

STATE OF NEW YORK

7884

2021-2022 Regular Sessions

IN ASSEMBLY

May 28, 2021

Introduced by M. of A. ENGLEBRIGHT, SANTABARBARA, MANKTELOW, STECK --
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 ~~[or]~~, 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 ~~[or]~~, 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.