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. 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. [Licensed professionals] Professional engineers 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) [Licensed professionals] 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.
with the intent of this section, adjustment to the mandatory continuing education requirement may be granted by the department for reasons of health certified by an appropriate health care professional, for extended active duty with the armed forces of the United States, or for other good cause acceptable to the department which may prevent compliance.

(c) A licensed professional [engineer] not engaged in practice as determined by the department[\textsuperscript{7}] shall be exempt from the mandatory continuing education requirement upon the filing of a statement with the department declaring such status. Any licensee who returns to the practice of [professional engineering] his or her profession during the triennial registration period shall notify the department prior to reentering the profession and shall meet such mandatory education requirements as shall be prescribed by regulations of the commissioner.

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

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

2. During each triennial registration period an applicant for registration as a professional engineer and/or a professional geologist shall complete a minimum of thirty-six hours of acceptable continuing education[\textsuperscript{7}] and an applicant for registration as a land surveyor shall complete a minimum of twenty-four hours of acceptable continuing education as specified in subdivision four of this section[\textsuperscript{7}], provided that no more than eighteen hours of such continuing education may consist of non-course activities. Any professional [engineer] geologist whose first registration date following the effective date of the chapter of the laws of two thousand twenty which amended this section occurs less than three years from such effective date, but on or after [January first, two thousand five] January first, two thousand twenty-three, shall complete continuing education hours on a prorated basis at the rate of one hour per month for the period beginning [January first, two thousand four] January first, two thousand twenty-two up to the first registration date thereafter. A licensee who has not satisfied the mandatory continuing education requirements shall not be issued a triennial registration certificate by the department and shall not practice
unless and until a conditional registration certificate is issued as
provided for in subdivision three of this section. With the exception of
continuing education hours taken during the registration period imme-
diately preceding the effective date of this section, no more than six continuing education hours taken
during one triennium may be transferred to a subsequent triennium.

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

4. As used in subdivision two of this section, "acceptable continuing
education" shall mean courses of learning and educational activities
which in architecture, engineering, interior design, land surveying,
landscape architecture and geology that may contribute to professional
practice in professional engineering, land surveying and/or geology and
which meet the standards prescribed by regulations of the commissioner.

Completing courses of learning and educational activities that fall
within the scope of practice of another licensed profession does not
authorize the licensed professional engineer, licensed land surveyor or
licensed professional geologist to lawfully practice a profession that
they are not authorized to practice as defined in sections seventy-two
hundred one, seventy-two hundred three and seventy-two hundred four of
this title. The department may, in its discretion and as needed to
contribute to the health and welfare of the public, require the
completion of continuing education courses in specific subjects.

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

6. The mandatory continuing education fee shall be forty-five dollars,
shall be payable on or before the first day of each triennial registra-

tion period, and shall be paid in addition to the triennial registration
[fee] fees required by [section] sections seventy-two hundred six-


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

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