

# STATE OF NEW YORK

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2935

2019-2020 Regular Sessions

## IN SENATE

January 30, 2019

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Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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:

1 Section 1. Section 7208 of the education law, as added by chapter 987  
2 of the laws of 1971, the section heading as amended by chapter 475 of  
3 the laws of 2014, subdivision g as amended by chapter 994 of the laws of  
4 1971, subdivision l as amended by section 15 of part A of chapter 173 of  
5 the laws of 2013, and subdivision p as added by chapter 954 of the laws  
6 of 1972, is amended to read as follows:

7 § 7208. Exempt persons for the professions of engineering and land  
8 surveying. 1. This article shall not be construed to affect or prevent  
9 the following, provided that no title, sign, card or device shall be  
10 used in such manner as to tend to convey the impression that the person  
11 rendering such service is a professional engineer or a land surveyor  
12 licensed in this state or is practicing engineering or land surveying:

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

17 b. Practice as a professional engineer or land surveyor in this state  
18 by any person not a resident, or having no established place of practice  
19 in this state, or any person resident in this state but who has arrived  
20 in this state within six months, provided, however, such a person shall  
21 have filed an application for license as a professional engineer or land  
22 surveyor, and is legally qualified for such practice in the state or  
23 country in which he resides or has his place of practice or in which he  
24 had his previous residence or place of practice, such exemption continu-

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

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1 ing for only such reasonable time as the board requires to grant or deny  
2 the application for license, and a person intending to practice under  
3 this subdivision shall so state on the application;

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

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

14 e. Making of surveys by professional engineers, except that the deter-  
15 mination of real property boundaries may be done only by a licensed land  
16 surveyor;

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

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

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

39 i. The practice of architecture by an architect licensed in this  
40 state, or the practice of landscape architecture by a landscape archi-  
41 tect licensed in this state, provided that no such architect or land-  
42 scape architect shall use the designation "engineer" or "engineering"  
43 unless licensed as a professional engineer in this state;

44 j. The practice of engineering or land surveying or having the title  
45 "engineer" or "surveyor" solely as an officer or an employee of a corpo-  
46 ration engaged in interstate commerce;

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

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

1 public service commission of this state, the interstate commerce commis-  
2 sion or other federal regulatory body and so long as such person is thus  
3 actually and exclusively employed and no longer, or (ii) exclusively as  
4 an officer or employee of the Long Island power authority or its service  
5 provider, as defined under section three-b of the public service law, by  
6 rendering to such authority or provider such services in connection with  
7 its lines and property which are located in such authority's service  
8 area and so long as such person is thus actually and exclusively  
9 employed and no longer;

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

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

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

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

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

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

39 § 7213. Engineering plans; public safety. Any engineering plans or  
40 specifications for engineering work or services that could pose a mate-  
41 rial risk to public safety, as determined by the public service commis-  
42 sion, developed by or on behalf of a gas company shall bear the stamp of  
43 approval of a professional engineer; provided, however, that any such  
44 plan or specification shall be housed within the applicable gas company  
45 subject to review and audit by the public service commission. The  
46 public service commission may promulgate any rules and regulations  
47 necessary for the implementation of this section.

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

50 7. The commission may promulgate rules and regulations necessary for  
51 the implementation of section seventy-two hundred thirteen of the educa-  
52 tion law relating to engineering plans or specifications for engineering  
53 work or services that could pose a material risk to public safety devel-  
54 oped by or on behalf of a gas company.

55 § 4. This act shall take effect immediately.