

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

2784--B

2009-2010 Regular Sessions

I N S E N A T E

March 2, 2009

Introduced by Sen. THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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
18 THIS ARTICLE SHALL PRACTICE THE PROFESSION OF GEOLOGY OR USE THE TITLE
19 "LICENSED PROFESSIONAL GEOLOGIST".

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

LBD09809-04-9

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 1. THE EMPLOYMENT AND SUPERVISION OF INTERNS AND OTHER PERSONS QUALI-
55 FIED BY EDUCATION OR EXPERIENCE BY LICENSED GEOLOGISTS AS ASSISTANTS IN
56 THE PERFORMANCE OF GEOLOGICAL SERVICES, OR AS CONSULTANTS OR EMPLOYEES

1 IN SPECIAL FIELDS RELATED TO BUT NOT UNIQUELY GEOLOGY, PROVIDED THAT THE
2 LICENSED GEOLOGIST EMPLOYING OR SUPERVISING SUCH PERSONS SHALL NOT BE
3 RELIEVED OF ANY RESPONSIBILITY WHATSOEVER BY DELEGATION TO SUCH PERSONS.

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

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

20 4. THE EXECUTION OF WORK BY CONTRACTORS OR BY OTHERS OF WORK PREPARED
21 BY A LICENSED GEOLOGIST, OR THE SUPERINTENDENCE OF SUCH WORK AS A SUPER-
22 INTENDENT, FOREMAN OR INSPECTOR.

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

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

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

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

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

39 Special provisions FOR THE PROFESSIONS OF ENGINEERING AND LAND SURVEY-
40 ING.

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

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

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

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

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

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

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

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

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

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

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

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

54 S 9. The article heading of article 145 of the education law, as added
55 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.

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

S 7205. State board for engineering [and], land surveying AND GEOLOGY. A state board for engineering [and], land surveying AND GEOLOGY shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than seven professional engineers and not less than two land surveyors licensed in this state AND NOT LESS THAN TWO GEOLOGISTS LICENSED IN THIS STATE. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be a professional engineer [or], land surveyor OR GEOLOGIST licensed in this state.

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

(a) Notwithstanding any other provision of law, one or more individuals duly authorized by law to render the same professional service within the state may organize, or cause to be organized, a professional service corporation for pecuniary profit under this article for the purpose of rendering the same professional service, except that one or more individuals duly authorized by law to practice professional engineering, architecture, landscape architecture [or], land surveying OR GEOLOGY within the state may organize, or cause to be organized, a professional service corporation for pecuniary profit under this article for the purpose of rendering such professional services as such individuals are authorized to practice.

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

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

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

(a) Notwithstanding the education law or any other provision of law, one or more professionals each of whom is authorized by law to render a professional service within the state, or one or more professionals, at least one of whom is authorized by law to render a professional service within the state, may form, or cause to be formed, a professional service limited liability company for pecuniary profit under this article for the purpose of rendering the professional service or services as

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

1 appropriate appellate division of the supreme court or the court of
2 appeals.

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

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

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

54 (q) Each partner of a registered limited liability partnership formed
55 to provide medical services in this state must be licensed pursuant to
56 article 131 of the education law to practice medicine in this state and

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

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

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

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