

# STATE OF NEW YORK

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4870

2023-2024 Regular Sessions

## IN ASSEMBLY

February 24, 2023

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Introduced by M. of A. McDONALD -- 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 Assembly, 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. Such corpo-  
16 ration shall also be authorized to practice geology so long as such  
17 corporation has at least one officer or director licensed as a profes-  
18 sional geologist. It shall be lawful for a corporation which, on account  
19 of or as a result of requirements, restrictions or provisions of federal  
20 law, was organized subsequent to April fifteenth, nineteen hundred thir-  
21 ty-five for the purpose of taking over an existing engineering organiza-  
22 tion established prior to such time and which has taken over such organ-  
23 ization and continued its engineering activities, provided that the  
24 chief executive officer of such corporation shall be a professional  
25 engineer licensed under this article and provided further, that the

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

LBD06093-03-3

1 person or persons carrying on the actual practice of engineering on  
2 behalf of, or designated as "engineer", with or without qualifying or  
3 characterizing word, by such corporation, shall be authorized to prac-  
4 tice engineering as provided in this article. No such corporation shall  
5 change its name or sell its franchise or transfer its corporate rights,  
6 directly or indirectly to any person, firm or corporation without the  
7 consent of the department. Each such corporation shall obtain a trienni-  
8 al registration on payment of a fee of fifty dollars.

9 § 2. Subdivisions 2 and 3 of section 7210 of the education law, as  
10 amended by chapter 483 of the laws of 2001, are amended to read as  
11 follows:

12 2. Upon application a certificate of authorization shall be issued by  
13 the department to all individuals, corporations, limited liability  
14 companies, limited liability partnerships, partnerships and joint enter-  
15 prises specified in subdivision one of this section and which are  
16 authorized to provide professional engineering ~~[or]~~, land surveying or  
17 professional geology services and pay the appropriate fee.

18 3. A "certificate of authorization" shall authorize such individual,  
19 corporation, limited liability company, limited liability partnership,  
20 partnership or joint enterprise to provide professional engineering  
21 ~~[or]~~, land surveying or professional geology services for three years  
22 from the date of issuance subject to, as otherwise prescribed by law,  
23 the supervision of the regents of the university of the state of New  
24 York including the power to discipline and impose penalties in the same  
25 manner and to the same extent as is provided with respect to individuals  
26 and their licenses and registration pursuant to this title.

27 § 3. This act shall take effect immediately.