

4753--B

2013-2014 Regular Sessions

I N A S S E M B L Y

February 8, 2013

Introduced by M. of A. ENGLEBRIGHT, CAHILL, ROSENTHAL, COLTON, SCHIMEL, JAFFEE, LUPARDO, ABINANTI, ZEBROWSKI, THIELE, COOK, STECK, ROBERTS, MONTESANO, WALTER -- Multi-Sponsored by -- M. of A. ARROYO, BOYLAND, BRENNAN, CUSICK, DUPREY, FAHY, GABRYSZAK, GUNTHER, JACOBS, LUPINACCI, McDONOUGH, STEVENSON, SWEENEY, TITONE -- 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

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; and to repeal section 12 of chapter 550 of the laws of 2011, amending the business corporation law and the education law relating to design professional service corporations

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

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

4 ENGINEERING [AND], LAND SURVEYING
5 AND GEOLOGY

6 S 2. Section 7200 of the education law, as added by chapter 987 of the
7 laws of 1971, is amended to read as follows:

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

12 S 3. The education law is amended by adding three new sections 7204-a,
13 7204-b and 7206-b to read as follows:

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

LBD08800-04-3

1 S 7204-A. DEFINITION OF THE PROFESSION OF GEOLOGY. THE PRACTICE OF THE
2 PROFESSION OF GEOLOGY IS DEFINED AS PERFORMING PROFESSIONAL SERVICE SUCH
3 AS RESEARCHING, INVESTIGATING, CONSULTING AND GEOLOGICAL MAPPING,
4 DESCRIBING THE NATURAL PROCESSES THAT ACT UPON THE EARTH'S MATERIALS,
5 PREDICTING THE PROBABLE OCCURRENCE OF NATURAL RESOURCES, PREDICTING AND
6 LOCATING NATURAL OR HUMAN-INDUCED PHENOMENA WHICH MAY BE USEFUL OR
7 HAZARDOUS TO HUMANKIND AND RECOGNIZING, DETERMINING AND EVALUATING
8 GEOLOGICAL FACTORS, AND THE INSPECTION AND PERFORMANCE OF GEOLOGICAL
9 WORK AND THE RESPONSIBLE SUPERVISION THEREOF IN FURTHERANCE OF THE
10 HEALTH, SAFETY AND WELFARE OF THE PUBLIC; PROVIDED, HOWEVER, THAT
11 GEOLOGICAL MAPPING SHALL NOT INCLUDE THE PRACTICE OF LAND SURVEYING AS
12 DEFINED IN SECTION SEVENTY-TWO HUNDRED THREE OF THIS ARTICLE.

13 S 7204-B. PRACTICE OF GEOLOGY AND THE USE OF TITLE "PROFESSIONAL GEOL-
14 OGIST". ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED UNDER THIS ARTI-
15 CLE SHALL PRACTICE GEOLOGY OR USE THE TITLE "PROFESSIONAL GEOLOGIST".

16 S 7206-B. REQUIREMENTS FOR A LICENSE AS A PROFESSIONAL GEOLOGIST. 1.
17 TO QUALIFY FOR A LICENSE AS A PROFESSIONAL GEOLOGIST, AN APPLICANT SHALL
18 FULFILL THE FOLLOWING REQUIREMENTS:

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

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

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

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

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

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

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

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

41 3. FOR AN IDENTIFICATION CARD AS AN "INTERN GEOLOGIST", AN APPLICANT
42 SHALL FULFILL THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION,
43 EXCEPT THOSE IN PARAGRAPHS (C) AND (E) OF SUCH SUBDIVISION, PROVIDED
44 THAT ADMISSION TO THE EXAMINATION MAY BE GIVEN WHEN THE APPLICANT IS
45 WITHIN TWENTY CREDITS OF THE COMPLETION OF THE REQUIREMENTS OF THE BACH-
46 ELOR'S DEGREE OR HIGHER AS PRESCRIBED IN PARAGRAPH (B) OF SUBDIVISION
47 ONE OF THIS SECTION, OR HAS COMPLETED THE PRACTICAL EXPERIENCE REQUIRE-
48 MENT OF SUBDIVISION TWO OF THIS SECTION. THE FEE FOR THE EXAMINATION AND
49 IDENTIFICATION CARD AS AN "INTERN GEOLOGIST" SHALL BE SEVENTY DOLLARS
50 AND THE FEE FOR EACH REEXAMINATION SHALL BE SEVENTY DOLLARS.

51 4. AN APPLICANT WHO APPLIES FOR LICENSURE WITHIN ONE YEAR AFTER THE
52 EFFECTIVE DATE OF THIS SECTION SHALL BE QUALIFIED FOR A LICENSE AS A
53 PROFESSIONAL GEOLOGIST WITHOUT A WRITTEN EXAMINATION IF THE APPLICANT
54 HAS SATISFIED THE REQUIREMENTS OF EDUCATION AND DEGREE DESCRIBED IN
55 PARAGRAPHS (B) AND (C) OF SUBDIVISION ONE OR SUBDIVISION TWO OF THIS
56 SECTION NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

1 S 4. 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
10 than two land surveyors AND NOT LESS THAN TWO PROFESSIONAL GEOLOGISTS
11 licensed in this state. An executive secretary to the board shall be
12 appointed by the board of regents on recommendation of the commissioner
13 and shall be a professional engineer [or], land surveyor OR PROFESSIONAL
14 GEOLOGIST licensed in this state.

15 S 5. 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 OR PROFESSIONAL GEOLOGIST in this state may be issued by the
19 department to a person not a resident in this state and having no estab-
20 lished place of practice in this state, when such practice does not
21 aggregate more than thirty days in any calendar year, provided that such
22 person is legally qualified to practice in his own state or country. The
23 limited permit authorizing such right to practice in this state shall
24 specify the dates within the calendar year when such right may be exer-
25 cised.

26 S 6. Subdivision 3 of section 7207 of the education law is renumbered
27 subdivision 4 and a new subdivision 3 is added to read as follows:

28 3. ON RECOMMENDATION OF THE BOARD, THE DEPARTMENT MAY ISSUE A LIMITED
29 PERMIT TO PRACTICE GEOLOGY TO A GEOLOGIST NOT A RESIDENT OF THIS STATE
30 AND HAVING NO ESTABLISHED PLACE OF PRACTICE IN THIS STATE WHO IS LEGALLY
31 QUALIFIED TO PRACTICE AS SUCH IN HIS OR HER OWN COUNTRY OR STATE WITH
32 STANDARDS EQUIVALENT TO THOSE ENUMERATED IN THIS ARTICLE AND WHO SUBMITS
33 EVIDENCE SATISFACTORY TO THE BOARD ESTABLISHED AND RECOGNIZED PROFES-
34 SIONAL STANDING IN HIS OR HER OWN COUNTRY OR STATE AND WHO SUBMITS
35 SATISFACTORY CERTIFICATION AS TO CHARACTER AND QUALIFICATIONS FROM AT
36 LEAST TWO PROFESSIONAL GEOLOGISTS, ONE OF WHOM SHALL BE A RESIDENT OF
37 THIS STATE. SUCH LIMITED PERMIT SHALL BE ISSUED SOLELY IN CONNECTION
38 WITH THE SPECIFIC PROJECT FOR WHICH SUCH LIMITED PERMIT IS GRANTED.

39 S 7. The section heading of section 7208 of the education law, as
40 added by chapter 987 of the laws of 1971, is amended to read as follows:

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

42 S 8. The education law is amended by adding a new section 7208-a to
43 read as follows:

44 S 7208-A. EXEMPT PERSONS FOR THE PROFESSION OF GEOLOGY. THIS ARTICLE
45 SHALL NOT BE CONSTRUED TO AFFECT OR PREVENT THE FOLLOWING, PROVIDED THAT
46 NO TITLE, SIGN CARD OR DEVICE SHALL BE USED IN SUCH A MANNER AS TO TEND
47 TO CONVEY THE IMPRESSION THAT THE PERSON RENDERING SUCH SERVICE IS A
48 PROFESSIONAL GEOLOGIST LICENSED IN THIS STATE OR IS PRACTICING GEOLOGY.

49 1. THE EMPLOYMENT AND SUPERVISION OF INTERNS AND OTHER PERSONS QUALI-
50 FIED BY EDUCATION OR EXPERIENCE BY PROFESSIONAL GEOLOGISTS AS ASSISTANTS
51 IN THE PERFORMANCE OF GEOLOGICAL SERVICES, OR AS CONSULTANTS OR EMPLOY-
52 EES IN SPECIAL FIELDS RELATED TO BUT NOT UNIQUELY GEOLOGY, PROVIDED THAT
53 THE PROFESSIONAL GEOLOGIST EMPLOYING OR SUPERVISING SUCH PERSONS SHALL
54 NOT BE RELIEVED OF ANY RESPONSIBILITY WHATSOEVER BY DELEGATION TO SUCH
55 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 INVESTIGATION, ACQUISITION, EVALUATION, AND INTERPRETATION OF THE PHYSICAL AND CHEMICAL PROPERTIES OF THE SOIL, ROCK, GROUNDWATER, EARTH MATERIALS AND DATA RELATED THERETO, AND THE PERFORMANCE OF ACTIVITIES AS SPECIFIED IN SECTION SEVENTY-TWO HUNDRED FOUR-A OF THIS ARTICLE, PROVIDED THAT NO SUCH PERSON SHALL USE THE DESIGNATION, OR HOLD HIMSELF OR HERSELF OUT AS A "PROFESSIONAL GEOLOGIST," UNLESS LICENSED AS SUCH IN THIS STATE.

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

4. THE EXECUTION OF WORK BY CONTRACTORS OR BY OTHERS OF WORK PREPARED BY A PROFESSIONAL GEOLOGIST, OR THE SUPERINTENDENCE OF SUCH WORK AS A SUPERINTENDENT, FOREMAN OR INSPECTOR.

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

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

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

8. WORK CUSTOMARILY PERFORMED BY WATER WELL DRILLERS WHO HAVE RECEIVED A CERTIFICATE OF REGISTRATION PURSUANT TO SECTION 15-1525 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 9. Subdivisions 1, 2 and 4 of section 7209 of the education law, subdivisions 1 and 2 as added by chapter 987 of the laws of 1971, the opening paragraph of subdivision 1 as amended by chapter 994 of the laws of 1971 and subdivision 4 as amended by chapter 550 of the laws of 2011, are amended to read as follows:

1. Every professional engineer [and every], land surveyor AND PROFESSIONAL GEOLOGIST shall have a seal, approved by the board, which shall contain the name of the professional engineer and the words "Licensed Professional Engineer" [or], the name of the land surveyor and the words "Licensed Land Surveyor" OR THE NAME OF THE PROFESSIONAL GEOLOGIST AND THE WORDS "LICENSED PROFESSIONAL GEOLOGIST", and such other words or figures as the board may deem necessary. All plans, specifications, plats and reports relating to the construction or alteration of buildings or structures, OR GEOLOGIC DRAWINGS AND REPORTS prepared by such professional engineer [and], all plans, specifications, plats and reports prepared by such land surveyor AND ALL GEOLOGIC DRAWINGS AND REPORTS PREPARED BY SUCH PROFESSIONAL GEOLOGIST or by a full-time or part-time subordinate under his OR HER supervision, shall be stamped with such seal and shall also be signed, on the original with the personal signature of such professional engineer [or], land surveyor OR PROFESSIONAL GEOLOGIST when filed with public officials. No official of this state, or of any city, county, town or village therein, charged with the enforcement of laws, ordinances or regulations shall accept or

1 approve any plans [or], specifications, OR GEOLOGIC DRAWINGS OR REPORTS
2 that are not stamped:

3 a. With the seal of an architect or professional engineer or land
4 surveyor OR PROFESSIONAL GEOLOGIST licensed in this state and bearing
5 the authorized facsimile of the signature of such architect or profes-
6 sional engineer or land surveyor OR PROFESSIONAL GEOLOGIST, or

7 b. With the official seal and authorized facsimile of the signature of
8 a professional engineer or land surveyor OR PROFESSIONAL GEOLOGIST not a
9 resident of this state and having no established business in this state,
10 but who is legally qualified to practice as such in his OR HER own state
11 or country, provided that such person may lawfully practice as such in
12 this state, and provided further that the plans [or], specifications, OR
13 GEOLOGIC DRAWINGS OR REPORTS are accompanied by and have attached there-
14 to written authorization issued by the department certifying to such
15 right to practice at such time.

16 2. A. To all plans, specifications, plats and reports to which the
17 seal of a professional engineer or land surveyor has been applied, there
18 shall also be applied a stamp with appropriate wording warning that it
19 is a violation of this [law] ARTICLE for any person, unless he OR SHE is
20 acting under the direction of a licensed professional engineer or land
21 surveyor, to alter an item in any way. If an item bearing the seal of an
22 engineer or land surveyor is altered, the altering engineer or land
23 surveyor 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 B. TO ALL GEOLOGIC DRAWINGS AND REPORTS TO WHICH THE SEAL OF A PROFES-
27 SIONAL GEOLOGIST OR PROFESSIONAL ENGINEER HAS BEEN APPLIED, THERE SHALL
28 ALSO BE APPLIED A STAMP WITH APPROPRIATE WORDING WARNING THAT IT IS A
29 VIOLATION OF THIS ARTICLE FOR ANY PERSON, UNLESS HE OR SHE IS ACTING
30 UNDER THE DIRECTION OF A PROFESSIONAL GEOLOGIST OR PROFESSIONAL ENGI-
31 NEER, TO ALTER A DRAWING OR REPORT IN ANY WAY. IF AN ITEM BEARING THE
32 SEAL OF A LICENSED PROFESSIONAL GEOLOGIST OR PROFESSIONAL ENGINEER IS
33 ALTERED, THE ALTERING PARTY SHALL AFFIX TO THE ITEM HIS OR HER SEAL AND
34 THE NOTATION "ALTERED BY" FOLLOWED BY HIS OR HER SIGNATURE AND THE DATE
35 OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION. NOTH-
36 ING CONTAINED IN THIS ARTICLE SHALL BE DEEMED TO AUTHORIZE A PROFES-
37 SIONAL GEOLOGIST TO PRACTICE PROFESSIONAL ENGINEERING UNLESS HE OR SHE
38 IS LICENSED AS A PROFESSIONAL ENGINEER PURSUANT TO THIS ARTICLE.

39 4. Engineers, land surveyors, GEOLOGISTS, architects, and landscape
40 architects may join in the formation of a joint enterprise, or a part-
41 nership or a professional service corporation or a design professional
42 service corporation or may form any desired combination of such
43 professions and may use in the name of such corporation the title of any
44 of the professions which will be practiced. After the name of each
45 member his or her profession shall be indicated.

46 S 10. Subdivision 1 of section 7210 of the education law, as amended
47 by chapter 550 of the laws of 2011, is amended to read as follows:

48 1. Domestic or foreign professional service corporations, design
49 professional service corporations, professional service limited liabil-
50 ity companies, foreign professional service limited liability companies,
51 registered limited liability partnerships, New York registered foreign
52 limited liability partnerships, partnerships and joint enterprises spec-
53 ified in subdivision four of section seventy-two hundred nine of this
54 article, provided each of the foregoing entities is authorized to
55 provide professional engineering [or], land surveying OR PROFESSIONAL
56 GEOLOGY services and general business corporations authorized to provide

1 professional engineering or land surveying services pursuant to subdivi-
2 sion six of section seventy-two hundred nine of this article may offer
3 to provide or provide professional engineering [or], land surveying OR
4 PROFESSIONAL GEOLOGY services only after obtaining a certificate of
5 authorization from the department. Except as otherwise authorized by
6 statute, rule or regulation, other business entities are not authorized
7 to offer or provide professional engineering [or], land surveying OR
8 PROFESSIONAL GEOLOGY services and may not obtain certificates of author-
9 ization provided that nothing contained herein shall prohibit an indi-
10 vidual who is licensed to practice professional engineering [or], land
11 surveying OR PROFESSIONAL GEOLOGY under this article from obtaining a
12 certificate of authorization upon application and payment of the appro-
13 priate fees provided for under this section.

14 S 11. Subdivision 2 of section 7307 of the education law, as amended
15 by chapter 550 of the laws of 2011, is amended to read as follows:

16 2. Engineers, land surveyors, GEOLOGISTS, architects and landscape
17 architects may join in the formation of a joint enterprise, or a part-
18 nership or a professional service corporation or a design professional
19 service corporation or may form any desired combination of such
20 professions and may use in the name of such corporation the title of any
21 of the professions which will be practiced. After the name of each
22 member his or her profession shall be indicated.

23 S 12. Subdivision 2 of section 7327 of the education law, as amended
24 by chapter 550 of the laws of 2011, is amended to read as follows:

25 2. Engineers, land surveyors, GEOLOGISTS, architects and landscape
26 architects may join in the formation of a joint enterprise, or a part-
27 nership or a professional service corporation or a design professional
28 service corporation or may form any desired combination of such
29 professions and may use in the name of such corporation the title of any
30 of the professions which will be practiced. After the name of each
31 member his or her profession shall be indicated.

32 S 13. Paragraphs (g) and (h) of section 1501 of the business corpo-
33 ration law, as added by chapter 9 of the laws of 2013, are amended to
34 read as follows:

35 (g) "Design professional service corporation" means a corporation
36 organized under this article practicing professional engineering, archi-
37 tecture, landscape architecture, GEOLOGY, or land surveying, or practic-
38 ing any combination of such professions. The provisions of this article
39 applicable to professional service corporations shall apply to design
40 professional service corporations except to the extent that any
41 provision is either inconsistent with a provision expressly applying to
42 design professional service corporations or not relevant thereto.

43 (h) "Design professional" means an individual licensed and registered
44 pursuant to title eight of the education law to practice professional
45 engineering, architecture, landscape architecture, GEOLOGY or land
46 surveying.

47 S 14. Paragraph (a) of section 1503 of the business corporation law,
48 as amended by chapter 550 of the laws of 2011, is amended to read as
49 follows:

50 (a) Notwithstanding any other provision of law, one or more individ-
51 uals duly authorized by law to render the same professional service
52 within the state may organize, or cause to be organized, a professional
53 service corporation for pecuniary profit under this article for the
54 purpose of rendering the same professional service, except that one or
55 more individuals duly authorized by law to practice professional engi-
56 neering, architecture, landscape architecture [or], land surveying OR

1 GEOLOGY within the state may organize, or cause to be organized, a
2 professional service corporation or a design professional service corpo-
3 ration for pecuniary profit under this article for the purpose of
4 rendering such professional services as such individuals are authorized
5 to practice.

6 S 15. The opening paragraph of paragraph (b-5) of section 1503 of the
7 business corporation law, as amended by chapter 9 of the laws of 2013,
8 is amended to read as follows:

9 On or after January first, two thousand twelve, the state education
10 department and the department of state shall allow an existing profes-
11 sional service corporation organized under this article and practicing
12 professional engineering, architecture, landscape architecture, GEOLOGY
13 or land surveying, or practicing any combination of such professions to
14 become a design professional service corporation as defined in this
15 article, provided the professional service corporation meets all of the
16 requirements to become a design professional service corporation,
17 including that its name shall end with the words "design professional
18 corporation" or the abbreviation "D.P.C.", by amending its certificate
19 of incorporation so that it contains the following statements:

20 S 16. Paragraph (b) of section 1504 of the business corporation law,
21 as amended by chapter 550 of the laws of 2011, is amended to read as
22 follows:

23 (b) Each final plan and report made or issued by a corporation prac-
24 ticing one or more of the professions of professional engineering,
25 architecture, landscape architecture [or], land surveying OR GEOLOGY
26 shall bear the name and seal of one or more professional engineers,
27 architects, landscape architects, [or] land surveyors OR PROFESSIONAL
28 GEOLOGISTS, respectively, who are in responsible charge of such plan or
29 report.

30 S 17. Section 12 of chapter 550 of the laws of 2011, amending the
31 business corporation law and the education law relating to design
32 professional service corporations, is REPEALED.

33 S 18. Section 1516 of the business corporation law, as amended by
34 chapter 564 of the laws of 2011, is amended to read as follows:
35 S 1516. Corporate mergers, consolidations and other reorganizations.

36 (a) Notwithstanding any inconsistent provision of this article, AND
37 SUBJECT TO THE LIMITATIONS IN PARAGRAPH (D) OF THIS SECTION, a profes-
38 sional service corporation, INCLUDING A DESIGN PROFESSIONAL SERVICE
39 CORPORATION, pursuant to the provisions of article nine of this chapter,
40 may be merged or consolidated with another corporation formed pursuant
41 to the provisions of this chapter [or], with a corporation authorized
42 and registered to practice the same profession pursuant to the applica-
43 ble provisions of subdivision six of section seventy-two hundred nine of
44 the education law (engineer or land surveyor) [or], subdivision four of
45 section seventy-three hundred seven of the education law (architect) OR
46 SUBDIVISION FOUR OF SECTION SEVENTY-THREE HUNDRED TWENTY-SEVEN OF THE
47 EDUCATION LAW (LANDSCAPE ARCHITECT) of [article] ARTICLES one hundred
48 forty-five, ONE HUNDRED FORTY-SEVEN AND ONE HUNDRED FORTY-EIGHT of the
49 education law, or with a foreign corporation, or other business entity
50 practicing the same profession or professions in this state or the state
51 of its formation, or may be otherwise reorganized, provided that the
52 corporation which survives or which is formed pursuant thereto is a
53 professional service corporation, A DESIGN PROFESSIONAL SERVICE CORPO-
54 RATION, a professional service limited liability company or a foreign
55 professional service corporation practicing the same profession or
56 professions in this state or the state of incorporation or, if one of

1 the original corporations is authorized to practice pursuant to the
2 provisions of either subdivision six of section seventy-two hundred nine
3 [or], subdivision four of section seventy-three hundred seven OR SUBDI-
4 VISION FOUR OF SECTION SEVENTY-THREE HUNDRED TWENTY-FOUR OF THE EDUCA-
5 TION LAW, a corporation authorized and registered to practice the same
6 profession pursuant to the applicable provisions of subdivision six of
7 section seventy-two hundred nine of the education law (engineer or land
8 surveyor) [or], subdivision four of section seventy-three hundred seven
9 of the education law (architect) of [article] ARTICLES one hundred
10 forty-five, ONE HUNDRED FORTY-SEVEN AND ONE HUNDRED FORTY-EIGHT OR
11 SUBDIVISION FOUR OF SECTION SEVENTY-THREE HUNDRED TWENTY-SEVEN of the
12 education law.

13 (b) If the surviving business entity is a professional corporation,
14 the restrictions on the issuance, transfer or sale of shares of a
15 professional service corporation OR A DESIGN PROFESSIONAL SERVICE CORPO-
16 RATION shall be suspended for a period not exceeding thirty days with
17 respect to any issuance, transfer or sale of shares made pursuant to
18 such merger, consolidation or reorganization, provided that: (i) no
19 person who would not be eligible to be a shareholder in the absence of
20 this section shall vote the shares of or receive any distribution from
21 such corporation; (ii) after such merger, consolidation or reorganiza-
22 tion, any professional service corporation OR A DESIGN PROFESSIONAL
23 SERVICE CORPORATION which survives or which is created thereby shall be
24 subject to all of the provisions of this article; and (iii) shares ther-
25 eafter only may be held by persons who are eligible to receive shares of
26 such professional service corporation, DESIGN PROFESSIONAL SERVICE
27 CORPORATION or such other corporation authorized and registered to prac-
28 tice the same profession pursuant to the applicable provisions of subdi-
29 vision six of section seventy-two hundred nine of the education law
30 (engineer or land surveyor) [or], subdivision four of section seventy-
31 three hundred seven of the education law (architect) OR SUBDIVISION FOUR
32 OF SECTION SEVENTY-THREE HUNDRED TWENTY-SEVEN OF THE EDUCATION LAW
33 (LANDSCAPE ARCHITECT) of [article] ARTICLES one hundred forty-five, ONE
34 HUNDRED FORTY-SEVEN AND ONE HUNDRED FORTY-EIGHT of the education law,
35 which survives. Nothing herein contained shall be construed as permit-
36 ting the practice of a profession in this state by a corporation which
37 is not incorporated pursuant to the provisions of this article or
38 authorized to do business in this state pursuant to the provisions of
39 article fifteen-A of this chapter, AUTHORIZED PURSUANT TO SUBDIVISION
40 SIX OF SECTION SEVENTY-TWO HUNDRED NINE OF THE EDUCATION LAW, AUTHORIZED
41 PURSUANT TO SUBDIVISION FOUR OF SECTION SEVENTY-THREE HUNDRED SEVEN OF
42 THE EDUCATION LAW, AUTHORIZED PURSUANT TO SUBDIVISION FOUR OF SECTION
43 SEVENTY-THREE HUNDRED TWENTY-SEVEN OF THE EDUCATION LAW or authorized
44 and registered to practice a profession pursuant to the applicable
45 provisions of article one hundred forty-five, ONE HUNDRED FORTY-SEVEN OR
46 ONE HUNDRED FORTY-EIGHT of the education law. For the purposes of this
47 section, other reorganizations shall be limited to those reorganizations
48 defined in paragraph one of subsection (a) of section three hundred
49 sixty-eight of the internal revenue code.

50 (c) If the surviving business entity is a professional service limited
51 liability company, the restrictions on the issuance, transfer or sale of
52 membership interests of a professional service limited liability company
53 other than the requirements of the first two sentences of subdivision
54 (c) of section twelve hundred eleven of the limited liability company
55 law, shall be suspended for a period not exceeding thirty days with
56 respect to any issuance, transfer or sale of membership interests made

1 pursuant to such merger or consolidation, provided that: (i) no person
2 or business entity who would not be eligible to be a member in the
3 absence of this section shall vote or receive any distribution from such
4 limited liability company; (ii) after such merger or consolidation, any
5 professional service limited liability company that survives or that is
6 created thereby shall be subject to all the provisions of the limited
7 liability company law; and (iii) membership interests thereafter may be
8 held only by persons or business entities who are eligible to be a
9 member of such professional service limited liability company. Nothing
10 herein contained shall be construed as permitting the practice of a
11 profession in this state by a limited liability company that is not
12 formed pursuant to the provisions of the limited liability company law
13 or authorized to do business in the state pursuant to the provisions of
14 article thirteen of the limited liability company law.

15 (D) NOTWITHSTANDING THE PROVISIONS CONTAINED IN PARAGRAPHS (A), (B)
16 AND (C) OF THIS SECTION, NO DESIGN PROFESSIONAL SERVICE CORPORATION
17 SHALL BE MERGED OR CONSOLIDATED WITH ANY ENTITY UNLESS SUCH ENTITY IS A
18 PROFESSIONAL BUSINESS ORGANIZATION LAWFULLY ORGANIZED TO PROVIDE PROFES-
19 SIONAL SERVICES PURSUANT TO ARTICLES ONE HUNDRED FORTY-FIVE, ONE HUNDRED
20 FORTY-SEVEN AND ONE HUNDRED FORTY-EIGHT OF THE EDUCATION LAW.

21 S 19. Paragraph (b) of section 1526 of the business corporation law,
22 as added by chapter 505 of the laws of 1983, is amended to read as
23 follows:

24 (b) Each final plan, DRAWING and report made or issued by a foreign
25 professional service corporation practicing professional engineering,
26 architecture, landscape architecture, GEOLOGY or land surveying shall
27 bear the name and seal of one or more professional engineers, archi-
28 tects, landscape architects, PROFESSIONAL GEOLOGISTS or land surveyors,
29 respectively, who are in responsible charge of such plan or report.

30 S 20. Section 1529 of the business corporation law, as amended by
31 chapter 576 of the laws of 1994, is amended to read as follows:
32 S 1529. Business corporation law applicable.

33 Except for the provisions of sections thirteen hundred three, thirteen
34 hundred four, thirteen hundred sixteen, thirteen hundred seventeen and
35 thirteen hundred twenty, this chapter shall be applicable to a foreign
36 professional service corporation to the extent that the provisions ther-
37 eof are not in conflict with the provisions of this article. A foreign
38 professional service corporation may practice in this state, or may
39 consolidate or merge with another corporation, or may be a member of a
40 professional service limited liability company, a foreign professional
41 service limited liability company, a registered limited liability part-
42 nership or foreign limited liability partnership, only if all of the
43 professions practiced by such corporations, limited liability companies
44 or limited liability partnerships could be practiced by a single profes-
45 sional service corporation organized in this state; and, further, only
46 if such foreign professional service corporation is domiciled in a state
47 or territory of the United States the laws of which, at the time of
48 application by such corporation under section fifteen hundred thirty of
49 this article, contain a reciprocal provision under which professional
50 service corporations domiciled in this state may similarly apply for the
51 privilege of doing business in any such state or territory; provided
52 further however, that nothing herein shall authorize a foreign profes-
53 sional service corporation practicing professional engineering, land
54 surveying, GEOLOGY, architecture and/or landscape architecture to be a
55 member or partner of a professional service limited liability company, a
56 foreign professional service limited liability company, a registered

1 limited liability partnership or a foreign limited liability partnership
2 unless all of the shareholders, directors and officers of such foreign
3 professional service corporation are licensed to practice one or more of
4 such professions in this state.

5 S 21. Subdivision (a) of section 1203 of the limited liability company
6 law, as separately amended by chapters 420 and 676 of the laws of 2002,
7 is amended to read as follows:

8 (a) Notwithstanding the education law or any other provision of law,
9 one or more professionals each of whom is authorized by law to render a
10 professional service within the state, or one or more professionals, at
11 least one of whom is authorized by law to render a professional service
12 within the state, may form, or cause to be formed, a professional
13 service limited liability company for pecuniary profit under this arti-
14 cle for the purpose of rendering the professional service or services as
15 such professionals are authorized to practice. With respect to a profes-
16 sional service limited liability company formed to provide medical
17 services as such services are defined in article 131 of the education
18 law, each member of such limited liability company must be licensed
19 pursuant to article 131 of the education law to practice medicine in
20 this state. With respect to a professional service limited liability
21 company formed to provide dental services as such services are defined
22 in article 133 of the education law, each member of such limited liabil-
23 ity company must be licensed pursuant to article 133 of the education
24 law to practice dentistry in this state. With respect to a professional
25 service limited liability company formed to provide veterinary services
26 as such services are defined in article 135 of the education law, each
27 member of such limited liability company must be licensed pursuant to
28 article 135 of the education law to practice veterinary medicine in this
29 state. With respect to a professional service limited liability company
30 formed to provide professional engineering, land surveying, architec-
31 tural [and/or], landscape architectural AND/OR GEOLOGICAL services as
32 such services are defined in article 145, article 147 and article 148 of
33 the education law, each member of such limited liability company must be
34 licensed pursuant to article 145, article 147 and/or article 148 of the
35 education law to practice one or more of such professions in this state.
36 With respect to a professional service limited liability company formed
37 to provide licensed clinical social work services as such services are
38 defined in article 154 of the education law, each member of such limited
39 liability company shall be licensed pursuant to article 154 of the
40 education law to practice licensed clinical social work in this state.
41 With respect to a professional service limited liability company formed
42 to provide creative arts therapy services as such services are defined
43 in article 163 of the education law, each member of such limited liabil-
44 ity company must be licensed pursuant to article 163 of the education
45 law to practice creative arts therapy in this state. With respect to a
46 professional service limited liability company formed to provide
47 marriage and family therapy services as such services are defined in
48 article 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 marriage and family therapy in this state. With respect to a
51 professional service limited liability company formed to provide mental
52 health counseling services as such services are defined in article 163
53 of the education law, each member of such limited liability company must
54 be licensed pursuant to article 163 of the education law to practice
55 mental health counseling in this state. With respect to a professional
56 service limited liability company formed to provide psychoanalysis

1 services as such services are defined in article 163 of the education
2 law, each member of such limited liability company must be licensed
3 pursuant to article 163 of the education law to practice psychoanalysis
4 in this state. In addition to engaging in such profession or
5 professions, a professional service limited liability company may engage
6 in any other business or activities as to which a limited liability
7 company may be formed under section two hundred one of this chapter.
8 Notwithstanding any other provision of this section, a professional
9 service limited liability company (i) authorized to practice law may
10 only engage in another profession or business or activities or (ii)
11 which is engaged in a profession or other business or activities other
12 than law may only engage in the practice of law, to the extent not
13 prohibited by any other law of this state or any rule adopted by the
14 appropriate appellate division of the supreme court or the court of
15 appeals.

16 S 22. Subdivision (b) of section 1207 of the limited liability company
17 law, as separately amended by chapters 420 and 676 of the laws of 2002,
18 is amended to read as follows:

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

1 such limited liability company must be licensed pursuant to article 163
2 of the education law to practice mental health counseling in this state.
3 With respect to a professional service limited liability company formed
4 to provide psychoanalysis services as such services are defined in arti-
5 cle 163 of the education law, each member of such limited liability
6 company must be licensed pursuant to article 163 of the education law to
7 practice psychoanalysis in this state.

8 S 23. Subdivisions (a) and (f) of section 1301 of the limited liabil-
9 ity company law, subdivision (a) as separately amended by chapters 420
10 and 676 of the laws of 2002 and subdivision (f) as amended by chapter
11 170 of the laws of 1996, are amended to read as follows:

12 (a) "Foreign professional service limited liability company" means a
13 professional service limited liability company, whether or not denomi-
14 nated as such, organized under the laws of a jurisdiction other than
15 this state, (i) each of whose members and managers, if any, is a profes-
16 sional authorized by law to render a professional service within this
17 state and who is or has been engaged in the practice of such profession
18 in such professional service limited liability company or a predecessor
19 entity, or will engage in the practice of such profession in the profes-
20 sional service limited liability company within thirty days of the date
21 such professional becomes a member, or each of whose members and manag-
22 ers, if any, is a professional at least one of such members is author-
23 ized by law to render a professional service within this state and who
24 is or has been engaged in the practice of such profession in such
25 professional service limited liability company or a predecessor entity,
26 or will engage in the practice of such profession in the professional
27 service limited liability company within thirty days of the date such
28 professional becomes a member, or (ii) authorized by, or holding a
29 license, certificate, registration or permit issued by the licensing
30 authority pursuant to, the education law to render a professional
31 service within this state; except that all members and managers, if any,
32 of a foreign professional service limited liability company that
33 provides health services in this state shall be licensed in this state.
34 With respect to a foreign professional service limited liability company
35 which provides veterinary services as such services are defined in arti-
36 cle 135 of the education law, each member of such foreign professional
37 service limited liability company shall be licensed pursuant to article
38 135 of the education law to practice veterinary medicine. With respect
39 to a foreign professional service limited liability company which
40 provides medical services as such services are defined in article 131 of
41 the education law, each member of such foreign professional service
42 limited liability company must be licensed pursuant to article 131 of
43 the education law to practice medicine in this state. With respect to a
44 foreign professional service limited liability company which provides
45 dental services as such services are defined in article 133 of the
46 education law, each member of such foreign professional service limited
47 liability company must be licensed pursuant to article 133 of the educa-
48 tion law to practice dentistry in this state. With respect to a foreign
49 professional service limited liability company which provides profes-
50 sional engineering, land surveying, GEOLOGIC, architectural and/or land-
51 scape architectural services as such services are defined in article
52 145, article 147 and article 148 of the education law, each member of
53 such foreign professional service limited liability company must be
54 licensed pursuant to article 145, article 147 and/or article 148 of the
55 education law to practice one or more of such professions in this state.
56 With respect to a foreign professional service limited liability company

1 which provides licensed clinical social work services as such services
2 are defined in article 154 of the education law, each member of such
3 foreign professional service limited liability company shall be licensed
4 pursuant to article 154 of the education law to practice clinical social
5 work in this state. With respect to a foreign professional service
6 limited liability company which provides creative arts therapy services
7 as such services are defined in article 163 of the education law, each
8 member of such foreign professional service limited liability company
9 must be licensed pursuant to article 163 of the education law to prac-
10 tice creative arts therapy in this state. With respect to a foreign
11 professional service limited liability company which provides marriage
12 and family therapy services as such services are defined in article 163
13 of the education law, each member of such foreign professional service
14 limited liability company must be licensed pursuant to article 163 of
15 the education law to practice marriage and family therapy in this state.
16 With respect to a foreign professional service limited liability company
17 which provides mental health counseling services as such services are
18 defined in article 163 of the education law, each member of such foreign
19 professional service limited liability company must be licensed pursuant
20 to article 163 of the education law to practice mental health counseling
21 in this state. With respect to a foreign professional service limited
22 liability company which provides psychoanalysis services as such
23 services are defined in article 163 of the education law, each member of
24 such foreign professional service limited liability company must be
25 licensed pursuant to article 163 of the education law to practice
26 psychoanalysis in this state.

27 (f) "Professional partnership" means (1) a partnership without limited
28 partners each of whose partners is a professional authorized by law to
29 render a professional service within this state, (2) a partnership with-
30 out limited partners each of whose partners is a professional, at least
31 one of whom is authorized by law to render a professional service within
32 this state or (3) a partnership without limited partners authorized by,
33 or holding a license, certificate, registration or permit issued by the
34 licensing authority pursuant to the education law to render a profes-
35 sional service within this state; except that all partners of a profes-
36 sional partnership that provides medical services in this state must be
37 licensed pursuant to article 131 of the education law to practice medi-
38 cine in this state and all partners of a professional partnership that
39 provides dental services in this state must be licensed pursuant to
40 article 133 of the education law to practice dentistry in this state;
41 except that all partners of a professional partnership that provides
42 veterinary services in this state must be licensed pursuant to article
43 135 of the education law to practice veterinary medicine in this state;
44 and further except that all partners of a professional partnership that
45 provides professional engineering, land surveying, GEOLOGIC, architec-
46 tural, and/or landscape architectural services in this state must be
47 licensed pursuant to article 145, article 147 and/or article 148 of the
48 education law to practice one or more of such professions.

49 S 24. Subdivision (b) of section 1302 of the limited liability company
50 law is amended to read as follows:

51 (b) Each final plan and report made or issued by a foreign profes-
52 sional service limited liability company practicing professional engi-
53 neering, GEOLOGY, architecture, landscape architecture or land surveying
54 shall bear the name and seal of one or more professional engineers,
55 PROFESSIONAL GEOLOGISTS, architects, landscape architects, or land

1 surveyors, respectively, who are in responsible charge of such plan or
2 report.

3 S 25. The ninth and fourteenth undesignated paragraphs of section 2 of
4 the partnership law, the ninth undesignated paragraph as amended by
5 chapter 643 of the laws of 1995 and the fourteenth undesignated para-
6 graph as added by chapter 576 of the laws of 1994, are amended to read
7 as follows:

8 "Foreign limited liability partnership" means (i) any partnership
9 without limited partners operating under an agreement governed by the
10 laws of any jurisdiction, other than this state, each of whose partners
11 is a professional authorized by law to render a professional service
12 within this state and who is or has been engaged in the practice of such
13 profession in such partnership or a predecessor entity, or will engage
14 in the practice of such profession in the foreign limited liability
15 partnership within thirty days of the date of the effectiveness of the
16 notice provided for in subdivision (a) of section 121-1502 of this chap-
17 ter or each of whose partners is a professional, at least one of whom is
18 authorized by law to render a professional service within this state and
19 who is or has been engaged in the practice of such profession in such
20 partnership or a predecessor entity, or will engage in the practice of
21 such profession in the foreign limited liability partnership within
22 thirty days of the date of the effectiveness of the notice provided for
23 in subdivision (a) of section 121-1502 of this chapter, (ii) any part-
24 nership without limited partners operating under an agreement governed
25 by the laws of any jurisdiction, other than this state, authorized by,
26 or holding a license, certificate, registration or permit issued by the
27 licensing authority pursuant to, the education law to render a profes-
28 sional service within this state, which renders or intends to render
29 professional services within this state and which is denominated as a
30 registered limited liability partnership or limited liability partner-
31 ship under such laws, regardless of any difference between such laws and
32 the laws of this state, or (iii) a foreign related limited liability
33 partnership; except that all partners of a foreign limited liability
34 partnership that provides health, professional engineering, land survey-
35 ing, GEOLOGIC, architectural and/or landscape architectural services in
36 this state shall be licensed in this state.

37 "Professional partnership" means (1) a partnership without limited
38 partners each of whose partners is a professional authorized by law to
39 render a professional service within this state, (2) a partnership with-
40 out limited partners each of whose partners is a professional, at least
41 one of whom is authorized by law to render a professional service within
42 this state or (3) a partnership without limited partners authorized by,
43 or holding a license, certificate, registration or permit issued by the
44 licensing authority pursuant to the education law to render a profes-
45 sional service within this state; except that all partners of a profes-
46 sional partnership that provides medical services in this state must be
47 licensed pursuant to article 131 of the education law to practice medi-
48 cine in this state and all partners of a professional partnership that
49 provides dental services in this state must be licensed pursuant to
50 article 133 of the education law to practice dentistry in this state;
51 and further except that all partners of a professional partnership that
52 provides professional engineering, land surveying, GEOLOGIC, architec-
53 tural and/or landscape architectural services in this state must be
54 licensed pursuant to article 145, article 147 and/or article 148 of the
55 education law to practice one or more of such professions in this state.

1 S 26. Subdivision (q) of section 121-1500 of the partnership law, as
2 separately amended by chapters 420 and 676 of the laws of 2002, is
3 amended to read as follows:

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

35 S 27. Subdivision (q) of section 121-1502 of the partnership law, as
36 amended by chapter 230 of the laws of 2004, is amended to read as
37 follows:

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

1 pursuant to article 163 of the education law to practice creative arts
2 therapy in this state. Each partner of a foreign limited liability part-
3 nership which provides marriage and family therapy services in this
4 state must be licensed pursuant to article 163 of the education law to
5 practice marriage and family therapy in this state. Each partner of a
6 foreign limited liability partnership which provides mental health coun-
7 seling services in this state must be licensed pursuant to article 163
8 of the education law to practice mental health counseling in this state.
9 Each partner of a foreign limited liability partnership which provides
10 psychoanalysis services in this state must be licensed pursuant to arti-
11 cle 163 of the education law to practice psychoanalysis in this state.
12 S 28. This act shall take effect two years after the date on which it
13 shall have become a law.