

1776

2009-2010 Regular Sessions

I N S E N A T E

February 6, 2009

Introduced by Sen. LAVALLE -- 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 the practice of land surveying

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

1 Section 1. Section 7203 of the education law, as added by chapter 987
2 of the laws of 1971, is amended to read as follows:
3 S 7203. Definition of practice of land surveying. The practice of the
4 profession of land surveying is defined as practicing that branch of the
5 engineering profession and applied mathematics which includes [the meas-
6 uring and plotting of the dimensions and areas of any portion of the
7 earth, including all naturally placed and man- or machine-made struc-
8 tures and objects thereon, the lengths and directions of boundary lines,
9 the contour of the surface and] the application of rules and regulations
10 in accordance with local requirements incidental to subdivisions for the
11 correct determination, description, conveying and recording thereof or
12 for the establishment or reestablishment thereof, PROVIDING OR OFFERING
13 TO PROVIDE PROFESSIONAL SERVICES UTILIZING SUCH SCIENCES AS MATHEMATICS,
14 GEODESY, AND INVOLVING BOTH (1) THE MAKING OF GEOMETRIC MEASUREMENTS AND
15 GATHERING RELATED INFORMATION PERTAINING TO THE PHYSICAL OR LEGAL
16 FEATURES OF THE EARTH, THE SPACE ABOVE, ON OR BELOW THE EARTH AND (2)
17 PROVIDING, UTILIZING OR DEVELOPING THE SAME INTO SURVEY PRODUCTS SUCH AS
18 GRAPHICS, DATA, MAPS, PLANS, REPORTS, DESCRIPTIONS, OR PROJECTS.
19 PROFESSIONAL SERVICES INCLUDE, BUT ARE NOT LIMITED TO THE DESIGN,
20 PREPARATION AND FURNISHING OF SUBDIVISION PLANS, CONDOMINIUM PLANS, LAND
21 DEVELOPMENT PLANS, LAND USE PLANS, ENVIRONMENTAL STUDIES PLANS, ESTI-
22 MATES, ACTS OF CONSULTATION, SUPERVISION, INVESTIGATION, PROVIDING
23 EXPERT PROFESSIONAL AND TECHNICAL TESTIMONY, EVALUATION, PLANNING,
24 MAPPING, ASSEMBLING, AND INTERPRETING GATHERED MEASUREMENTS AND INFORMA-
25 TION INCLUDING, BUT NOT LIMITED TO, ANY ONE OR MORE OF THE FOLLOWING:

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

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1 (A) DETERMINING THE ACTUAL OR PROPOSED CONFIGURATION OR CONTOUR OF THE
2 EARTH'S SURFACE OR THE POSITION OF FIXED OBJECTS THEREON.

3 (B) DETERMINING BY PERFORMING GEODETIC SURVEYS THE SIZE AND SHAPE OF
4 THE EARTH OR THE POSITION OF ANY POINT RELATED TO THE EARTH. A GEODETIC
5 SURVEY BEING DEFINED AS THE SCIENCE OF MEASURING THE EARTH OR LARGE
6 PORTIONS OF ITS SURFACE; THE DETERMINATION OF THE EARTH'S FIGURE AND
7 SIZE.

8 (C) DETERMINING THE POSITION OF ANY NON-BOUNDARY SURVEY CONTROL MONU-
9 MENT OR REFERENCE POINT; ESTABLISHING OR REPLACING ANY SUCH MONUMENT OR
10 REFERENCE POINT.

11 (D) LOCATING OR LAYING OUT ALIGNMENTS, POSITIONS OR ELEVATIONS FOR THE
12 CONSTRUCTION OF FIXED WORKS.

13 (E) CREATING, PREPARING, OR MODIFYING ELECTRONIC, COMPUTERIZED OR
14 OTHER DATA, RELATIVE TO THE PERFORMANCE OF THE ACTIVITIES IN THE ABOVE
15 DESCRIBED SUBDIVISIONS (A) THROUGH (D) OF THIS SECTION.

16 (F) LOCATING, RELOCATING, ESTABLISHING, REESTABLISHING, OR RETRACING
17 PROPERTY LINES OR BOUNDARIES OF ANY TRACT OF LAND, ROAD, RIGHT OF WAY,
18 OR EASEMENT.

19 (G) MAKING ANY SURVEY FOR A SINGLE LOT OR PLOT OR FOR THE DIVISION,
20 SUBDIVISION OR CONSOLIDATION OF ANY TRACT OR TRACTS OF LAND, OR FOR THE
21 SUBMITTAL OR FILING OF SUCH SURVEY WITH ANY GOVERNMENTAL AGENCY.

22 (H) DETERMINING, BY THE USE OF PRINCIPLES OF SURVEYING, THE POSITION
23 FOR ANY SURVEY MONUMENT (BOUNDARY OR NON-BOUNDARY) OR REFERENCE POINT;
24 ESTABLISHING OR REPLACING ANY SUCH MONUMENT OR REFERENCE POINT.

25 (I) CREATING, PREPARING, OR MODIFYING ELECTRONIC OR COMPUTERIZED OR
26 OTHER DATA, RELATIVE TO THE PERFORMANCE OF THE ACTIVITIES IN THE ABOVE
27 DESCRIBED SUBDIVISIONS (F) THROUGH (H) OF THIS SECTION.

28 S 2. Paragraph 2 of subdivision 1 of section 7206-a of the education
29 law, as added by chapter 987 of the laws of 1971, is amended to read as
30 follows:

31 (2) Education: have received an education, including a bachelor's or
32 higher degree based on [a program in land surveying,] AN ACCREDITATION
33 BOARD FOR ENGINEERING AND TECHNOLOGY (ABET) ACCREDITED SURVEYING CURRIC-
34 ULUM OF FOUR OR MORE YEARS in accordance with the commissioner's regu-
35 lations;

36 S 3. Subdivision 2 of section 7206-a of the education law, as amended
37 by chapter 32 of the laws of 1981, is amended to read as follows:

38 2. In lieu of the degree and experience requirements specified in
39 [subparagraphs (2)] PARAGRAPHS TWO and [(3)] THREE of subdivision one of
40 this section, AN ASSOCIATES DEGREE AND eight years of practical experi-
41 ence in work satisfactory to the board may be accepted, provided that
42 each full year of college study in engineering or land surveying satis-
43 factory to the department may at the discretion of the board be accepted
44 in lieu of one year of the required eight years of experience.

45 S 4. Section 7206-a of the education law is amended by adding a new
46 subdivision 4 to read as follows:

47 4. AN APPLICANT APPLYING TO TAKE THE NEW YORK STATE SPECIFIC EXAMINA-
48 TION MUST DEMONSTRATE THAT FIFTY PERCENT OF THE REQUIRED PRACTICAL EXPE-
49 RIENCE DIRECTLY RELATED TO THE PRACTICE OF LAND SURVEYING IS UNDER THE
50 DIRECT SUPERVISION OF A NEW YORK STATE LICENSED LAND SURVEYOR AS IDENTI-
51 FIED IN SUBDIVISIONS (F) THROUGH (I) OF SECTION SEVENTY-TWO HUNDRED
52 THREE OF THIS ARTICLE.

53 S 5. Subdivision e of section 7208 of the education law, as added by
54 chapter 987 of the laws of 1971, is amended to read as follows:

55 e. Making of surveys by professional engineers, except that the deter-
56 mination of real property boundaries, RIGHTS OF WAY, EASEMENTS, AND

1 OTHER INTERESTS IN REAL PROPERTY AND THE LOCATION OF MAN-MADE STRUCTURES
2 AND OTHER OBJECTS RELATED THERETO, may be done only by a licensed land
3 surveyor;

4 S 6. Section 7208 of the education law is amended by adding a new
5 subdivision q to read as follows:

6 Q. A PERMIT TO PRACTICE LAND SURVEYING AS DEFINED IN SUBDIVISIONS (A)
7 THROUGH (E) OF SECTION SEVENTY-TWO HUNDRED THREE OF THIS ARTICLE MAY BE
8 GRANTED BASED ON AN INTERNATIONAL OR INTERSTATE AGREEMENT BETWEEN THE
9 DEPARTMENT OR BY LEGISLATION, TO A PERSON WHO IS LICENSED OR REGISTERED
10 AND LEGALLY QUALIFIED TO PRACTICE LAND SURVEYING, BY JURISDICTIONS WHO
11 ARE PARTIES TO SUCH AGREEMENT, PROVIDING THAT SUCH PERMIT MAY BE REVOKED
12 SHOULD SUCH PERSON BE FOUND GUILTY OF PRACTICING BEYOND THE SCOPE OF
13 SUBDIVISIONS (A) THROUGH (E) OF SECTION SEVENTY-TWO HUNDRED THREE OF
14 THIS ARTICLE, AFTER DUE PROCESS OF LAW.

15 S 7. Subdivision 2 of section 7207 of the education law, as added by
16 chapter 987 of the laws of 1971, is amended to read as follows:

17 2. A limited permit to practice as a professional engineer [or land
18 surveyor] in this state may be issued by the department to a person not
19 a resident in this state and having no established place of practice in
20 this state, when such practice does not aggregate more than thirty days
21 in any calendar year, provided that such person is legally qualified to
22 practice in his OR HER own state or country. The limited permit author-
23 izing such right to practice in this state shall specify the dates with-
24 in the calendar year when such right may be exercised.

25 S 8. This act shall take effect on the first of September next
26 succeeding the date on which it shall have become a law.