

4753--C

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 8, 2013

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Introduced by M. of A. ENGLEBRIGHT, CAHILL, ROSENTHAL, COLTON, SCHIMEL, JAFFEE, LUPARDO, ABINANTI, THIELE, COOK, STECK, ROBERTS, MONTESANO, WALTER, SANTABARBARA, LUPINACCI -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, CUSICK, DUPREY, FAHY, GUNTHER, JACOBS, McDONOUGH, 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 -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- 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; 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.

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

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1 S 3. The education law is amended by adding three new sections 7204-a,  
2 7204-b and 7206-b to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

53 4. AN APPLICANT WHO APPLIES FOR LICENSURE WITHIN ONE YEAR AFTER THE  
54 EFFECTIVE DATE OF THIS SECTION SHALL BE QUALIFIED FOR A LICENSE AS A  
55 PROFESSIONAL GEOLOGIST WITHOUT A WRITTEN EXAMINATION IF THE APPLICANT  
56 HAS SATISFIED THE REQUIREMENTS OF EDUCATION AND DEGREE DESCRIBED IN

1 PARAGRAPHS (B) AND (C) OF SUBDIVISION ONE OR SUBDIVISION TWO OF THIS  
2 SECTION NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

3 S 4. Section 7205 of the education law, as amended by chapter 521 of  
4 the laws of 1998, is amended to read as follows:

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

17 S 5. Subdivision 2 of section 7207 of the education law, as added by  
18 chapter 987 of the laws of 1971, is amended to read as follows:

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

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

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

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

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

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

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

48 1. THE EMPLOYMENT AND SUPERVISION OF INTERNS AND OTHER PERSONS QUALI-  
49 FIED BY EDUCATION OR EXPERIENCE BY PROFESSIONAL GEOLOGISTS AS ASSISTANTS  
50 IN THE PERFORMANCE OF GEOLOGICAL SERVICES, OR AS CONSULTANTS OR EMPLOY-  
51 EES IN SPECIAL FIELDS RELATED TO BUT NOT UNIQUELY GEOLOGY, PROVIDED THAT  
52 THE PROFESSIONAL GEOLOGIST EMPLOYING OR SUPERVISING SUCH PERSONS SHALL  
53 NOT BE RELIEVED OF ANY RESPONSIBILITY WHATSOEVER BY DELEGATION TO SUCH  
54 PERSONS.

55 2. THE PRACTICE OF PROFESSIONAL ENGINEERING BY A PROFESSIONAL ENGINEER  
56 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 approve any plans [or], specifications, OR GEOLOGIC DRAWINGS OR REPORTS that are not stamped:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ration for pecuniary profit under this article for the purpose of  
2 rendering such professional services as such individuals are authorized  
3 to practice.

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

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

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

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

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

31 S 18. Section 1516 of the business corporation law, as amended by  
32 chapter 564 of the laws of 2011, is amended to read as follows:

33 S 1516. Corporate mergers, consolidations and other reorganizations.

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

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

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

48 (c) If the surviving business entity is a professional service limited  
49 liability company, the restrictions on the issuance, transfer or sale of  
50 membership interests of a professional service limited liability company  
51 other than the requirements of the first two sentences of subdivision  
52 (c) of section twelve hundred eleven of the limited liability company  
53 law, shall be suspended for a period not exceeding thirty days with  
54 respect to any issuance, transfer or sale of membership interests made  
55 pursuant to such merger or consolidation, provided that: (i) no person  
56 or business entity who would not be eligible to be a member in the

1 absence of this section shall vote or receive any distribution from such  
2 limited liability company; (ii) after such merger or consolidation, any  
3 professional service limited liability company that survives or that is  
4 created thereby shall be subject to all the provisions of the limited  
5 liability company law; and (iii) membership interests thereafter may be  
6 held only by persons or business entities who are eligible to be a  
7 member of such professional service limited liability company. Nothing  
8 herein contained shall be construed as permitting the practice of a  
9 profession in this state by a limited liability company that is not  
10 formed pursuant to the provisions of the limited liability company law  
11 or authorized to do business in the state pursuant to the provisions of  
12 article thirteen of the limited liability company law.

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

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

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

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

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

1 professional service corporation are licensed to practice one or more of  
2 such professions in this state.

3 S 21. Subdivision (a) of section 1203 of the limited liability company  
4 law, as amended by chapter 554 of the laws of 2013, is amended to read  
5 as follows:

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

1 pursuant to article 163 of the education law to practice psychoanalysis  
2 in this state. With respect to a professional service limited liability  
3 company formed to provide applied behavior analysis services as such  
4 services are defined in article 167 of the education law, each member of  
5 such limited liability company must be licensed or certified pursuant to  
6 article 167 of the education law to practice applied behavior analysis  
7 in this state. In addition to engaging in such profession or  
8 professions, a professional service limited liability company may engage  
9 in any other business or activities as to which a limited liability  
10 company may be formed under section two hundred one of this chapter.  
11 Notwithstanding any other provision of this section, a professional  
12 service limited liability company (i) authorized to practice law may  
13 only engage in another profession or business or activities or (ii)  
14 which is engaged in a profession or other business or activities other  
15 than law may only engage in the practice of law, to the extent not  
16 prohibited by any other law of this state or any rule adopted by the  
17 appropriate appellate division of the supreme court or the court of  
18 appeals.

19 S 22. Subdivision (b) of section 1207 of the limited liability company  
20 law, as amended by chapter 554 of the laws of 2013, is amended to read  
21 as follows:

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

1 in this state. With respect to a professional service limited liability  
2 company formed to provide mental health counseling services as such  
3 services are defined in article 163 of the education law, each member of  
4 such limited liability company must be licensed pursuant to article 163  
5 of the education law to practice mental health counseling in this state.  
6 With respect to a professional service limited liability company formed  
7 to provide psychoanalysis services as such services are defined in arti-  
8 cle 163 of the education law, each member of such limited liability  
9 company must be licensed pursuant to article 163 of the education law to  
10 practice psychoanalysis in this state. With respect to a professional  
11 service limited liability company formed to provide applied behavior  
12 analysis services as such services are defined in article 167 of the  
13 education law, each member of such limited liability company must be  
14 licensed or certified pursuant to article 167 of the education law to  
15 practice applied behavior analysis in this state.

16 S 23. Subdivisions (a) and (f) of section 1301 of the limited liabil-  
17 ity company law, subdivision (a) as amended by chapter 554 of the laws  
18 of 2013 and subdivision (f) as amended by chapter 170 of the laws of  
19 1996, are amended to read as follows:

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

1 professional service limited liability company which provides profes-  
2 sional engineering, land surveying, GEOLOGIC, architectural and/or land-  
3 scape architectural services as such services are defined in article  
4 145, article 147 and article 148 of the education law, each member of  
5 such foreign professional service limited liability company must be  
6 licensed pursuant to article 145, article 147 and/or article 148 of the  
7 education law to practice one or more of such professions in this state.  
8 With respect to a foreign professional service limited liability company  
9 which provides licensed clinical social work services as such services  
10 are defined in article 154 of the education law, each member of such  
11 foreign professional service limited liability company shall be licensed  
12 pursuant to article 154 of the education law to practice clinical social  
13 work in this state. With respect to a foreign professional service  
14 limited liability company which provides creative arts therapy services  
15 as such services are defined in article 163 of the education law, each  
16 member of such foreign professional service limited liability company  
17 must be licensed pursuant to article 163 of the education law to prac-  
18 tice creative arts therapy in this state. With respect to a foreign  
19 professional service limited liability company which provides marriage  
20 and family therapy services as such services are defined in article 163  
21 of the education law, each member of such foreign professional service  
22 limited liability company must be licensed pursuant to article 163 of  
23 the education law to practice marriage and family therapy in this state.  
24 With respect to a foreign professional service limited liability company  
25 which provides mental health counseling services as such services are  
26 defined in article 163 of the education law, each member of such foreign  
27 professional service limited liability company must be licensed pursuant  
28 to article 163 of the education law to practice mental health counseling  
29 in this state. With respect to a foreign professional service limited  
30 liability company which provides psychoanalysis services as such  
31 services are defined in article 163 of the education law, each member of  
32 such foreign professional service limited liability company must be  
33 licensed pursuant to article 163 of the education law to practice  
34 psychoanalysis in this state. With respect to a foreign professional  
35 service limited liability company which provides applied behavior analy-  
36 sis services as such services are defined in article 167 of the educa-  
37 tion law, each member of such foreign professional service limited  
38 liability company must be licensed or certified pursuant to article 167  
39 of the education law to practice applied behavior analysis in this  
40 state.

41 (f) "Professional partnership" means (1) a partnership without limited  
42 partners each of whose partners is a professional authorized by law to  
43 render a professional service within this state, (2) a partnership with-  
44 out limited partners each of whose partners is a professional, at least  
45 one of whom is authorized by law to render a professional service within  
46 this state or (3) a partnership without limited partners authorized by,  
47 or holding a license, certificate, registration or permit issued by the  
48 licensing authority pursuant to the education law to render a profes-  
49 sional service within this state; except that all partners of a profes-  
50 sional partnership that provides medical services in this state must be  
51 licensed pursuant to article 131 of the education law to practice medi-  
52 cine in this state and all partners of a professional partnership that  
53 provides dental services in this state must be licensed pursuant to  
54 article 133 of the education law to practice dentistry in this state;  
55 except that all partners of a professional partnership that provides  
56 veterinary services in this state must be licensed pursuant to article

1 135 of the education law to practice veterinary medicine in this state;  
2 and further except that all partners of a professional partnership that  
3 provides professional engineering, land surveying, GEOLOGIC, architec-  
4 tural, and/or landscape architectural services in this state must be  
5 licensed pursuant to article 145, article 147 and/or article 148 of the  
6 education law to practice one or more of such professions.

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

9 (b) Each final plan and report made or issued by a foreign profes-  
10 sional service limited liability company practicing professional engi-  
11 neering, GEOLOGY, architecture, landscape architecture or land surveying  
12 shall bear the name and seal of one or more professional engineers,  
13 PROFESSIONAL GEOLOGISTS, architects, landscape architects, or land  
14 surveyors, respectively, who are in responsible charge of such plan or  
15 report.

16 S 25. The ninth and fourteenth undesignated paragraphs of section 2 of  
17 the partnership law, the ninth undesignated paragraph as amended by  
18 chapter 643 of the laws of 1995 and the fourteenth undesignated para-  
19 graph as added by chapter 576 of the laws of 1994, are amended to read  
20 as follows:

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

50 "Professional partnership" means (1) a partnership without limited  
51 partners each of whose partners is a professional authorized by law to  
52 render a professional service within this state, (2) a partnership with-  
53 out limited partners each of whose partners is a professional, at least  
54 one of whom is authorized by law to render a professional service within  
55 this state or (3) a partnership without limited partners authorized by,  
56 or holding a license, certificate, registration or permit issued by the

1 licensing authority pursuant to the education law to render a profes-  
2 sional service within this state; except that all partners of a profes-  
3 sional partnership that provides medical services in this state must be  
4 licensed pursuant to article 131 of the education law to practice medi-  
5 cine in this state and all partners of a professional partnership that  
6 provides dental services in this state must be licensed pursuant to  
7 article 133 of the education law to practice dentistry in this state;  
8 and further except that all partners of a professional partnership that  
9 provides professional engineering, land surveying, GEOLOGIC, architec-  
10 tural and/or landscape architectural services in this state must be  
11 licensed pursuant to article 145, article 147 and/or article 148 of the  
12 education law to practice one or more of such professions in this state.

13 S 26. Subdivision (q) of section 121-1500 of the partnership law, as  
14 amended by chapter 554 of the laws of 2013, is amended to read as  
15 follows:

16 (q) Each partner of a registered limited liability partnership formed  
17 to provide medical services in this state must be licensed pursuant to  
18 article 131 of the education law to practice medicine in this state and  
19 each partner of a registered limited liability partnership formed to  
20 provide dental services in this state must be licensed pursuant to arti-  
21 cle 133 of the education law to practice dentistry in this state. Each  
22 partner of a registered limited liability partnership formed to provide  
23 veterinary services in this state must be licensed pursuant to article  
24 135 of the education law to practice veterinary medicine in this state.  
25 Each partner of a registered limited liability partnership formed to  
26 provide professional engineering, land surveying, GEOLOGICAL SERVICES,  
27 architectural and/or landscape architectural services in this state must  
28 be licensed pursuant to article 145, article 147 and/or article 148 of  
29 the education law to practice one or more of such professions in this  
30 state. Each partner of a registered limited liability partnership formed  
31 to provide licensed clinical social work services in this state must be  
32 licensed pursuant to article 154 of the education law to practice clin-  
33 ical social work in this state. Each partner of a registered limited  
34 liability partnership formed to provide creative arts therapy services  
35 in this state must be licensed pursuant to article 163 of the education  
36 law to practice creative arts therapy in this state. Each partner of a  
37 registered limited liability partnership formed to provide marriage and  
38 family therapy services in this state must be licensed pursuant to arti-  
39 cle 163 of the education law to practice marriage and family therapy in  
40 this state. Each partner of a registered limited liability partnership  
41 formed to provide mental health counseling services in this state must  
42 be licensed pursuant to article 163 of the education law to practice  
43 mental health counseling in this state. Each partner of a registered  
44 limited liability partnership formed to provide psychoanalysis services  
45 in this state must be licensed pursuant to article 163 of the education  
46 law to practice psychoanalysis in this state. Each partner of a regis-  
47 tered limited liability partnership formed to provide applied behavior  
48 analysis service in this state must be licensed or certified pursuant to  
49 article 167 of the education law to practice applied behavior analysis  
50 in this state.

51 S 27. Subdivision (q) of section 121-1502 of the partnership law, as  
52 amended by chapter 554 of the laws of 2013, is amended to read as  
53 follows:

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

1 each partner of a foreign limited liability partnership which provides  
2 dental services in the state must be licensed pursuant to article 133 of  
3 the education law to practice dentistry in this state. Each partner of a  
4 foreign limited liability partnership which provides veterinary service  
5 in the state shall be licensed pursuant to article 135 of the education  
6 law to practice veterinary medicine in this state. Each partner of a  
7 foreign limited liability partnership which provides professional engi-  
8 neering, land surveying, GEOLOGICAL SERVICES, architectural and/or land-  
9 scape architectural services in this state must be licensed pursuant to  
10 article 145, article 147 and/or article 148 of the education law to  
11 practice one or more of such professions. Each partner of a foreign  
12 limited liability partnership which provides licensed clinical social  
13 work services in this state must be licensed pursuant to article 154 of  
14 the education law to practice licensed clinical social work in this  
15 state. Each partner of a foreign limited liability partnership which  
16 provides creative arts therapy services in this state must be licensed  
17 pursuant to article 163 of the education law to practice creative arts  
18 therapy in this state. Each partner of a foreign limited liability part-  
19 nership which provides marriage and family therapy services in this  
20 state must be licensed pursuant to article 163 of the education law to  
21 practice marriage and family therapy in this state. Each partner of a  
22 foreign limited liability partnership which provides mental health coun-  
23 seling services in this state must be licensed pursuant to article 163  
24 of the education law to practice mental health counseling in this state.  
25 Each partner of a foreign limited liability partnership which provides  
26 psychoanalysis services in this state must be licensed pursuant to arti-  
27 cle 163 of the education law to practice psychoanalysis in this state.  
28 Each partner of a foreign limited liability partnership which provides  
29 applied behavior analysis services in this state must be licensed or  
30 certified pursuant to article 167 of the education law to practice  
31 applied behavior analysis in this state.

32 S 28. This act shall take effect two years after the date on which it  
33 shall have become a law.