

STATE OF NEW YORK

10021--A

IN ASSEMBLY

March 4, 2020

Introduced by M. of A. ENGLEBRIGHT, CARROLL, SIMON, JAFFEE, WILLIAMS, BLAKE, SEAWRIGHT, L. ROSENTHAL, HYNDMAN -- Multi-Sponsored by -- M. of A. BUTTENSCHON -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to continuing education for professional engineers, land surveyors and professional geologists; and to repeal section 7212 of the education law relating to mandatory continuing education for land surveyors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 7211 of the education law, as added by chapter 146 of the laws of 2002, paragraph (d) of subdivision 1 as amended by section 8 of part B of chapter 103 of the laws of 2004, is amended to read as follows:

§ 7211. Mandatory continuing education for professional engineers, land surveyors and professional geologists. 1. (a) Each licensed professional [~~engineer~~] required under this article to register triennially with the department to practice in this state shall comply with provisions of the mandatory continuing education requirements prescribed in subdivision two of this section except as set forth in paragraphs (b) and (c) of this subdivision. [~~Professional engineers~~] Licensed professionals who do not satisfy the mandatory continuing education requirements shall not practice until they have met such requirements, and have been issued a registration certificate, except that a licensed professional [~~engineer~~] may practice without having met such requirements if he or she is issued a conditional registration certificate pursuant to subdivision three of this section. For purposes of this section the term "licensed professional" shall mean any individual licensed under this article as a professional engineer, land surveyor or professional geologist.

(b) [~~Professional engineers~~] Licensed professionals shall be exempt from the mandatory continuing education requirement for the triennial registration period during which they are first licensed. In accordance

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

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1 with the intent of this section, adjustment to the mandatory continuing
2 education requirement may be granted by the department for reasons of
3 health certified by an appropriate health care professional, for
4 extended active duty with the armed forces of the United States, or for
5 other good cause acceptable to the department which may prevent compli-
6 ance.

7 (c) A licensed professional [~~engineer~~] not engaged in practice as
8 determined by the department[~~7~~] shall be exempt from the mandatory
9 continuing education requirement upon the filing of a statement with the
10 department declaring such status. Any licensee who returns to the prac-
11 tice of [~~professional engineering~~] his or her profession during the
12 triennial registration period shall notify the department prior to reen-
13 tering the profession and shall meet such mandatory education require-
14 ments as shall be prescribed by regulations of the commissioner.

15 (d) Professional engineers directly employed on a full time basis by
16 the state of New York, its agencies, public authorities, public benefit
17 corporations or local governmental units prior to January first, two
18 thousand four and who are represented by a collective bargaining unit or
19 who are designated managerial or confidential pursuant to article four-
20 teen of the civil service law, at all times when so employed shall be
21 deemed to have satisfied the continuing education requirements of this
22 section, provided however that any such licensees who thereafter leave
23 such employment and enter the practice of professional engineering in
24 other capacities in New York, or otherwise engage in such practice,
25 shall satisfy the requirements of this section in such manner as shall
26 be prescribed by regulations of the commissioner.

27 (e) Professional geologists directly employed on a full-time basis by
28 the state of New York, its agencies, public authorities, public benefit
29 corporations or local governmental units prior to January first, two
30 thousand twenty-two and who are represented by a collective bargaining
31 unit or who are designated managerial or confidential pursuant to arti-
32 cle fourteen of the civil service law, at all times when so employed
33 shall be deemed to have satisfied the continuing education requirements
34 of this section, provided however that any such licensees who thereafter
35 leave such employment and enter the practice of professional geology in
36 other capacities in New York, or otherwise engage in such practice,
37 shall satisfy the requirements of this section in such manner as shall
38 be prescribed by regulations of the commissioner.

39 2. During each triennial registration period an applicant for regis-
40 tration as a professional engineer and/or a professional geologist shall
41 complete a minimum of thirty-six hours of acceptable continuing educa-
42 tion[~~7~~] and an applicant for registration as a land surveyor shall
43 complete a minimum of twenty-four hours of acceptable continuing educa-
44 tion as specified in subdivision four of this section[~~, provided that no~~
45 ~~more than eighteen hours of such continuing education may consist of~~
46 ~~non-course activities~~]. Any professional [~~engineer~~] geologist whose
47 first registration date following the effective date of the chapter of
48 the laws of two thousand twenty which amended this section occurs less
49 than three years from such effective date, but on or after [~~January~~
50 ~~first, two thousand five~~] January first, two thousand twenty-three,
51 shall complete continuing education hours on a prorated basis at the
52 rate of one hour per month for the period beginning [~~January first, two~~
53 ~~thousand four~~] January first, two thousand twenty-two up to the first
54 registration date thereafter. A licensee who has not satisfied the
55 mandatory continuing education requirements shall not be issued a trien-
56 nial registration certificate by the department and shall not practice

1 unless and until a conditional registration certificate is issued as
2 provided for in subdivision three of this section. With the exception of
3 continuing education hours taken during the registration period imme-
4 diately preceding the effective date of this section, [~~continuing educa-~~
5 ~~tion hours taken during one triennium may not be transferred to a subse-~~
6 ~~quent triennium~~] no more than six continuing education hours taken
7 during one triennium may be transferred to a subsequent triennium.

8 3. The department, in its discretion, may issue a conditional regis-
9 tration to a licensee who fails to meet the continuing education
10 requirements established in subdivision two of this section but who
11 agrees to make up any deficiencies and complete any additional education
12 which the department may require. The fee for such a conditional regis-
13 tration shall be the same as, and in addition to, the fee for the trien-
14 nial registration. The duration of such conditional registration shall
15 be determined by the department but shall not exceed one year. Any
16 licensee who is notified of the denial of registration for failure to
17 submit evidence, satisfactory to the department, of required continuing
18 education and who practices [~~professional engineering~~] a licensed
19 profession without such registration, may be subject to disciplinary
20 proceedings pursuant to section sixty-five hundred ten of this title.

21 4. As used in subdivision two of this section, "acceptable continuing
22 education" shall mean courses of learning and educational activities
23 [~~which~~] in architecture, engineering, interior design, land surveying,
24 landscape architecture and geology that may contribute to professional
25 practice in professional engineering, land surveying and/or geology and
26 which meet the standards prescribed by regulations of the commissioner.
27 Completing courses of learning and educational activities that fall
28 within the scope of practice of another licensed profession does not
29 authorize the licensed professional engineer, licensed land surveyor or
30 licensed professional geologist to lawfully practice a profession that
31 they are not authorized to practice as defined in sections seventy-two
32 hundred one, seventy-two hundred three and seventy-two hundred four of
33 this title. The department may, in its discretion and as needed to
34 contribute to the health and welfare of the public, require the
35 completion of continuing education courses in specific subjects.

36 5. [~~Professional engineers~~] Licensed professionals shall maintain
37 adequate documentation of completion of acceptable continuing education
38 and educational activities and shall provide such documentation at the
39 request of the department.

40 6. The mandatory continuing education fee shall be forty-five dollars,
41 shall be payable on or before the first day of each triennial registra-
42 tion period, and shall be paid in addition to the triennial registration
43 [~~fee~~] fees required by [~~section~~] sections seventy-two hundred six,
44 seventy-two hundred six-a, and seventy-two hundred six-b of this arti-
45 cle.

46 § 2. Section 7212 of the education law is REPEALED.

47 § 3. This act shall take effect on January first, two thousand twen-
48 ty-two.