

1116

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

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

AN ACT to amend the education law, the business corporation law, the
limited liability company law and the partnership law, in relation to
the practice of geology

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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
18 THIS ARTICLE SHALL PRACTICE THE PROFESSION OF GEOLOGY OR USE THE TITLE
19 "LICENSED PROFESSIONAL GEOLOGIST".
20 S 7206-B. REQUIREMENTS FOR A LICENSE AS A LICENSED GEOLOGIST. 1. TO
21 QUALIFY FOR A LICENSE AS A LICENSED GEOLOGIST, AN APPLICANT SHALL
22 FULFILL THE FOLLOWING REQUIREMENTS:
23 (A) APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;
24 (B) EDUCATION: HAVE RECEIVED AN EDUCATION, INCLUDING A BACHELOR'S OR
25 HIGHER DEGREE IN GEOLOGICAL SCIENCES, IN ACCORDANCE WITH THE COMMISSION-
26 ER'S REGULATIONS;

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

LBD06870-01-9

(C) EXPERIENCE: HAVE AT LEAST FIVE YEARS PRACTICAL EXPERIENCE SATISFACTORY TO THE BOARD IN APPROPRIATE GEOLOGICAL WORK; UP TO ONE YEAR OF EXPERIENCE MAY BE CREDITED FOR AN ADVANCED DEGREE (MASTERS, DOCTORATE OR AN EQUIVALENT THEREOF) IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

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

(F) CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

(G) FEES: PAY A FEE OF TWO HUNDRED TWENTY DOLLARS TO THE DEPARTMENT FOR ADMISSION TO A DEPARTMENT CONDUCTED EXAMINATION AND FOR AN INITIAL LICENSE, AND A FEE OF TWO HUNDRED TEN DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

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

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

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

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

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

Exempt persons FOR THE PROFESSIONS OF ENGINEERING AND LAND SURVEYING.

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

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

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

2. THE PRACTICE OF PROFESSIONAL ENGINEERING BY A PROFESSIONAL ENGINEER LICENSED PURSUANT TO THIS ARTICLE TO PRACTICE ENGINEERING IN THIS STATE OR AN ENTITY AUTHORIZED PURSUANT TO SECTION SEVENTY-TWO HUNDRED TEN OF THIS ARTICLE TO PROVIDE ENGINEERING IN THIS STATE, INCLUDING THE INVES-

1 TIGATION, ACQUISITION, EVALUATION, AND INTERPRETATION OF THE PHYSICAL
2 AND CHEMICAL PROPERTIES OF THE SOIL, ROCK, GROUNDWATER, EARTH MATERIALS
3 AND DATA RELATED THERETO, AND THE PERFORMANCE OF ACTIVITIES AS SPECIFIED
4 IN SECTION SEVENTY-TWO HUNDRED FOUR-A OF THIS ARTICLE, PROVIDED THAT NO
5 SUCH PERSON SHALL USE THE DESIGNATION, OR HOLD HIMSELF OR HERSELF OUT AS
6 A "LICENSED PROFESSIONAL GEOLOGIST," UNLESS LICENSED AS SUCH IN THIS
7 STATE.

8 3. THE PRACTICE OF LAND SURVEYING BY ANY PERSON THAT IS LICENSED OR
9 OTHERWISE AUTHORIZED TO PRACTICE LAND SURVEYING IN THIS STATE, PROVIDED
10 THAT NO SUCH PERSON SHALL USE THE DESIGNATION OR HOLD HIMSELF OR HERSELF
11 OUT AS A "LICENSED PROFESSIONAL GEOLOGIST" UNLESS LICENSED AS SUCH IN
12 THIS STATE.

13 4. THE EXECUTION OF WORK BY CONTRACTORS OR BY OTHERS OF WORK PREPARED
14 BY A LICENSED GEOLOGIST, OR THE SUPERINTENDENCE OF SUCH WORK AS A SUPER-
15 INTENDENT, FOREMAN OR INSPECTOR.

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

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

24 7. WORK CUSTOMARILY PERFORMED BY PHYSICAL OR NATURAL SCIENTISTS
25 PROVIDED SUCH WORK DOES NOT INCLUDE GEOLOGICAL INVESTIGATIONS, BEING IN
26 RESPONSIBLE CHARGE OF GEOLOGICAL WORK, OR THE DRAWING OF GEOLOGICAL
27 CONCLUSIONS AND RECOMMENDATIONS.

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

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

32 Special provisions FOR THE PROFESSIONS OF ENGINEERING AND LAND SURVEY-
33 ING.

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

36 S 7209-A. SPECIAL PROVISIONS FOR THE PROFESSION OF GEOLOGY. 1. EVERY
37 LICENSED GEOLOGIST SHALL HAVE A SEAL, APPROVED BY THE BOARD, WHICH SHALL
38 CONTAIN THE NAME OF THE LICENSED GEOLOGIST AND THE WORDS "LICENSED
39 PROFESSIONAL GEOLOGIST" AND SUCH OTHER WORDS OR FIGURES AS THE BOARD MAY
40 DEEM NECESSARY. ALL GEOLOGICAL DRAWINGS AND REPORTS, PREPARED BY SUCH
41 GEOLOGIST OR BY A FULL-TIME OR PART-TIME SUBORDINATE EMPLOYED UNDER HIS
42 OR HER SUPERVISION, SHALL BE STAMPED WITH SUCH SEAL AND SHALL ALSO BE
43 SIGNED ON THE ORIGINAL WITH THE PERSONAL SIGNATURE OF SUCH GEOLOGIST
44 WHEN FILED WITH APPROPRIATE PUBLIC OFFICIALS. NO OFFICIAL OF THIS STATE,
45 OR OF ANY COUNTY, CITY, TOWN OR VILLAGE THEREIN, CHARGED WITH THE
46 ENFORCEMENT OF LAWS, ORDINANCES OR REGULATIONS SHALL ACCEPT OR APPROVE
47 ANY GEOLOGIC DRAWINGS OR REPORTS THAT ARE NOT STAMPED:

48 (A) WITH THE SEAL OF A LICENSED PROFESSIONAL GEOLOGIST AND BEARING THE
49 AUTHORIZED FACSIMILE OF THE SIGNATURE OF SUCH LICENSED PROFESSIONAL
50 GEOLOGIST;

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

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

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

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

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

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

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

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

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

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

ENGINEERING [AND], LAND SURVEYING AND
GEOLOGY

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

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

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

3 S 7205. State board for engineering [and], land surveying AND GEOLOGY.
4 A state board for engineering [and], land surveying AND GEOLOGY shall be
5 appointed by the board of regents on recommendation of the commissioner
6 for the purpose of assisting the board of regents and the department on
7 matters of professional licensing and professional conduct in accordance
8 with section sixty-five hundred eight of this title. The board shall be
9 composed of not less than seven professional engineers and not less than
10 two land surveyors licensed in this state AND NOT LESS THAN TWO GEOL-
11 GISTS LICENSED IN THIS STATE. An executive secretary to the board shall
12 be appointed by the board of regents on recommendation of the commis-
13 sioner and shall be a professional engineer [or], land surveyor OR GEOL-
14 OGIST licensed in this state.

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

18 (a) Notwithstanding any other provision of law, one or more individ-
19 uals duly authorized by law to render the same professional service
20 within the state may organize, or cause to be organized, a professional
21 service corporation for pecuniary profit under this article for the
22 purpose of rendering the same professional service, except that one or
23 more individuals duly authorized by law to practice professional engi-
24 neering, architecture, landscape architecture [or], land surveying OR
25 GEOLOGY within the state may organize, or cause to be organized, a
26 professional service corporation for pecuniary profit under this article
27 for the purpose of rendering such professional services as such individ-
28 uals are authorized to practice.

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

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

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

41 (a) Notwithstanding the education law or any other provision of law,
42 one or more professionals each of whom is authorized by law to render a
43 professional service within the state, or one or more professionals, at
44 least one of whom is authorized by law to render a professional service
45 within the state, may form, or cause to be formed, a professional
46 service limited liability company for pecuniary profit under this arti-
47 cle for the purpose of rendering the professional service or services as
48 such professionals are authorized to practice. With respect to a profes-
49 sional service limited liability company formed to provide medical
50 services as such services are defined in article 131 of the education
51 law, each member of such limited liability company must be licensed
52 pursuant to article 131 of the education law to practice medicine in
53 this state. With respect to a professional service limited liability
54 company formed to provide dental services as such services are defined
55 in article 133 of the education law, each member of such limited liabil-
56 ity company must be licensed pursuant to article 133 of the education

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

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

52 (b) with respect to a professional service limited liability company
53 formed to provide medical services as such services are defined in arti-
54 cle 131 of the education law, each member of such limited liability
55 company must be licensed pursuant to article 131 of the education law to
56 practice medicine in this state. With respect to a professional service

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

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

44 (q) Each partner of a registered limited liability partnership formed
45 to provide medical services in this state must be licensed pursuant to
46 article 131 of the education law to practice medicine in this state and
47 each partner of a registered limited liability partnership formed to
48 provide dental services in this state must be licensed pursuant to arti-
49 cle 133 of the education law to practice dentistry in this state. Each
50 partner of a registered limited liability partnership formed to provide
51 veterinary services in this state must be licensed pursuant to article
52 135 of the education law to practice veterinary medicine in this state.
53 Each partner of a registered limited liability partnership formed to
54 provide professional engineering, GEOLOGICAL SERVICES, land surveying,
55 architectural and/or landscape architectural services in this state must
56 be licensed pursuant to article 145, article 147 and/or article 148 of

1 the education law to practice one or more of such professions in this
2 state. Each partner of a registered limited liability partnership formed
3 to provide licensed clinical social work services in this state must be
4 licensed pursuant to article 154 of the education law to practice clin-
5 ical social work in this state. Each partner of a registered limited
6 liability partnership formed to provide creative arts therapy services
7 in this state must be licensed pursuant to article 163 of the education
8 law to practice creative arts therapy in this state. Each partner of a
9 registered limited liability partnership formed to provide marriage and
10 family therapy services in this state must be licensed pursuant to arti-
11 cle 163 of the education law to practice marriage and family therapy in
12 this state. Each partner of a registered limited liability partnership
13 formed to provide mental health counseling services in this state must
14 be licensed pursuant to article 163 of the education law to practice
15 mental health counseling in this state. Each partner of a registered
16 limited liability partnership formed to provide psychoanalysis services
17 in this state must be licensed pursuant to article 163 of the education
18 law to practice psychoanalysis in this state.

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

22 (q) Each partner of a foreign limited liability partnership which
23 provides medical services in this state must be licensed pursuant to
24 article 131 of the education law to practice medicine in the state and
25 each partner of a foreign limited liability partnership which provides
26 dental services in the state must be licensed pursuant to article 133 of
27 the education law to practice dentistry in this state. Each partner of a
28 foreign limited liability partnership which provides veterinary service
29 in the state shall be licensed pursuant to article 135 of the education
30 law to practice veterinary medicine in this state. Each partner of a
31 foreign limited liability partnership which provides professional engi-
32 neering, land surveying, GEOLOGICAL SERVICES, architectural and/or land-
33 scape architectural services in this state must be licensed pursuant to
34 article 145, article 147 and/or article 148 of the education law to
35 practice one or more of such professions. Each partner of a foreign
36 limited liability partnership which provides licensed clinical social
37 work services in this state must be licensed pursuant to article 154 of
38 the education law to practice licensed clinical social work in this
39 state. Each partner of a foreign limited liability partnership which
40 provides creative arts therapy services in this state must be licensed
41 pursuant to article 163 of the education law to practice creative arts
42 therapy in this state. Each partner of a foreign limited liability part-
43 nership which provides marriage and family therapy services in this
44 state must be licensed pursuant to article 163 of the education law to
45 practice marriage and family therapy in this state. Each partner of a
46 foreign limited liability partnership which provides mental health coun-
47 seling services in this state must be licensed pursuant to article 163
48 of the education law to practice mental health counseling in this state.
49 Each partner of a foreign limited liability partnership which provides
50 psychoanalysis services in this state must be licensed pursuant to arti-
51 cle 163 of the education law to practice psychoanalysis in this state.

52 S 18. This act shall take effect two years after the date on which it
53 shall have become a law.