

# STATE OF NEW YORK

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7865

2019-2020 Regular Sessions

## IN ASSEMBLY

May 24, 2019

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Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the  
Committee on Higher Education

AN ACT to amend the education law, in relation to the practice of  
professional geology

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

1 Section 1. Subdivision 6 of section 7209 of the education law, as  
2 amended by chapter 62 of the laws of 1989, is amended to read as  
3 follows:

4 6. It shall be lawful for a corporation organized and existing under  
5 the laws of the state of New York which on the fifteenth day of April,  
6 nineteen hundred thirty-five and continuously thereafter, was lawfully  
7 practicing engineering or land surveying in New York state, to continue  
8 such practice provided that the chief executive officer shall be a  
9 professional engineer licensed under this article, if practicing engi-  
10 neering, or a land surveyor licensed under this article, if practicing  
11 land surveying, and provided further that the person or persons carrying  
12 on the actual practice of engineering or surveying on behalf of, or  
13 designated as "engineer" or "surveyor", with or without qualifying or  
14 characterizing word, by such corporation shall be authorized to practice  
15 engineering or land surveying as provided in this article. The practice  
16 of engineering may encompass services that can also be considered to be  
17 the practice of geology and a corporation organized pursuant to this  
18 subdivision shall be permitted to obtain a certificate of authority to  
19 practice geology so long as such corporation has one officer or employee  
20 in responsible charge licensed as a professional geologist. It shall be  
21 lawful for a corporation which, on account of or as a result of require-  
22 ments, restrictions or provisions of federal law, was organized subse-  
23 quent to April fifteenth, nineteen hundred thirty-five for the purpose  
24 of taking over an existing engineering organization established prior to  
25 such time and which has taken over such organization and continued its

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

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1 engineering activities, provided that the chief executive officer of  
2 such corporation shall be a professional engineer licensed under this  
3 article and provided further, that the person or persons carrying on the  
4 actual practice of engineering on behalf of, or designated as "engi-  
5 neer", with or without qualifying or characterizing word, by such corpo-  
6 ration, shall be authorized to practice engineering as provided in this  
7 article. No such corporation shall change its name or sell its franchise  
8 or transfer its corporate rights, directly or indirectly to any person,  
9 firm or corporation without the consent of the department. Each such  
10 corporation shall obtain a triennial registration on payment of a fee of  
11 fifty dollars.

12 § 2. Subdivisions 2 and 3 of section 7210 of the education law, as  
13 amended by chapter 483 of the laws of 2001, are amended to read as  
14 follows:

15 2. Upon application a certificate of authorization shall be issued by  
16 the department to all individuals, corporations, limited liability  
17 companies, limited liability partnerships, partnerships and joint enter-  
18 prises specified in subdivision one of this section and which are  
19 authorized to provide professional engineering ~~[ex]~~, land surveying or  
20 professional geology services and pay the appropriate fee.

21 3. A "certificate of authorization" shall authorize such individual,  
22 corporation, limited liability company, limited liability partnership,  
23 partnership or joint enterprise to provide professional engineering  
24 ~~[ex]~~, land surveying or professional geology services for three years  
25 from the date of issuance subject to, as otherwise prescribed by law,  
26 the supervision of the regents of the university of the state of New  
27 York including the power to discipline and impose penalties in the same  
28 manner and to the same extent as is provided with respect to individuals  
29 and their licenses and registration pursuant to this title.

30 § 3. This act shall take effect immediately.