

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

4774--C

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ENGLEBRIGHT, CAHILL, ROSENTHAL -- Multi-Sponsored by -- M. of A. MILLER -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, the business corporation law, the limited liability company law and the partnership law, in relation to providing for the licensing of the profession of geology

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

1 Section 1. The education law is amended by adding three new sections
2 7204-a, 7204-b and 7206-b to read as follows:
3 S 7204-A. THE PRACTICE OF THE PROFESSION OF GEOLOGY. THE PRACTICE OF
4 THE PROFESSION OF GEOLOGY IS DEFINED AS THE PERFORMANCE OF GEOLOGY
5 INCLUDING, BUT NOT LIMITED TO, RESEARCHING, INVESTIGATING, CONSULTING
6 AND GEOLOGICAL MAPPING, DESCRIBING THE NATURAL PROCESSES THAT ACT UPON
7 THE EARTH'S MATERIALS, PREDICTING THE PROBABLE OCCURRENCE OF NATURAL
8 RESOURCES, PREDICTING AND LOCATING NATURAL OR HUMAN-INDUCED PHENOMENA
9 WHICH MAY BE USEFUL OR HAZARDOUS TO HUMANKIND AND RECOGNIZING, DETERMIN-
10 ING AND EVALUATING GEOLOGICAL FACTORS, AND THE INSPECTION AND PERFORM-
11 ANCE OF GEOLOGICAL WORK AND THE RESPONSIBLE SUPERVISION THEREOF IN
12 FURTHERANCE OF THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC; PROVIDED,
13 HOWEVER, THAT GEOLOGICAL MAPPING SHALL NOT INCLUDE THE PRACTICE OF LAND
14 SURVEYING AS DEFINED IN SECTION SEVENTY-TWO HUNDRED THREE OF THIS ARTI-
15 CLE.
16 S 7204-B. PRACTICE OF GEOLOGY AND THE USE OF TITLE "LICENSED PROFES-
17 SIONAL GEOLOGIST". ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED UNDER

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

LBD06870-06-9

1 THIS ARTICLE SHALL PRACTICE THE PROFESSION OF GEOLOGY OR USE THE TITLE
2 "LICENSED PROFESSIONAL GEOLOGIST".

3 S 7206-B. REQUIREMENTS FOR A LICENSE AS A LICENSED GEOLOGIST. 1. TO
4 QUALIFY FOR A LICENSE AS A LICENSED GEOLOGIST, AN APPLICANT SHALL
5 FULFILL THE FOLLOWING REQUIREMENTS:

6 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

7 (B) EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING A BACHELOR'S OR
8 HIGHER DEGREE IN GEOLOGICAL SCIENCES, IN ACCORDANCE WITH THE COMMISSION-
9 ER'S REGULATIONS;

10 (C) EXPERIENCE: HAVE AT LEAST FIVE YEARS PRACTICAL EXPERIENCE SATIS-
11 FACTORY TO THE BOARD IN APPROPRIATE GEOLOGICAL WORK; UP TO ONE YEAR OF
12 EXPERIENCE MAY BE CREDITED FOR AN ADVANCED DEGREE (MASTERS, DOCTORATE OR
13 AN EQUIVALENT THEREOF) IN ACCORDANCE WITH THE COMMISSIONER'S REGU-
14 LATIONS;

15 (D) EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE BOARD AND IN
16 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

17 (E) AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

18 (F) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-
19 MENT; AND

20 (G) FEES: PAY A FEE OF TWO HUNDRED TWENTY DOLLARS TO THE DEPARTMENT
21 FOR ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL
22 LICENSE, AND A FEE OF TWO HUNDRED TEN DOLLARS FOR EACH TRIENNIAL REGIS-
23 TRATION PERIOD.

24 2. IN LIEU OF THE EDUCATION AND EXPERIENCE REQUIREMENTS SPECIFIED IN
25 PARAGRAPHS (B) AND (C) OF SUBDIVISION ONE OF THIS SECTION, TWELVE YEARS
26 OF PRACTICAL EXPERIENCE IN GEOLOGICAL WORK OF A GRADE AND CHARACTER
27 SATISFACTORY TO THE BOARD MAY BE ACCEPTED BY THE DEPARTMENT.

28 3. AN APPLICANT WHO APPLIES FOR LICENSURE WITHIN ONE YEAR AFTER THE
29 EFFECTIVE DATE OF THIS SECTION SHALL BE QUALIFIED FOR A LICENSE AS A
30 LICENSED GEOLOGIST WITHOUT A WRITTEN EXAMINATION IF THE APPLICANT HAS
31 SATISFIED THE REQUIREMENTS OF EDUCATION AND EXPERIENCE DESCRIBED IN
32 PARAGRAPHS (B) AND (C) OF SUBDIVISION ONE OR SUBDIVISION TWO OF THIS
33 SECTION NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

34 S 2. Subdivision 3 of section 7207 of the education law is renumbered
35 subdivision 4 and a new subdivision 3 is added to read as follows:

36 3. ON RECOMMENDATION OF THE BOARD, THE DEPARTMENT MAY ISSUE A LIMITED
37 PERMIT TO PRACTICE AS A LICENSED GEOLOGIST TO A GEOLOGIST NOT A RESIDENT
38 OF THIS STATE AND HAVING NO ESTABLISHED PLACE OF PRACTICE IN THIS STATE
39 WHO IS LEGALLY QUALIFIED TO PRACTICE AS SUCH IN HIS OR HER OWN COUNTRY
40 OR STATE WITH STANDARDS EQUIVALENT TO THOSE ENUMERATED IN THIS ARTICLE
41 AND WHO SUBMITS EVIDENCE SATISFACTORY TO THE BOARD ESTABLISHED AND
42 RECOGNIZED PROFESSIONAL STANDING IN HIS OR HER OWN COUNTRY OR STATE AND
43 WHO SUBMITS SATISFACTORY CERTIFICATION AS TO CHARACTER AND QUALIFICA-
44 TIONS FROM AT LEAST TWO LICENSED PROFESSIONAL GEOLOGISTS, ONE OF WHOM
45 SHALL BE A RESIDENT OF THIS STATE. SUCH LIMITED PERMIT SHALL BE ISSUED
46 SOLELY IN CONNECTION WITH THE SPECIFIC PROJECT FOR WHICH SUCH LIMITED
47 PERMIT IS GRANTED. THE FEE FOR EACH LIMITED PERMIT SHALL BE ONE HUNDRED
48 FIVE DOLLARS.

49 S 3. The section heading of section 7208 of the education law, as
50 added by chapter 987 of the laws of 1971, is amended to read as follows:

51 Exempt persons FOR THE PROFESSIONS OF ENGINEERING AND LAND SURVEYING.

52 S 4. The education law is amended by adding a new section 7208-a to
53 read as follows:

54 S 7208-A. EXEMPT PERSONS IN OR RELATED TO THE PROFESSION OF GEOLOGY.
55 NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AFFECT OR PREVENT:

1 1. THE EMPLOYMENT AND SUPERVISION OF INTERNS AND OTHER PERSONS QUALI-
2 FIED BY EDUCATION OR EXPERIENCE BY LICENSED GEOLOGISTS AS ASSISTANTS IN
3 THE PERFORMANCE OF GEOLOGICAL SERVICES, OR AS CONSULTANTS OR EMPLOYEES
4 IN SPECIAL FIELDS RELATED TO BUT NOT UNIQUELY GEOLOGY, PROVIDED THAT THE
5 LICENSED GEOLOGIST EMPLOYING OR SUPERVISING SUCH PERSONS SHALL NOT BE
6 RELIEVED OF ANY RESPONSIBILITY WHATSOEVER BY DELEGATION TO SUCH PERSONS.

7 2. THE PRACTICE OF PROFESSIONAL ENGINEERING BY A PROFESSIONAL ENGINEER
8 LICENSED PURSUANT TO THIS ARTICLE TO PRACTICE ENGINEERING IN THIS STATE
9 OR AN ENTITY AUTHORIZED PURSUANT TO SECTION SEVENTY-TWO HUNDRED TEN OF
10 THIS ARTICLE TO PROVIDE ENGINEERING IN THIS STATE, INCLUDING THE INVES-
11 TIGATION, ACQUISITION, EVALUATION, AND INTERPRETATION OF THE PHYSICAL
12 AND CHEMICAL PROPERTIES OF THE SOIL, ROCK, GROUNDWATER, EARTH MATERIALS
13 AND DATA RELATED THERETO, AND THE PERFORMANCE OF ACTIVITIES AS SPECIFIED
14 IN SECTION SEVENTY-TWO HUNDRED FOUR-A OF THIS ARTICLE, PROVIDED THAT NO
15 SUCH PERSON SHALL USE THE DESIGNATION, OR HOLD HIMSELF OR HERSELF OUT AS
16 A "LICENSED PROFESSIONAL GEOLOGIST," UNLESS LICENSED AS SUCH IN THIS
17 STATE.

18 3. THE PRACTICE OF LAND SURVEYING BY ANY PERSON THAT IS LICENSED OR
19 OTHERWISE AUTHORIZED TO PRACTICE LAND SURVEYING IN THIS STATE, PROVIDED
20 THAT NO SUCH PERSON SHALL USE THE DESIGNATION OR HOLD HIMSELF OR HERSELF
21 OUT AS A "LICENSED PROFESSIONAL GEOLOGIST" UNLESS LICENSED AS SUCH IN
22 THIS STATE.

23 4. THE EXECUTION OF WORK BY CONTRACTORS OR BY OTHERS OF WORK PREPARED
24 BY A LICENSED GEOLOGIST, OR THE SUPERINTENDENCE OF SUCH WORK AS A SUPER-
25 INTENDENT, FOREMAN OR INSPECTOR.

26 5. THE PRACTICE OF THE PROFESSION OF GEOLOGY BY OFFICERS AND EMPLOY-
27 EES OF THIS STATE PRACTICING SOLELY AS OFFICERS AND EMPLOYEES; PROVIDED,
28 HOWEVER, THAT THIS EXEMPTION SHALL NOT APPLY TO OFFICERS AND EMPLOYEES
29 OF THE STATE OF NEW YORK WHO COMMENCE EMPLOYMENT OR THE PERFORMANCE OF
30 WORK RELATED ACTIVITIES AFTER THE EFFECTIVE DATE OF THIS SECTION.

31 6. THE EXECUTION OF GEOLOGICAL RESEARCH AND/OR TEACHING CONDUCTED AT
32 ACCREDITED EDUCATIONAL INSTITUTIONS AND NOT-FOR-PROFIT RESEARCH INSTI-
33 TUTIONS, CONDUCTED SOLELY THROUGH THOSE INSTITUTIONS.

34 7. WORK CUSTOMARILY PERFORMED BY PHYSICAL OR NATURAL SCIENTISTS
35 PROVIDED SUCH WORK DOES NOT INCLUDE GEOLOGICAL INVESTIGATIONS, BEING IN
36 RESPONSIBLE CHARGE OF GEOLOGICAL WORK, OR THE DRAWING OF GEOLOGICAL
37 CONCLUSIONS AND RECOMMENDATIONS.

38 8. WORK CUSTOMARILY PERFORMED BY WELL DRILLERS CERTIFIED PURSUANT TO
39 THE PROVISIONS OF THE ENVIRONMENTAL CONSERVATION LAW.

40 S 5. The section heading of section 7209 of the education law, as
41 added by chapter 987 of the laws of 1971, is amended to read as follows:

42 Special provisions FOR THE PROFESSIONS OF ENGINEERING AND LAND SURVEY-
43 ING.

44 S 6. The education law is amended by adding a new section 7209-a to
45 read as follows:

46 S 7209-A. SPECIAL PROVISIONS FOR THE PROFESSION OF GEOLOGY. 1. EVERY
47 LICENSED GEOLOGIST SHALL HAVE A SEAL, APPROVED BY THE BOARD, WHICH SHALL
48 CONTAIN THE NAME OF THE LICENSED GEOLOGIST AND THE WORDS "LICENSED
49 PROFESSIONAL GEOLOGIST" AND SUCH OTHER WORDS OR FIGURES AS THE BOARD MAY
50 DEEM NECESSARY. ALL GEOLOGICAL DRAWINGS AND REPORTS, PREPARED BY SUCH
51 GEOLOGIST OR BY A FULL-TIME OR PART-TIME SUBORDINATE EMPLOYED UNDER HIS
52 OR HER SUPERVISION, SHALL BE STAMPED WITH SUCH SEAL AND SHALL ALSO BE
53 SIGNED ON THE ORIGINAL WITH THE PERSONAL SIGNATURE OF SUCH GEOLOGIST
54 WHEN FILED WITH APPROPRIATE PUBLIC OFFICIALS. NO OFFICIAL OF THIS STATE,
55 OR OF ANY COUNTY, CITY, TOWN OR VILLAGE THEREIN, CHARGED WITH THE

1 ENFORCEMENT OF LAWS, ORDINANCES OR REGULATIONS SHALL ACCEPT OR APPROVE
2 ANY GEOLOGIC DRAWINGS OR REPORTS THAT ARE NOT STAMPED:

3 (A) WITH THE SEAL OF A LICENSED PROFESSIONAL GEOLOGIST AND BEARING THE
4 AUTHORIZED FACSIMILE OF THE SIGNATURE OF SUCH LICENSED PROFESSIONAL
5 GEOLOGIST;

6 (B) WITH THE OFFICIAL SEAL AND AUTHORIZED FACSIMILE OF THE SIGNATURE
7 OF A GEOLOGIST WHO HAS BEEN GRANTED A LIMITED PERMIT PURSUANT TO SUBDI-
8 VISION THREE OF SECTION SEVENTY-TWO HUNDRED SEVEN OF THIS ARTICLE,
9 PROVIDED THAT THE GEOLOGIC DRAWINGS AND REPORTS ARE ACCOMPANIED BY AND
10 HAVE ATTACHED THERETO WRITTEN AUTHORIZATION ISSUED BY THE DEPARTMENT
11 CERTIFYING TO THE GRANTING OF SUCH LIMITED PERMIT; OR

12 (C) WITH THE SEAL OF A LICENSED PROFESSIONAL ENGINEER AND BEARING THE
13 AUTHORIZED FACSIMILE OF THE SIGNATURE OF SUCH LICENSED PROFESSIONAL
14 ENGINEER; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE
15 DEEMED TO EXPAND THE SCOPE OF THE PRACTICE OF A LICENSED PROFESSIONAL
16 ENGINEER AS DEFINED IN SECTION SEVENTY-TWO HUNDRED ONE OF THIS ARTICLE.

17 2. ALL GEOLOGIC DRAWINGS AND REPORTS TO WHICH SUCH SEAL HAS BEEN
18 APPLIED SHALL ALSO BE STAMPED WITH APPROPRIATE WORDING WARNING THAT IT
19 IS A VIOLATION OF THIS LAW FOR ANY PERSON, UNLESS HE OR SHE IS ACTING
20 UNDER THE DIRECTION OF A LICENSED GEOLOGIST OR PROFESSIONAL ENGINEER, TO
21 ALTER A DRAWING OR REPORT IN ANY WAY. IF AN ITEM BEARING THE SEAL OF A
22 LICENSED PROFESSIONAL GEOLOGIST OR PROFESSIONAL ENGINEER IS ALTERED, THE
23 ALTERING PARTY SHALL AFFIX TO THE ITEM HIS OR HER SEAL AND THE NOTATION
24 "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE AND THE DATE OF SUCH
25 ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

26 3. ENGINEERS, LAND SURVEYORS, ARCHITECTS, LANDSCAPE ARCHITECTS AND
27 LICENSED GEOLOGISTS MAY JOIN IN THE FORMATION OF A JOINT-ENTERPRISE, A
28 PARTNERSHIP, A PROFESSIONAL SERVICE CORPORATION OR A PROFESSIONAL
29 SERVICE LIMITED LIABILITY COMPANY, OR MAY FORM ANY DESIRED COMBINATION
30 OF SUCH PROFESSIONS, AND MAY USE IN THE NAME OF SUCH ENTITY OR ENTITIES
31 THE TITLE OF ANY OF THE PROFESSIONS WHICH WILL BE PRACTICED. AFTER THE
32 NAME OF EACH MEMBER, HIS OR HER PROFESSION SHALL BE INDICATED.

33 4. A LICENSED PROFESSIONAL GEOLOGIST IS NOT AUTHORIZED TO PRACTICE
34 PROFESSIONAL ENGINEERING UNLESS HE OR SHE IS LICENSED AS A PROFESSIONAL
35 ENGINEER PURSUANT TO THIS ARTICLE.

36 S 7. Subdivision 4 of section 7209 of the education law, as added by
37 chapter 987 of the laws of 1971, is amended to read as follows:

38 4. Engineers, land surveyors, architects, [and] landscape architects
39 AND LICENSED GEOLOGISTS may join in the formation of a joint enterprise,
40 [or] a partnership [or], a professional service corporation, A PROFES-
41 SIONAL SERVICE LIMITED LIABILITY COMPANY OR A REGISTERED LIMITED LIABIL-
42 ITY PARTNERSHIP, or may form any desired combination of such professions
43 and may use in the name of such [corporation] ENTITY OR ENTITIES the
44 title of any of the professions which will be practiced. After the name
45 of each member his OR HER profession shall be indicated.

46 S 8. Subdivision 2 of section 7307 of the education law, as added by
47 chapter 987 of the laws of 1971, is amended to read as follows:

48 2. Engineers, land surveyors, architects [and], landscape architects
49 AND LICENSED GEOLOGISTS may join in the formation of a joint enterprise,
50 [or] a partnership [or], a professional service corporation, A PROFES-
51 SIONAL SERVICE LIMITED LIABILITY COMPANY OR A REGISTERED LIMITED LIABIL-
52 ITY PARTNERSHIP, or may form any desired combination of such professions
53 and may use in the name of such corporation the title of any of the
54 professions which will be practiced. After the name of each member his
55 OR HER profession shall be indicated.

1 S 9. The article heading of article 145 of the education law, as added
2 by chapter 987 of the laws of 1971, is amended to read as follows:

3 ENGINEERING [AND], LAND SURVEYING AND
4 GEOLOGY

5 S 10. Section 7200 of the education law, as added by chapter 987 of
6 the laws of 1971, is amended to read as follows:

7 S 7200. Introduction. This article applies to the professions of
8 engineering [and], land surveying AND GEOLOGY. The general provisions
9 for all professions contained in article one hundred thirty of this
10 title apply to this article.

11 S 11. Section 7205 of the education law, as amended by chapter 521 of
12 the laws of 1998, is amended to read as follows:

13 S 7205. State board for engineering [and], land surveying AND GEOLOGY.
14 A state board for engineering [and], land surveying AND GEOLOGY shall be
15 appointed by the board of regents on recommendation of the commissioner
16 for the purpose of assisting the board of regents and the department on
17 matters of professional licensing and professional conduct in accordance
18 with section sixty-five hundred eight of this title. The board shall be
19 composed of not less than seven professional engineers and not less than
20 two land surveyors licensed in this state AND NOT LESS THAN TWO GEOL-
21 GISTS LICENSED IN THIS STATE. An executive secretary to the board shall
22 be appointed by the board of regents on recommendation of the commis-
23 sioner and shall be a professional engineer [or], land surveyor OR GEOL-
24 OGIST licensed in this state.

25 S 12. Paragraph (a) of section 1503 of the business corporation law,
26 as added by chapter 974 of the laws of 1970, is amended to read as
27 follows:

28 (a) Notwithstanding any other provision of law, one or more individ-
29 uals duly authorized by law to render the same professional service
30 within the state may organize, or cause to be organized, a professional
31 service corporation for pecuniary profit under this article for the
32 purpose of rendering the same professional service, except that one or
33 more individuals duly authorized by law to practice professional engi-
34 neering, architecture, landscape architecture [or], land surveying OR
35 GEOLOGY within the state may organize, or cause to be organized, a
36 professional service corporation for pecuniary profit under this article
37 for the purpose of rendering such professional services as such individ-
38 uals are authorized to practice.

39 S 13. Paragraph (b) of section 1504 of the business corporation law,
40 as added by chapter 974 of the laws of 1970, is amended to read as
41 follows:

42 (b) Each final plan and report made or issued by a corporation prac-
43 ticing professional engineering, architecture, landscape architecture
44 [or], land surveying OR GEOLOGY shall bear the name and seal of one or
45 more professional engineers, architects, landscape architects, [or] land
46 surveyors OR GEOLOGISTS, respectively, who are in responsible charge of
47 such plan or report.

48 S 14. Subdivision (a) of section 1203 of the limited liability company
49 law, as separately amended by chapters 420 and 676 of the laws of 2002,
50 is amended to read as follows:

51 (a) Notwithstanding the education law or any other provision of law,
52 one or more professionals each of whom is authorized by law to render a
53 professional service within the state, or one or more professionals, at
54 least one of whom is authorized by law to render a professional service
55 within the state, may form, or cause to be formed, a professional

1 service limited liability company for pecuniary profit under this arti-
2 cle for the purpose of rendering the professional service or services as
3 such professionals are authorized to practice. With respect to a profes-
4 sional service limited liability company formed to provide medical
5 services as such services are defined in article 131 of the education
6 law, each member of such limited liability company must be licensed
7 pursuant to article 131 of the education law to practice medicine in
8 this state. With respect to a professional service limited liability
9 company formed to provide dental services as such services are defined
10 in article 133 of the education law, each member of such limited liabil-
11 ity company must be licensed pursuant to article 133 of the education
12 law to practice dentistry in this state. With respect to a professional
13 service limited liability company formed to provide veterinary services
14 as such services are defined in article 135 of the education law, each
15 member of such limited liability company must be licensed pursuant to
16 article 135 of the education law to practice veterinary medicine in this
17 state. With respect to a professional service limited liability company
18 formed to provide professional engineering, land surveying, architec-
19 tural [and/or], landscape architectural AND/OR GEOLOGICAL services as
20 such services are defined in article 145, article 147 and article 148 of
21 the education law, each member of such limited liability company must be
22 licensed pursuant to article 145, article 147 and/or article 148 of the
23 education law to practice one or more of such professions in this state.
24 With respect to a professional service limited liability company formed
25 to provide licensed clinical social work services as such services are
26 defined in article 154 of the education law, each member of such limited
27 liability company shall be licensed pursuant to article 154 of the
28 education law to practice licensed clinical social work in this state.
29 With respect to a professional service limited liability company formed
30 to provide creative arts therapy services as such services are defined
31 in article 163 of the education law, each member of such limited liabil-
32 ity company must be licensed pursuant to article 163 of the education
33 law to practice creative arts therapy in this state. With respect to a
34 professional service limited liability company formed to provide
35 marriage and family therapy services as such services are defined in
36 article 163 of the education law, each member of such limited liability
37 company must be licensed pursuant to article 163 of the education law to
38 practice marriage and family therapy in this state. With respect to a
39 professional service limited liability company formed to provide mental
40 health counseling services as such services are defined in article 163
41 of the education law, each member of such limited liability company must
42 be licensed pursuant to article 163 of the education law to practice
43 mental health counseling in this state. With respect to a professional
44 service limited liability company formed to provide psychoanalysis
45 services as such services are defined in article 163 of the education
46 law, each member of such limited liability company must be licensed
47 pursuant to article 163 of the education law to practice psychoanalysis
48 in this state. In addition to engaging in such profession or
49 professions, a professional service limited liability company may engage
50 in any other business or activities as to which a limited liability
51 company may be formed under section two hundred one of this chapter.
52 Notwithstanding any other provision of this section, a professional
53 service limited liability company (i) authorized to practice law may
54 only engage in another profession or business or activities or (ii)
55 which is engaged in a profession or other business or activities other
56 than law may only engage in the practice of law, to the extent not

1 prohibited by any other law of this state or any rule adopted by the
2 appropriate appellate division of the supreme court or the court of
3 appeals.

4 S 15. Subdivision (b) of section 1207 of the limited liability company
5 law, as separately amended by chapters 420 and 676 of the laws of 2002,
6 is amended to read as follows:

7 (b) with respect to a professional service limited liability company
8 formed to provide medical services as such services are defined in arti-
9 cle 131 of the education law, each member of such limited liability
10 company must be licensed pursuant to article 131 of the education law to
11 practice medicine in this state. With respect to a professional service
12 limited liability company formed to provide dental services as such
13 services are defined in article 133 of the education law, each member of
14 such limited liability company must be licensed pursuant to article 133
15 of the education law to practice dentistry in this state. With respect
16 to a professional service limited liability company formed to provide
17 veterinary services as such services are defined in article 135 of the
18 education law, each member of such limited liability company must be
19 licensed pursuant to article 135 of the education law to practice veter-
20 inary medicine in this state. With respect to a professional service
21 limited liability company formed to provide professional engineering,
22 land surveying, architectural [and/or], landscape architectural AND/OR
23 GEOLOGICAL services as such services are defined in article 145, article
24 147 and article 148 of the education law, each member of such limited
25 liability company must be licensed pursuant to article 145, article 147
26 and/or article 148 of the education law to practice one or more of such
27 professions in this state. With respect to a professional service limit-
28 ed liability company formed to provide licensed clinical social work
29 services as such services are defined in article 154 of the education
30 law, each member of such limited liability company shall be licensed
31 pursuant to article 154 of the education law to practice licensed clin-
32 ical social work in this state. With respect to a professional service
33 limited liability company formed to provide creative arts therapy
34 services as such services are defined in article 163 of the education
35 law, each member of such limited liability company must be licensed
36 pursuant to article 163 of the education law to practice creative arts
37 therapy in this state. With respect to a professional service limited
38 liability company formed to provide marriage and family therapy services
39 as such services are defined in article 163 of the education law, each
40 member of such limited liability company must be licensed pursuant to
41 article 163 of the education law to practice marriage and family therapy
42 in this state. With respect to a professional service limited liability
43 company formed to provide mental health counseling services as such
44 services are defined in article 163 of the education law, each member of
45 such limited liability company must be licensed pursuant to article 163
46 of the education law to practice mental health counseling in this state.
47 With respect to a professional service limited liability company formed
48 to provide psychoanalysis services as such services are defined in arti-
49 cle 163 of the education law, each member of such limited liability
50 company must be licensed pursuant to article 163 of the education law to
51 practice psychoanalysis in this state.

52 S 16. Subdivision (q) of section 121-1500 of the partnership law, as
53 separately amended by chapters 420 and 676 of the laws of 2002, is
54 amended to read as follows:

55 (q) Each partner of a registered limited liability partnership formed
56 to provide medical services in this state must be licensed pursuant to

1 article 131 of the education law to practice medicine in this state and
2 each partner of a registered limited liability partnership formed to
3 provide dental services in this state must be licensed pursuant to arti-
4 cle 133 of the education law to practice dentistry in this state. Each
5 partner of a registered limited liability partnership formed to provide
6 veterinary services in this state must be licensed pursuant to article
7 135 of the education law to practice veterinary medicine in this state.
8 Each partner of a registered limited liability partnership formed to
9 provide professional engineering, GEOLOGICAL SERVICES, land surveying,
10 architectural and/or landscape architectural services in this state must
11 be licensed pursuant to article 145, article 147 and/or article 148 of
12 the education law to practice one or more of such professions in this
13 state. Each partner of a registered limited liability partnership formed
14 to provide licensed clinical social work services in this state must be
15 licensed pursuant to article 154 of the education law to practice clin-
16 ical social work in this state. Each partner of a registered limited
17 liability partnership formed to provide creative arts therapy services
18 in this state must be licensed pursuant to article 163 of the education
19 law to practice creative arts therapy in this state. Each partner of a
20 registered limited liability partnership formed to provide marriage and
21 family therapy services in this state must be licensed pursuant to arti-
22 cle 163 of the education law to practice marriage and family therapy in
23 this state. Each partner of a registered limited liability partnership
24 formed to provide mental health counseling services in this state must
25 be licensed pursuant to article 163 of the education law to practice
26 mental health counseling in this state. Each partner of a registered
27 limited liability partnership formed to provide psychoanalysis services
28 in this state must be licensed pursuant to article 163 of the education
29 law to practice psychoanalysis in this state.

30 S 17. Subdivision (q) of section 121-1502 of the partnership law, as
31 amended by chapter 230 of the laws of 2004, is amended to read as
32 follows:

33 (q) Each partner of a foreign limited liability partnership which
34 provides medical services in this state must be licensed pursuant to
35 article 131 of the education law to practice medicine in the state and
36 each partner of a foreign limited liability partnership which provides
37 dental services in the state must be licensed pursuant to article 133 of
38 the education law to practice dentistry in this state. Each partner of a
39 foreign limited liability partnership which provides veterinary service
40 in the state shall be licensed pursuant to article 135 of the education
41 law to practice veterinary medicine in this state. Each partner of a
42 foreign limited liability partnership which provides professional engi-
43 neering, land surveying, GEOLOGICAL SERVICES, architectural and/or land-
44 scape architectural services in this state must be licensed pursuant to
45 article 145, article 147 and/or article 148 of the education law to
46 practice one or more of such professions. Each partner of a foreign
47 limited liability partnership which provides licensed clinical social
48 work services in this state must be licensed pursuant to article 154 of
49 the education law to practice licensed clinical social work in this
50 state. Each partner of a foreign limited liability partnership which
51 provides creative arts therapy services in this state must be licensed
52 pursuant to article 163 of the education law to practice creative arts
53 therapy in this state. Each partner of a foreign limited liability part-
54 nership which provides marriage and family therapy services in this
55 state must be licensed pursuant to article 163 of the education law to
56 practice marriage and family therapy in this state. Each partner of a

1 foreign limited liability partnership which provides mental health coun-
2 seling services in this state must be licensed pursuant to article 163
3 of the education law to practice mental health counseling in this state.
4 Each partner of a foreign limited liability partnership which provides
5 psychoanalysis services in this state must be licensed pursuant to arti-
6 cle 163 of the education law to practice psychoanalysis in this state.
7 S 18. This act shall take effect three years after the date on which
8 it shall have become a law.