STATE OF NEW YORK

7986

IN SENATE

March 6, 2020

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

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 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

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

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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[~~,~~] 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[~~,~~] **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[~~, 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, [~~continuing education hours taken during one triennium may not be transferred to a subsequent triennium~~] **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 registration 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 registration shall be the same as, and in addition to, the fee for the triennial 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 [~~professional engineering~~] **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 registration period, and shall be paid in addition to the triennial registration [~~fee~~] **fees** required by [~~section~~] **sections** seventy-two hundred six**, seventy-two hundred six-a, and seventy-two hundred six-b** of this article.

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 Section 7212 of the education law is REPEALED.

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