STATE OF NEW YORK

2935--A

2019-2020 Regular Sessions

IN SENATE

January 30, 2019

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed 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 and the public service law, in relation to certain engineering plans or specifications for engineering work or services that could pose a material risk to public safety

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

Section 1. Section 7208 of the education law, as added by chapter 987 of the laws of 1971, the section heading as amended by chapter 475 of the laws of 2014, subdivision g as amended by chapter 994 of the laws of 1971, subdivision l as amended by section 15 of part A of chapter 173 of the laws of 2013, and subdivision p as added by chapter 954 of the laws of 1972, is amended to read as follows:

§ 7208. Exempt persons for the professions of engineering and land surveying. **1.** This article shall not be construed to affect or prevent the following, provided that no title, sign, card or device shall be used in such manner as to tend to convey the impression that the person rendering such service is a professional engineer or a land surveyor licensed in this state or is practicing engineering or land surveying:

a. Offering to practice in this state as a professional engineer or land surveyor by any person not a resident of, and having no established place of practice in this state, provided that such person is legally qualified for such practice in his own state or country;

b. Practice as a professional engineer or land surveyor in this state by any person not a resident, or having no established place of practice in this state, or any person resident in this state but who has arrived in this state within six months, provided, however, such a person shall have filed an application for license as a professional engineer or land surveyor, and is legally qualified for such practice in the state or country in which he resides or has his place of practice or in which he had his previous residence or place of practice, such exemption continuing for only such reasonable time as the board requires to grant or deny

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

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the application for license, and a person intending to practice under this subdivision shall so state on the application;

c. Practice of engineering or land surveying, by an employee of a county or town, in the construction, improvement or maintenance of a county road or town highway, or by an employee of a county, city, town or village, in the construction, improvement or maintenance of any public work wherein the contemplated expenditure for the completed project does not exceed five thousand dollars;

d. Operation or maintenance of steam, power, or refrigeration plants by legally authorized persons not licensed under this article or persons engaged or employed as an engine man, operator or driver of any engine or of any mechanical, electrical, chemical or other device or machine;

e. Making of surveys by professional engineers, except that the determination of real property boundaries may be done only by a licensed land surveyor;

f. Employment or supervision of interns or other persons qualified by education or experience by professional engineers or land surveyors as assistants in the performance of engineering or land surveying, or as consultants or employees in special fields related to but not uniquely engineering or land surveying, provided that the engineers or land surveyors employing or supervising such persons shall not be relieved of any responsibility whatsoever by delegation to such persons, and provided further that such persons who have attained the bachelor's level of studies in accordance with the requirements of section seventy-two hundred six of this title may be employed as junior or assistant engineers or junior or assistant land surveyors, or similar titles, to act under the general direction of a professional engineer or land surveyor, or in work not covered by this article;

g. Employment of any person as a junior or assistant engineer or junior or assistant land surveyor in the civil service of the state or its political subdivisions in a position the title of which was approved and in use as of July first, nineteen hundred seventy-one, provided such person acts under the general direction of a licensed professional engineer or land surveyor;

h. Execution by a contractor or by others of work designed by a professional engineer, or land surveyor, or the superintendence of such work as a superintendent, foreman, or inspector;

i. The practice of architecture by an architect licensed in this state, or the practice of landscape architecture by a landscape architect licensed in this state, provided that no such architect or landscape architect shall use the designation "engineer" or "engineering" unless licensed as a professional engineer in this state;

j. The practice of engineering or land surveying or having the title "engineer" or "surveyor" solely as an officer or an employee of a corporation engaged in interstate commerce;

k. The practice of engineering by a manufacturing corporation or by employees of such corporation, or use of the title "engineer" by such employees, in connection with or incidental to goods produced by, or sold by, or nonengineering services rendered by, such corporation or its manufacturing affiliates;

l. The practice of engineering or land surveying, or using the title "engineer" or "surveyor" (i) exclusively as an officer or employee of a public service corporation by rendering to such corporation such services in connection with its lines and property which are subject to supervision with respect to the safety and security thereof by the public service commission of this state, the interstate commerce commis-

sion or other federal regulatory body and so long as such person is thus actually and exclusively employed and no longer, or (ii) exclusively as an officer or employee of the Long Island power authority or its service provider, as defined under section three-b of the public service law, by rendering to such authority or provider such services in connection with its lines and property which are located in such authority's service area and so long as such person is thus actually and exclusively employed and no longer;

m. The making of land surveys by a professional engineer where such land surveys are essential to engineering projects, provided he was licensed as a professional engineer in this state on or before the first day of January in the year in which this act shall become a law and files evidence satisfactory to the board on or before the first day of July in the year next succeeding the year in which this act shall have become law, that he is competent and experienced in such land surveys;

n. The design by a land surveyor of roads, drainage, water supply or sanitary sewerage facilities of a minor nature in connection with subdivisions and the extension and inspection thereof, but not including sewage disposal or treatment plants, lift stations, pumping stations, commercial buildings or bridges, provided the surveyor was licensed as a land surveyor in this state on or before the first day of January in the year in which this act shall have become a law and files evidence satisfactory to the board on or before the first day of July in the year next succeeding the year in which this act shall have become a law, attesting that he is competent and experienced in the engineering required for design of such facilities appurtenant to subdivisions; or

o. Using the title "marine operating engineer", "stationary engineer", "port of customs surveyor", or "ship surveyor".

p. Contractors or builders from engaging in construction management and administration of construction contracts.

2. The exemptions provided for in this section shall not apply to engineering work or services that could pose a material risk to public safety, as determined by the public service commission, performed by or on behalf of a gas company that distributes and sells gas within the state.

§ 2. The education law is amended by adding a new section 7213 to read as follows:

§ 7213. Engineering plans; public safety. Any engineering plans or specifications for engineering work or services that could pose a material risk to public safety, as determined by the public service commission, developed by or on behalf of a gas company shall bear the stamp of approval of a professional engineer; provided, however, that any such plan or specification shall be housed within the applicable gas company subject to review and audit by the public service commission. The public service commission may promulgate any rules and regulations necessary for the implementation of this section.

§ 3. Section 5 of the public service law is amended by adding a new subdivision 7 to read as follows:

7. The commission may promulgate rules and regulations necessary for the implementation of section seventy-two hundred thirteen of the education law relating to engineering plans or specifications for engineering work or services that could pose a material risk to public safety developed by or on behalf of a gas company.

§ 4. This act shall take effect eighteen months after it shall have become a law.