety, and welfare of the public;

(ii) are in an area where the professional engineer has demonstrated **competence** by adequate **education, training, and experience**;



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- (iii) arise from, and are directly related to professional engineering work performed by the professional engineer;
- (iv) are substantially less in scope and magnitude when compared to the professional engineering work performed or to be performed by the professional engineer; and
- (v) comply with all of the laws of Montana relating to the practice of architecture.

(b) A professional engineer performing **incidental** practice as stated in this rule shall:

- (i) perform only that part of the work for which the professional engineer is **professionally qualified**;
- (ii) use architects or other appropriately licensed professionals for those portions of the work in which the professional engineer is not qualified;
- (iii) assume responsibility for compliance with all laws, codes, rules, and ordinances of the state or its political subdivisions pertaining to the documents; and
- (iv) not hold himself/herself out to be an architect or as performing architectural services.



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## **Responsible Charge**

Engineering design work must be prepared under a responsible licensee with **direct charge and control** and **personal supervision**. This is referred to as having “**responsible charge**” or “**direct supervision**” for the engineering work. The engineer with **responsible charge** signs and seals documents produced under their **responsibility**, and is often referred to as the “engineer of record”, although that term is not used in Montana laws and rules. A typical project has multiple responsible engineers, one for each design discipline (civil, structural, mechanical, electrical, etc.).

**Responsible charge** can also refer to the management of a field of engineering practice within an organization.

## **Laws of the Board**

### **37-67-101. Definitions**

...

(11) "**Responsible charge**" means **direct charge and control** and **personal supervision** either of engineering work or of land surveying. Only a professional engineer or a professional land surveyor may legally assume **responsible charge** under this chapter.

## **Rules of the Board**

### **24.183.303 - DEFINITIONS**

...

(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.

### **24.183.301 - STANDARDS OF RESPONSIBLE CHARGE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS**

(1) The term "**responsible charge**" directly relates to the degree of control an 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.



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(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.

#### **24.183.302 - DIRECT SUPERVISION**

(1) The term "**direct supervision**" means the licensee, by regular participation, has exercised directing, guiding and restraining power on matters embodied in the plans, designs, and advice involved in the engineering or land surveying work and accepts responsibility for the contents. After-the-fact review or checking of technical submissions does not satisfy the "exemption" provision of 37-67-103(3), MCA.



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NSPE

Responsible charge is also defined in a National Society of Professional Engineers (NSPE) reference document, and copied below for convenience.

NSPE Position Statement No. 10-1778

- Defines “**responsible charge**” as the direct control and personal supervision of engineering work.
- The professional engineer in **responsible charge** is actively engaged in the engineering process, from conception to completion.
- Engineering decisions must be personally made by the professional engineer or by others over which the professional engineer provides supervisory direction and control authority.
- Reviewing drawings or documents after their completion without involvement in the design and development process appears not to satisfy the definition of **responsible charge**.

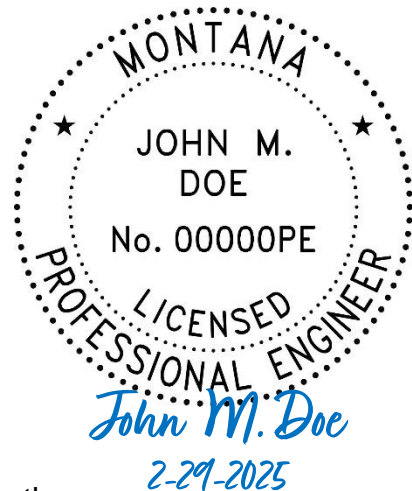


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### **Sign and Seal Requirements**

Sign and seal requirements are found in Laws and Rules of the Board. Here are highlights that may differ from requirements in other states:

- Seal outer diameter of 1 5/8" for embossing and 2" for rubber stamp
  - A half-size seal is also allowed
- Sign and date location not specified
- Ink color not specified
- Seal each drawing when required
- Seal title page of multipage document sets
- Acceptable forms of signature:
  - Hand signature with rubber ink stamp, embossed/impression/pocket seal, or printed image of seal
  - Digital/electronic signature
    - Digital seal image with digital signature
    - Verifiable signature
    - Under sole control of the licensee
    - Linked such that document changes invalidate the signature
    - Adobe, Bluebeam, & DocuSign e-signatures appear acceptable



### **Laws and Rules**

The following is a copy-paste of the relevant laws and rules:

### **Laws of the Board**

#### **37-67-314. Issuance of licenses -- seal of professional engineer or professional land surveyor. ...**

(2) Each licensee may, upon licensure, obtain a seal of a design authorized by the board. The licensee shall sign, date, and seal professional or technical documents created in the practice of professional engineering or professional land surveying.



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Rules of the Board

**24.183.511 - LICENSE SEAL**

(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:

- (a) pocket seal, the size commercially designated as a 1 5/8 inch seal;
- (b) a desk seal or rubber stamp seal the size commercially designated as a two inch seal;
- (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
- (d) a seal is allowed to be reduced to one half of its original size.

(2) 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.

(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



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





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## **Professional Conduct and Ethics**

The following laws and rules help define professional conduct and ethical requirements.

### **Laws of the Board**

**37-67-331. Revocation, suspension, restriction, or limitation of license -- grounds.** The board may reprimand a licensee or revoke, suspend, or restrict or limit the license of a licensee found responsible for:

- (1) gross negligence, incompetency, or misconduct in the practice of professional engineering or professional land surveying;
- (2) a violation of rules for professional conduct for professional engineers and professional land surveyors adopted by the board; or
- (3) failing to comply with state laws and rules pertaining to the practice of professional engineering or professional land surveying.

### **Rules of the Board**

#### **24.183.2202 - SAFETY, HEALTH AND WELFARE OF THE PUBLIC PARAMOUNT IN THE PERFORMANCE OF PROFESSIONAL DUTIES**

- (1) In the performance of professional duties that are within the scope of the licensee's assigned responsibilities, licensees shall recognize their primary obligation is to protect the safety, health, property and welfare of the public. If their professional judgment is overruled under circumstances where the safety, health, property or welfare of the public are endangered, they shall notify their employer of client and such other authority as may be appropriate.
- (2) Licensees shall approve and seal those design documents and surveys which are in conformity with accepted engineering and land surveying standards and are safe for public health, property and welfare.
- (3) Licensees having direct knowledge of any alleged violation of the laws and rules of professional conduct must report all such allegations to the board.

#### **24.183.2207 - UNPROFESSIONAL CONDUCT**

- (1) In addition to those forms of unprofessional conduct defined in 37-1-316, MCA, the following is unprofessional conduct for a licensee or license applicant under Title 37, chapter 67, MCA:



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- (a) conviction, including conviction following a plea of nolo contendere of an offense related to the ethical practice of engineering or land surveying, whether a misdemeanor or felony, and whether or not an appeal is pending;
- (b) fraud, misrepresentation, deception, or concealment of a material fact in applying for or securing a license or license renewal, or in taking an examination required for licensure. As used herein, "material" means any false or misleading statement or information;
- (c) conduct in the performance of professional duties likely to deceive, defraud, or harm the public;
- (d) making a false or misleading statement regarding the licensee's skill, experience, and scope of responsibility in connection with work for which they are claiming experience and performance of professional duties;
- (e) failing to be objective and truthful in professional reports, statements, and testimony;
- (f) publicly expressing a professional opinion on technical subjects when the opinion is not founded upon adequate knowledge of the facts and competence in the subject matter;
- (g) issuing a statement, criticism, or argument on technical matters which are inspired by or paid for by interested parties, unless the licensee prefaces the comments by explicitly identifying the interested parties on whose behalf they are speaking and by revealing the existence of any interest the licensee may have in the matter;
- (h) allowing the licensee's independent and professional judgment to be influenced in such a way that public safety, health, property, or welfare is endangered;
- (i) approving and/or sealing design documents and surveys which do not conform with accepted engineering and land surveying standards, and which are thus unsafe for public health, property, and welfare;
- (j) affixing a signature or seal to any plans or documents outside the competence of the licensee or not prepared under their responsible charge;
- (k) failing to report professional misconduct and violation of the laws and rules of the board which are directly known to the licensee failing to report;
- (l) failing to disclose known or potential conflicts of interest to a licensee's employers and clients by promptly informing them of any business association, interest, or other circumstances which could influence the licensee's judgment or quality of their services;



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- (m) accepting compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed upon by all interested parties;
- (n) soliciting or accepting financial or other valuable consideration, directly or indirectly, from material or equipment suppliers or contractors in exchange for recommending the products of said suppliers or contractors, except with full disclosure;
- (o) soliciting or accepting financial or other valuable consideration such as gratuities, gifts, travel, lodging, loans, entertainment, or other favors, directly or indirectly from contractors, their agents, or other parties in connection with work by the licensee or for the licensee's employers or clients for which the licensee is responsible;
- (p) accepting a fee, contract, or commission for professional services on a "contingency basis," which may compromise the licensee's professional judgment;
- (q) participating in decisions, with respect to professional services solicited or provided to a governmental body or organization, on which the licensee serves as a member, advisor, or employee;
- (r) soliciting or accepting a professional contract from a governmental body on which a principal or officer of the licensee's employer serves as member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority;
- (s) knowingly seeking or accepting employment for professional services for work on which another licensee or certificate holder is employed, or contracted to perform without the currently employed or contracted licensee or certificate holder being informed in writing; and
- (t) knowingly attempting to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees or indiscriminately criticizing other licensees' work.



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## **Continuing Education**

Per Laws of the Board ARM 24.183.2105, the following continuing education is required every 2-year renewal period, where PDH is a professional development hour:

- Minimum 30 PDH total
- Courses must have a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the licensee's field of practice
- Maximum 10 PDH in self-study (reading, videos, or courses without an exam)
- Board does NOT pre-approve providers or specific courses for engineering
- Maximum 15 PDH can carry forward for next renewal
- Retain PDH records for 3 years
- Renewal date is June 30 of even years

## **Laws and Rules**

Here is a copy-paste of the relevant laws and rules:

## **Rules of the Board**

### **24.183.2105 - CONTINUING PROFESSIONAL COMPETENCY - CONTINUING EDUCATION**

(1) Every licensee shall meet the continuing professional competency (continuing education) requirements of these regulations for professional development and affirm an understanding of their recurring duty to comply with continuing education requirements as a part of renewal.

(2) Terms used in this rule are defined as follows:

- (a) "Professional development hour (PDH)" means a contact hour (nominal) of instruction or presentation;
- (b) "Continuing education unit (CEU)" means a unit of credit customarily used for continuing education courses. One continuing education unit equals ten hours of class in an approved continuing education course;
- (c) "College/unit semester/quarter hour" means credit for courses in ABET approved programs or other related college courses approved in accordance with (5), below;
- (d) "Course/activity" means any qualifying course or activity with a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the licensee's field of practice;



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(e) "Engineer-surveyor" means a person who is licensed as both an engineer and a land surveyor.

(3) Every licensee is required to obtain 30 PDH units during the two-year renewal period. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDH units may be carried forward into the subsequent renewal period. PDH units may be earned as follows:

- (a) successful completion of college courses;
- (b) successful completion of continuing education courses;
- (c) successful completion of correspondence, televised, videotaped and other short courses/tutorials;
- (d) presenting or attending qualifying seminars, in-house courses, workshops or professional or technical presentations made at meetings, conventions or conferences;
- (e) teaching or instruction in (a) through (d), above;
- (f) authoring published papers, articles or books;
- (g) active participation in professional or technical societies;
- (h) patents.

(4) The conversion of other units of credit to PDH units is as follows:

- (a) one college or unit semester hour 45 PDH
- (b) one college or unit quarter hour 30 PDH
- (c) one continuing education unit 10 PDH
- (d) one hour of professional development in course work, seminars or professional or technical presentations made at meetings, conventions or conferences ...1 PDH
- (e) each published paper, article or book ...10 PDH (f) active participation in professional and technical society (each organization) ...2 PDH
- (g) each patent ... 10 PDH
- (h) for teaching apply multiple of two. (Teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time faculty.)
- (i) self-study ... 10 PDH (A maximum of 10 PDH will be allowed per renewal cycle for self-study. Self-study is considered a formatted review of new subject matter or technical information such as video tapes series, Internet courses that do not include a final examination, etc.)

(5) The board has final authority with respect to approval of courses, credit, PDH value for courses and other methods of earning credit.



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- (a) Credit for college or community college approved courses will be based upon course credit established by the college.
  - (b) Credit for qualifying seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.
  - (c) Credit determination for each published paper, article or book and each patent is the responsibility of the licensee (subject to review as required by the board) .
  - (d) Credit for active participation in professional and technical societies (limited to two PDH per organization) requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDH credits are not earned until the end of each year of service is completed.
- (6) Licensees shall maintain records and documentation of completed continuing education and make the records available upon board request. Records required include, but are not limited to:
- (a) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name and PDH credits earned;
  - (b) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance; or
  - (c) records as maintained by the professional development registry for engineers and surveyors (PDRES) or other similar repositories. These records must be maintained for a period of three years and copies may be requested by the board for audit verification purposes.
- (7) A licensee may be exempt from the professional development educational requirements for one of the following reasons:
- (a) New licensees by way of examination or comity shall be exempt from accruing PDHs for 12 months following licensure, after which 7.5 PDHs are required for each six-month period of licensure until the first renewal period that occurs on or after June 30, 2008;
  - (b) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the professional development hours required during that year;
  - (c) Licensees experiencing physical disability, illness or other extenuating circumstances as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board;



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- (d) Licensees currently on inactive status shall be exempt.
- (8) The number of PDH units required of engineer-surveyors shall be 30, at least one-third of which shall be obtained in each profession.
- (9) The department may randomly audit up to 50 percent of renewed licensees.
- (10) Licensees found to be in noncompliance with continuing education requirements may be subject to administrative suspension.



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**Helpful References**

*Montana Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design*

Board website:	<a href="https://boards.bsd.dli.mt.gov/professional-engineers-land-surveyors/">https://boards.bsd.dli.mt.gov/professional-engineers-land-surveyors/</a>
Address Change:	<a href="https://aca-prod.accela.com/POL/Login.aspx?tabname=Home">https://aca-prod.accela.com/POL/Login.aspx?tabname=Home</a>
Renewal:	<a href="https://aca-prod.accela.com/POL/Default.aspx">https://aca-prod.accela.com/POL/Default.aspx</a>
Laws & Rules:	<a href="https://boards.bsd.dli.mt.gov/professional-engineers-land-surveyors/regulations/2019-MCA-Title-37-Ch-1-All-boards.pdf">https://boards.bsd.dli.mt.gov/professional-engineers-land-surveyors/regulations/2019-MCA-Title-37-Ch-1-All-boards.pdf</a>
Laws of the Board:	<a href="https://archive.legmt.gov/bills/mca/title_0370/chapter_0670/parts_index.html">https://archive.legmt.gov/bills/mca/title_0370/chapter_0670/parts_index.html</a>
Rules of the Board:	<a href="https://rules.mt.gov/browse/collections/aec52c46-128e-4279-9068-8af5d5432d74/sections/1b385147-3f0c-425d-b510-e28863506614">https://rules.mt.gov/browse/collections/aec52c46-128e-4279-9068-8af5d5432d74/sections/1b385147-3f0c-425d-b510-e28863506614</a>