

# STATE OF NEW YORK

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544

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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

AN ACT to amend the public service law and the education 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 5 of the public service law is amended by adding a  
2 new subdivision 7 to read as follows:

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

8 § 2. Section 7208 of the education law, as added by chapter 987 of the  
9 laws of 1971, the section heading as amended by chapter 475 of the laws  
10 of 2014, subdivision g as amended by chapter 994 of the laws of 1971,  
11 subdivision l as amended by section 15 of part A of chapter 173 of the  
12 laws of 2013, and subdivision p as added by chapter 954 of the laws of  
13 1972, is amended to read as follows:

14 § 7208. Exempt persons for the professions of engineering and land  
15 surveying. 1. This article shall not be construed to affect or prevent  
16 the following, provided that no title, sign, card or device shall be  
17 used in such manner as to tend to convey the impression that the person  
18 rendering such service is a professional engineer or a land surveyor  
19 licensed in this state or is practicing engineering or land surveying:

20 a. Offering to practice in this state as a professional engineer or  
21 land surveyor by any person not a resident of, and having no established

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

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1 place of practice in this state, provided that such person is legally  
2 qualified for such practice in his own state or country;

3 b. Practice as a professional engineer or land surveyor in this state  
4 by any person not a resident, or having no established place of practice  
5 in this state, or any person resident in this state but who has arrived  
6 in this state within six months, provided, however, such a person shall  
7 have filed an application for license as a professional engineer or land  
8 surveyor, and is legally qualified for such practice in the state or  
9 country in which he resides or has his place of practice or in which he  
10 had his previous residence or place of practice, such exemption continu-  
11 ing for only such reasonable time as the board requires to grant or deny  
12 the application for license, and a person intending to practice under  
13 this subdivision shall so state on the application;

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

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

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

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

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

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

49 i. The practice of architecture by an architect licensed in this  
50 state, or the practice of landscape architecture by a landscape archi-  
51 tect licensed in this state, provided that no such architect or land-  
52 scape architect shall use the designation "engineer" or "engineering"  
53 unless licensed as a professional engineer in this state;

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

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

6 l. The practice of engineering or land surveying, or using the title  
7 "engineer" or "surveyor" (i) exclusively as an officer or employee of a  
8 public service corporation by rendering to such corporation such  
9 services in connection with its lines and property which are subject to  
10 supervision with respect to the safety and security thereof by the  
11 public service commission of this state, the interstate commerce commis-  
12 sion or other federal regulatory body and so long as such person is thus  
13 actually and exclusively employed and no longer, or (ii) exclusively as  
14 an officer or employee of the Long Island power authority or its service  
15 provider, as defined under section three-b of the public service law, by  
16 rendering to such authority or provider such services in connection with  
17 its lines and property which are located in such authority's service  
18 area and so long as such person is thus actually and exclusively  
19 employed and no longer;

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

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

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

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

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

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

49 § 7213. Engineering plans; public safety. Any engineering plans or  
50 specifications for engineering work or services that could pose a mate-  
51 rial risk to public safety, as determined by the public service commis-  
52 sion, developed by or on behalf of a gas company shall bear the stamp of  
53 approval of a professional engineer; provided, however, that any such  
54 plan or specification shall be housed within the applicable gas company  
55 subject to review and audit by the public service commission. The

1 public service commission may promulgate any rules and regulations  
2 necessary for the implementation of this section.  
3 § 4. This act shall take effect eighteen months after it shall have  
4 become a law.