S T A T E O F N E W Y O R K

4821

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. AUBERTINE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to exempting certain persons involved in the design and construction of small onsite wastewater treatment systems from certain requirements relating to the practice of a professional engineer or licensed land surveyor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions n, o and p of section 7208 of the education law, subdivisions n and o as added by chapter 987 of the laws of 1971 and subdivision p as added by chapter 954 of the laws of 1972, are amended and a new subdivision q is added to read as follows:

n. The design by a land surveyor of roads, drainage, water supply or sanitary sewerage facilities of a minor nature in connection with subdivisions and the extension and inspection thereof, but not including sewage disposal or treatment plants, lift stations, pumping stations, commercial buildings or bridges, provided the surveyor was licensed as a land surveyor in this state on or before the first day of January in the year in which this act shall have become a law and files evidence satisfactory to the board on or before the first day of July in the year next succeeding the year in which this act shall have become a law, attesting that he is competent and experienced in the engineering required for design of such facilities appurtenant to subdivisions; [or]

o. Using the title "marine operating engineer", "stationary engineer", "port of customs surveyor", or "ship surveyor"[.];

p. Contractors or builders from engaging in construction management and administration of construction contracts[.]; OR

Q. THE CONSULTATION, INVESTIGATION, EVALUATION, PLANNING, DESIGN, INSPECTION AND SUPERVISION OF CONSTRUCTION OR OPERATION OF SINGLE-FAMILY RESIDENTIAL AND SMALL COMMERCIAL ONSITE WASTEWATER TREATMENT SYSTEMS WITH LESS THAN ONE THOUSAND FIVE HUNDRED GALLONS PER DAY FOR RATES FOR

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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CONVENTIONAL TYPE SYSTEMS: ABSORPTION FIELD SYSTEMS, GRAVELLESS ABSORPTION SYSTEMS, DEEP ABSORPTION SYSTEMS, SHALLOW ABSORPTION SYSTEMS, CUT AND FILL SYSTEMS, ABSORPTION BED SYSTEMS, SEEPAGE PITS AND LOCAL WAIVERED SYSTEMS APPROVED BY THE NEW YORK STATE DEPARTMENT OF HEALTH BY A NEW YORK STATE LICENSED LAND SURVEYOR OR LOCAL WATERSHED INSPECTOR CERTIFIED BY THE NEW YORK STATE ONSITE WASTEWATER TREATMENT TRAINING NETWORK (NYSOWTTN) OR OTHER ENTITY APPROVED BY THE DEPARTMENT. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, LICENSED PROFESSIONAL ENGINEERS AND PROFESSIONAL ARCHITECTS MAY PERFORM DUTIES AS STATED IN THIS SUBDIVISION AND SHALL BE EXEMPT FROM CERTIFICATION BY THE NYSOWTTN.

S 2. This act shall take effect immediately.