



**PDHonline Course R403W (1 PDH)**

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# **New York Board Laws and Rules (Live Webinar)**

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**2020**

**PDH Online | PDH Center**

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## New York Board Laws and Rules

### Course Outline

This course provides a review of the New York Board Laws and Rules contained in Article 145 - Education Law, Part 29 Unprofessional Conduct - Rules of the Board of Regents and Part 68 Engineering and Land Surveying - Commissioner's Regulations. This course includes a multiple-choice quiz at the end, which is designed to enhance the understanding of course materials.



### Learning Objective

At the conclusion of this course, the student will:

- Be familiar with New York Board Laws and Rules;
- Be aware of the unprofessional conducts;
- Understand the range of penalties for professional misconducts;
- Be familiar with the mandatory continuing education requirements;
- Be familiar with the roles and responsibilities of a professional engineer and land surveyor; and
- Have a better understanding of the requirements and other regulatory provisions for practicing engineering and land surveying in the state of New York.

### Background

In 2003, the New York State Board for Engineering and Land Surveying adopted Mandatory Continuing Education Program, which requires each licensee to complete thirty-six hours of professional development (36 PDH units) during each license renewal triennium. Effective January 1, 2004 licensed professional engineers and land surveyors renewing registration of a license on or after January 1, 2005 will be required to complete continuing education requirements on a prorated basis. A Licensee is required to take continuing education courses and/or participate in continuing education activities which contribute to professional practice and which meet the standards prescribed by Regulations of the Commissioner.

### Course Introduction

Besides meeting specific requirements, such as education, experience and examination, an engineer/land surveyor must get familiar with the state laws and rules in order to practice engineering/land surveying in any state. While the laws and rules do vary from state to state, the basic requirements for the qualifications and the professional conduct are very similar throughout the United States.

Many state boards periodically disclose in their newsletters the disciplinary actions taken by the boards against the licensees who violated the Board Rules. The most common types of violations are:

1. Performed services outside his/her area of competence.
2. Practiced engineering without being licensed in the state of the project.
3. Practiced or offered to practice engineering while not properly licensed.
4. Failed to have a resident licensed professional in responsible charge in each office.
5. Failed to properly sign, seal and date documents.
6. Affixed his/her seal to work not done under his/her direct supervision or responsible charge and without preparing his/her own evaluations and written report.
7. Affixed his/her seal to inadequate design documents, failing to protect the public.



Other types of violations include:

1. Produced a deficient, substandard or inaccurate report, failing to protect the public.
2. Contracted with non-licensed individual to provide certain professional services.
3. Failed to avoid conflicts of interests.
4. Committed a crime.

To avoid the above violations, it is highly recommended for all licensees to periodically review the Board Laws and Rules. As a professional engineer/land surveyor, the licensee shall at all times recognize the primary obligation to protect the safety, health, property and welfare of the public. If a licensee's engineering judgment is overruled under circumstances where the safety, health or welfare of the public is endangered, he/she shall inform the proper authorities and his/her employer of the situation as may be appropriate.

## Course Content

The content of this course consists of the following three parts:

- A. Education Law - Article 145 Professional Engineering and Land Surveying
- B. Regulations of the Commissioner - Part 68 Engineering and Land Surveying
- C. Rules of the Board of Regents - Part 29 Unprofessional Conduct

The following is excerpted from [Article 145 of New York Education Law](#):

## **A. Education Law**

### **Article 145, Professional Engineering and Land Surveying**

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§7200. Introduction

§7201. Definition of practice of engineering.

§7202. Practice of engineering and use of title "professional engineer".

§7203. Definition of practice of land surveying.

§7204. Practice of land surveying and use of title "land surveyor".

§7205. State board for engineering and land surveying.

§7206. Requirements for a license as a professional engineer.

§7206-a. Requirements for a license as a professional land surveyor.

§7207. Limited permits.

§7208. Exempt persons.

§7209. Special provisions.

§7210. Certificates of authorization.

§7211. Mandatory continuing education for professional engineers.

§7212. Mandatory continuing education for land surveyors.

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#### **§7200. Introduction.**

This article applies to the professions of engineering and land surveying. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

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#### **§7201. Definition of practice of engineering.**

The practice of the profession of engineering is defined as performing professional service such as consultation, investigation, evaluation, planning, design or supervision of construction or operation in connection with any utilities, structures, buildings, machines, equipment, processes, works, or projects wherein the safeguarding of life, health and property is concerned, when such service or work requires the application of engineering principles and data.

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#### **§7202. Practice of engineering and use of title "professional engineer".**

Only a person licensed or otherwise authorized under this article shall practice engineering or use the title "professional engineer".

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**§7203. Definition of practice of land surveying.**

The practice of the profession of land surveying is defined as practicing that branch of the engineering profession and applied mathematics which includes the measuring and plotting of the dimensions and areas of any portion of the earth, including all naturally placed and man- or machine-made structures and objects thereon, the lengths and directions of boundary lines, the contour of the surface and the application of rules and regulations in accordance with local requirements incidental to subdivisions for the correct determination, description, conveying and recording thereof or for the establishment or reestablishment thereof.

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**§7204. Practice of land surveying and use of title "land surveyor".**

Only a person licensed or otherwise authorized under this article shall practice land surveying or use the title "land surveyor".

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**§7205. State board for engineering and land surveying.**

A state board for engineering and land surveying shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than seven professional engineers and not less than two land surveyors licensed in this state. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be a professional engineer or land surveyor licensed in this state.

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**§7206. Requirements for a license as a professional engineer.**

1. To qualify for a license as a professional engineer an applicant shall fulfill the following requirements:
  1. Application: file an application with the department;
  2. Education: have received an education, including a bachelor's or higher degree based on a program in engineering, in accordance with the commissioner's regulations;
  3. Experience: have at least four years in work satisfactory to the board, provided that the board may accept study beyond the bachelor's degree in partial fulfillment of this requirement;
  4. Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;



5. Age: be at least twenty-one years of age;
  6. Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States;
  7. Character: be of good moral character as determined by the department; and
  8. Fees: pay a fee of two hundred twenty dollars to the department for admission to a department conducted examination and for an initial license, a fee of one hundred fifteen dollars for each reexamination, a fee of one hundred thirty-five dollars for an initial license for persons not requiring admission to a department conducted examination, and a fee of two hundred ten dollars for each triennial registration period.
2. In lieu of the degree and experience requirements specified in subparagraphs (2) and (3) of subdivision one of this section, twelve years of practical experience in work satisfactory to the board may be accepted, provided that each full year of college study in engineering satisfactory to the department may at the discretion of the board be accepted in lieu of two years of the required twelve years of experience.
  3. For an identification card as an "intern engineer", an applicant shall fulfill the requirements of subdivision one of this section, except those in subparagraphs (3) and (5), provided that admission to the examination may be given when the applicant is within twenty credits of the completion of the requirements for the bachelor's or higher degree as prescribed in subparagraph (2) of subdivision one, or has completed the practical experience requirement of subdivision two of this section. The fee for examination and identification card as an "intern engineer" shall be seventy dollars and the fee for each reexamination shall be seventy dollars.
  4. On recommendation of the board, the department may waive specific requirements, except as to age, character, education and citizenship, in the case of applicants who are possessed of established and recognized standing in the engineering profession and who have practiced lawfully for more than fifteen years.

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**§7206-a. Requirements for a license as a professional land surveyor.**

1. To qualify for a license as a professional land surveyor, an applicant shall fulfill the following requirements:
  1. Application: file an application with the department;
  2. Education: have received an education, including a bachelor's or higher degree based on a program in land surveying, in accordance with the commissioner's regulations;
  3. Experience: (a) If the applicant has a bachelor's or higher degree, have at least four years in work satisfactory to the board, provided that the board may accept study beyond the bachelor's degree in partial fulfillment of this requirement; or (b) If the applicant has an associate's degree, have at least six years in work satisfactory to the board provided that the board may accept study beyond the associate's degree in partial fulfillment of this requirement;
  4. Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;

5. Age: be at least twenty-one years of age;
  6. Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States;
  7. Character: be of good moral character as determined by the department; and
  8. Fees: pay a fee of two hundred twenty dollars to the department for admission to a department conducted examination and for an initial license, a fee of one hundred fifteen dollars for each reexamination, a fee of one hundred thirty-five dollars for an initial license for persons not requiring admission to department conducted examination, and a fee of two hundred ten dollars for each triennial registration period.
2. In lieu of the degree and experience requirements specified in subparagraphs (2) and (3) of subdivision one of this section, eight years of practical experience in work satisfactory to the board may be accepted, provided that each full year of college study in engineering or land surveying satisfactory to the department may at the discretion of the board be accepted in lieu of one year of the required eight years of experience.
  3. For an identification card as an "intern land surveyor", an applicant shall fulfill the requirements of subdivision one of this section, except those in subparagraphs (3) and (5), provided that admission to the examination may be given when the applicant is within twenty credits of the completion of the requirements for the bachelor's or higher degree as prescribed in subparagraph (2) of subdivision one, or has completed the practical experience requirement of subdivision two of this section. The fee for examination and identification card as an "intern land surveyor" shall be seventy dollars and the fee for each reexamination shall be seventy dollars.

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**§7207. Limited permits.**

1. On recommendation of the board, the department may issue a limited permit to practice engineering to an engineer not a resident of this state and having no established place of practice in this state who is legally qualified to practice as such in his own country or state and who submits satisfactory evidence of established and recognized professional standing in his own country or state and who submits satisfactory certifications as to character and qualifications from at least two licensed professional engineers, one of whom shall be a resident of this state. Such limited permit shall be issued solely in connection with the specific project for which such limited permit is granted.
  2. A limited permit to practice as a professional engineer or land surveyor in this state may be issued by the department to a person not a resident in this state and having no established place of practice in this state, when such practice does not aggregate more than thirty days in any calendar year, provided that such person is legally qualified to practice in his own state or country. The limited permit authorizing such right to practice in this state shall specify the dates within the calendar year when such right may be exercised.
  3. Fees. The fee for each limited permit shall be one hundred five dollars.
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**§7208. Exempt persons.**

This article shall not be construed to affect or prevent the following, provided that no title, sign, card or device shall be used in such manner as to tend to convey the impression that the person rendering such service is a professional engineer or a land surveyor licensed in this state or is practicing engineering or land surveying:

- a. Offering to practice in this state as a professional engineer or land surveyor by any person not a resident of, and having no established place of practice in this state, provided that such person is legally qualified for such practice in his own state or country;
- b. Practice as a professional engineer or land surveyor in this state by any person not a resident, or having no established place of practice in this state, or any person resident in this state but who has arrived in this state within six months, provided, however, such a person shall have filed an application for license as a professional engineer or land surveyor, and is legally qualified for such practice in the state or country in which he resides or has his place of practice or in which he had his previous residence or place of practice, such exemption continuing for only such reasonable time as the board requires to grant or deny the application for license, and a person intending to practice under this subdivision shall so state on the application;
- c. Practice of engineering or land surveying, by an employee of a county or town, in the construction, improvement or maintenance of a county road or town highway, or by an employee of a county, city, town or village, in the construction, improvement or maintenance of any public work wherein the contemplated expenditure for the completed project does not exceed five thousand dollars;
- d. Operation or maintenance of steam, power, or refrigeration plants by legally authorized persons not licensed under this article or persons engaged or employed as an engine man, operator or driver of any engine or of any mechanical, electrical, chemical or other device or machine;
- e. Making of surveys by professional engineers, except that the determination of real property boundaries may be done only by a licensed land surveyor;
- f. Employment or supervision of interns or other persons qualified by education or experience by professional engineers or land surveyors as assistants in the performance of engineering or land surveying, or as consultants or employees in special fields related to but not uniquely engineering or land surveying, provided that the engineers or land surveyors employing or supervising such persons shall not be relieved of any responsibility whatsoever by delegation to such persons, and provided further that such persons who have attained the bachelor's level of studies in accordance with the requirements of section seventy-two hundred six of this title may be employed as junior or assistant engineers or junior or assistant land surveyors, or similar titles, to act under the general direction of a professional engineer or land surveyor, or in work not covered by this article;
- g. Employment of any person as a junior or assistant engineer or junior or assistant land surveyor in the civil service of the state or its political subdivisions in a position the title of which was approved and in use as of July first, nineteen hundred seventy-one, provided such person acts under the general direction of a licensed professional engineer or land surveyor;



- h. Execution by a contractor or by others of work designed by a professional engineer, or land surveyor, or the superintendence of such work as a superintendent, foreman, or inspector;
- i. The practice of architecture by an architect licensed in this state, or the practice of landscape architecture by a landscape architect licensed in this state, provided that no such architect or landscape architect shall use the designation "engineer" or "engineering" unless licensed as a professional engineer in this state;
- j. The practice of engineering or land surveying or having the title "engineer" or "surveyor" solely as an officer or an employee of a corporation engaged in interstate commerce;
- k. The practice of engineering by a manufacturing corporation or by employees of such corporation, or use of the title "engineer" by such employees, in connection with or incidental to goods produced by, or sold by, or nonengineering services rendered by, such corporation or its manufacturing affiliates;
- l. The practice of engineering or land surveying, or using the title "engineer" or "surveyor" exclusively as an officer or employee of a public service corporation by rendering to such corporation such services in connection with its lines and property which are subject to supervision with respect to the safety and security thereof by the public service commission of this state, the interstate commerce commission or other federal regulatory body and so long as such person is thus actually and exclusively employed and no longer;
- m. The making of land surveys by a professional engineer where such land surveys are essential to engineering projects, provided he was licensed as a professional engineer in this state on or before the first day of January in the year in which this act shall become a law and files evidence satisfactory to the board on or before the first day of July in the year next succeeding the year in which this act shall have become law, that he is competent and experienced in such land surveys;
- n. The design by a land surveyor of roads, drainage, water supply or sanitary sewerage facilities of a minor nature in connection with subdivisions and the extension and inspection thereof, but not including sewage disposal or treatment plants, lift stations, pumping stations, commercial buildings or bridges, provided the surveyor was licensed as a land surveyor in this state on or before the first day of January in the year in which this act shall have become a law and files evidence satisfactory to the board on or before the first day of July in the year next succeeding the year in which this act shall have become a law, attesting that he is competent and experienced in the engineering required for design of such facilities appurtenant to subdivisions; or
- o. Using the title "marine operating engineer", "stationary engineer", "port of customs surveyor", or "ship surveyor".
- p. Contractors or builders from engaging in construction management and administration of construction contracts.

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### **§7209. Special provisions.**

- 1. Every professional engineer and every land surveyor shall have a seal, approved by the board, which shall contain the name of the professional engineer and the words "Licensed Professional Engineer" or the name of the land surveyor and the words "Licensed Land Surveyor" and such other words or figures as the board may deem necessary. All plans,

specifications, plats and reports relating to the construction or alteration of buildings or structures prepared by such professional engineer and all plans, specifications, plats and reports prepared by such land surveyor or by a full-time or part-time subordinate under his supervision, shall be stamped with such seal and shall also be signed, on the original with the personal signature of such professional engineer or land surveyor when filed with public officials. No official of this state, or of any city, county, town or village therein, charged with the enforcement of laws, ordinances or regulations shall accept or approve any plans or specifications that are not stamped:

- a. With the seal of an architect or professional engineer or land surveyor licensed in this state and bearing the authorized facsimile of the signature of such architect or professional engineer or land surveyor, or
  - b. With the official seal and authorized facsimile of the signature of a professional engineer or land surveyor not a resident of this state and having no established business in this state, but who is legally qualified to practice as such in his own state or country, provided that such person may lawfully practice as such in this state, and provided further that the plans or specifications are accompanied by and have attached thereto written authorization issued by the department certifying to such right to practice at such time.
2. To all plans, specifications, plats and reports to which the seal of a professional engineer or land surveyor has been applied, there shall also be applied a stamp with appropriate wording warning that it is a violation of this law for any person, unless he is acting under the direction of a licensed professional engineer or land surveyor, to alter an item in any way. If an item bearing the seal of an engineer or land surveyor is altered, the altering engineer or land surveyor shall affix to the item his seal and the notation "altered by" followed by his signature and the date of such alteration, and a specific description of the alteration.
  3. No county, city, town or village or other political subdivision of this state shall engage in the construction or maintenance of any public work involving engineering or land surveying for which plans, specifications and estimates have not been made by, and the construction and maintenance supervised by, a professional engineer or land surveyor; provided that this section shall not apply to the construction, improvement or maintenance of county roads or town highways, nor to any other public works wherein the contemplated expenditure for the completed project does not exceed five thousand dollars. This section shall not be construed as affecting or preventing any county, city, town or village or other political subdivision of this state from engaging an architect licensed in this state for the preparation of plans, specifications and estimates for and the supervision of construction or maintenance of public works.
  4. Engineers, land surveyors, architects, and landscape architects may join in the formation of a joint enterprise, or a partnership or a professional service corporation or may form any desired combination of such professions and may use in the name of such corporation the title of any of the professions which will be practiced. After the name of each member his profession shall be indicated.
  5. A firm name may be continued by employees having at least fifteen years of continuous service if the retired members and legal representatives of deceased members consent to such continuance.

6. It shall be lawful for a corporation organized and existing under the laws of the state of New York which on the fifteenth day of April, nineteen hundred thirty-five and continuously thereafter, was lawfully practicing engineering or land surveying in New York state, to continue such practice provided that the chief executive officer shall be a professional engineer licensed under this article, if practicing engineering, or a land surveyor licensed under this article, if practicing land surveying, and provided further that the person or persons carrying on the actual practice of engineering or surveying on behalf of, or designated as "engineer" or "surveyor", with or without qualifying or characterizing word, by such corporation shall be authorized to practice engineering or land surveying as provided in this article. It shall be lawful for a corporation which, on account of or as a result of requirements, restrictions or provisions of federal law, was organized subsequent to April fifteenth, nineteen hundred thirty-five for the purpose of taking over an existing engineering organization established prior to such time and which has taken over such organization and continued its engineering activities, provided that the chief executive officer of such corporation shall be a professional engineer licensed under this article and provided further, that the person or persons carrying on the actual practice of engineering on behalf of, or designated as "engineer", with or without qualifying or characterizing word, by such corporation, shall be authorized to practice engineering as provided in this article. No such corporation shall change its name or sell its franchise or transfer its corporate rights, directly or indirectly to any person, firm or corporation without the consent of the department. Each such corporation shall obtain a triennial registration on payment of a fee of fifty dollars.
  7. Nothing in this article shall be construed to apply:
    - a. To the preparation or execution of designs, drawings, plans or specifications for the construction or installation of machinery, or apparatus constructed or installed by the corporation preparing such designs, drawings, plans or specifications if the supervision of the preparation of any such designs, drawings, plans or specifications, construction or installation is done under the general direction of a professional engineer or land surveyor licensed under this article; or
    - b. To alterations to any building or structure costing ten thousand dollars or less which do not involve changes affecting the structural safety or public safety thereof nor to farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes; nor to residence buildings of gross floor area of fifteen hundred square feet or less, not including garages, carports, porches, cellars, or uninhabitable basements or attics.
  8. Nothing in this article shall prohibit a corporation organized and existing prior to the fifteenth day of April, nineteen hundred thirty-five under the laws of any state other than the state of New York, the name of which includes the word "engineers", from obtaining a certificate of authority to do business in the state of New York, provided that the business proposed to be done by such corporation within this state, as set forth in the statement and designation provided for by section thirteen hundred four of the business corporation law, shall not include the practice within this state of engineering or land surveying.
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**§7210. Certificates of authorization.**

1. Domestic or foreign professional service corporations, professional service limited liability companies, foreign professional service limited liability companies, registered limited liability partnerships, New York registered foreign limited liability partnerships, partnerships and joint enterprises specified in subdivision four of section seventy-two hundred nine of this article, provided each of the foregoing entities is authorized to provide professional engineering or land surveying services and general business corporations authorized to provide professional engineering or land surveying services pursuant to subdivision six of section seventy-two hundred nine of this article may offer to provide or provide professional engineering or land surveying services only after obtaining a certificate of authorization from the department. Except as otherwise authorized by statute, rule or regulation, other business entities are not authorized to offer or provide professional engineering or land surveying services and may not obtain certificates of authorization provided that nothing contained herein shall prohibit an individual who is licensed to practice professional engineering or land surveying under this article from obtaining a certificate of authorization upon application and payment of the appropriate fees provided for under this section.
2. Upon application a certificate of authorization shall be issued by the department to all individuals, corporations, limited liability companies, limited liability partnerships, partnerships and joint enterprises specified in subdivision one of this section and which are authorized to provide professional engineering or land surveying services and pay the appropriate fee.
3. A "certificate of authorization" shall authorize such individual, corporation, limited liability company, limited liability partnership, partnership or joint enterprise to provide professional engineering or land surveying services for three years from the date of issuance subject to, as otherwise prescribed by law, the supervision of the regents of the university of the state of New York including the power to discipline and impose penalties in the same manner and to the same extent as is provided with respect to individuals and their licenses and registration pursuant to this title.
4. An application, triennial renewal, delinquent or replacement certificate fee must accompany the "certificate of authorization" request in the amount shown below. A business entity that fails to renew its certificate of authorization before the expiration date shall be required to pay the additional delinquent fee for late filing of ten dollars for each full month it has practiced after the expiration of its certificate of authorization.
  - Application fee and first triennial certificate of authorization - \$125.00;
  - Triennial renewal fee - \$75.00;
  - Delinquent fee - \$10.00 per month of practice without a certificate of authorization;
  - Replacement certificate fee - \$10.00.



All checks shall be made payable to the state department of education, state of New York and submitted to the department. If a business enterprise is not eligible to receive a "certificate of authorization", the fee will be retained to cover the costs of processing. Triennial renewal fees for all "certificates of authorization" are due and payable on or before the filing date of each triennial registration period.

5. The department shall compile a registry of the holders of all certificates of authorization. Such registry shall include the name and address of all registrants, state whether a certificate of authorization has been issued, denied, suspended, or revoked, and disclose whether the certificate is current or expired. Access to the registry shall be made available electronically without cost. A record search of the registry may be obtained in person or by mail provided that a fee of ten dollars shall be paid for each putative registrant.
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**§7211. Mandatory continuing education for professional engineers.**

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 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 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.
  - b. Professional engineers 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 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 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, 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.

2. During each triennial registration period an applicant for registration shall complete a minimum of thirty-six 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 whose first registration date following the effective date of this section occurs less than three years from such effective date, but on or after January first, two thousand five, 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 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 immediately preceding the effective date of this section, continuing education hours taken during one triennium may not 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 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 contribute to professional practice in professional engineering and which meet the standards prescribed by regulations of the commissioner. 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 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 required by section seventy-two hundred six of this article.

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**\*§7212. Mandatory continuing education for land surveyors.**

1.
  - a. Each licensed land surveyor required under this article to register triennially with the department to practice in the state shall comply with the 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. Land



- surveyors 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 land surveyor may practice without having met such requirements if he or she is issued a conditional registration certificate pursuant to subdivision three of this section.
- b. In accord 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 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 land surveyor 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 land surveying 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. Licensed land surveyors shall be exempt from the mandatory continuing education required by this section for the triennial registration period during which they are first licensed.
2. During each triennial registration period an applicant for registration shall complete a minimum of twenty-four hours of acceptable continuing education, as specified in subdivision four of this section, provided, however, that a minimum of sixteen hours of such continuing education shall consist of courses in land surveying and related subjects, provided that no more than eight of said twenty-four hours shall consist of self-study courses. Any land surveyor whose first registration date following the effective date of this section occurs less than three years from such effective date, but on or after January first, two thousand five, 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 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 immediately preceding the effective date of this section, continuing education hours taken during one triennium may not 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 land surveying without such registration, shall 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 other activities which contribute to the profession or practice of land surveying and which meet the regulations of the commissioner. 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. Such courses of learning must be taken from a sponsor approved by the department, pursuant to regulations of the commissioner.
5. Land surveyors shall maintain adequate documentation of completion of acceptable continuing education and shall provide such documentation at the request of the department.
6. The mandatory continuing education fee shall be forty-five dollars and 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 required by paragraph eight of subdivision one of section seventy-two hundred six of this article.

\*NB Repealed June 30, 2014.

- End of Excerpt from Article 145 -





The following is excerpted from [Part 68 of the Regulations of the Commissioner](#):

## **B. Regulations of the Commissioner**

### **Part 68, Engineering and Land Surveying**

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§68.1 Education/experience credit.

§68.2 Experience acceptable for licensure as a professional engineer.

§68.3 Licensing examinations for engineering.

§68.4 Professional study of land surveying.

§68.5 Experience acceptable for licensure as a land surveyor.

§68.6 Licensing examinations for land surveying.

§68.7 Licensure by endorsement of out-of-state examination.

§68.8 Limited permits.

§68.9 Scope of practice by exempt persons.

§68.10 Seals.

§68.11 Continuing education for professional engineers.

§68.12 Continuing education for land surveyors.

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#### **§68.1 Education/experience credit.**

- a. Definition. Unless otherwise provided, acceptable accrediting agency means an accrediting agency which is recognized by the United States Commissioner of Education as a reliable authority for the purpose of accreditation at the postsecondary level, and which applies its criteria for granting accreditation in a fair, consistent and nondiscriminatory manner.
- b. Prior to licensure the applicant must accrue 12 years of acceptable education/experience credit. One year of education/experience credit may be earned for each year of work experience acceptable to the State Board for Engineering and Land Surveying pursuant to section 68.2 of this Part. Two years of education/experience credit may be earned for each year of professional engineering education obtained in a program leading to a bachelor's degree in engineering and accredited by an acceptable accrediting agency which specializes in the fields of engineering or in a program equivalent to such an accredited professional engineering program.
- c. Education/experience credits may also be proportionally earned for various levels and types of postsecondary education which, while not entirely the study of professional engineering, contain important elements/content of such study. Such postsecondary education should demonstrate the following:
  1. that it contains important elements/content of the study of professional engineering, such as mathematics, physics, chemistry, physical and applied sciences, design, and properties of materials;
  2. that it is in an appropriate subject relevant to the field of professional engineering, such as mathematics, physics, chemistry, physical and applied sciences, design, and properties of materials;



3. that it is at an appropriate level of study that would, at a minimum, be the material equivalent of study at an undergraduate level; and
  4. that it is part of a program accredited by an acceptable accrediting agency or part of a program equivalent to such an accredited program.
- d. In accordance with the provisions of subdivisions (a), (b), and (c) of this section, the department shall accept evidence of completion of a master's or doctoral degree in engineering in lieu of not more than one year of acceptable education/experience credit.
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### **§68.2 Experience acceptable for licensure as a professional engineer.**

Practical experience in professional engineering work satisfactory to the board shall be verified in a manner acceptable to the board and shall:

- a. demonstrate the intensive application of engineering principles in the practical solution of engineering problems;
  - b. demonstrate a knowledge of engineering mathematics, physical and applied sciences, properties of materials, and the fundamental principles of engineering design;
  - c. be broad in scope;
  - d. be of such nature as to develop and mature the applicant's engineering knowledge and judgment; and
  - e. include at least two years of experience acquired while working on projects requiring a knowledge and use of codes and practices utilized in the United States.
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### **§68.3 Licensing examinations for engineering.**

- a. The licensing examination shall consist of:
  1. fundamentals of engineering: a written examination to test the applicant's knowledge of fundamental principles of mathematics, science, engineering science, and appropriate related subjects; and
  2. principles and practice of engineering: a comprehensive problem-solving examination to test the applicant's ability to apply fundamental knowledge to the solution of practical engineering problems.
- b. Applications for admission to licensing examinations, including all required fees, shall be completed and filed not less than 90 days prior to the examination date. An applicant for admission to the fundamentals of engineering examination shall have earned six education/experience credits as defined in section 68.1 of this Part. An applicant for admission to the principles and practice of engineering examination shall have earned 12 education/experience credits.
- c. The fundamentals of engineering examination used since February 14, 1975 replaced, and is equivalent to, the sum of Parts I and II of the examinations used prior to February 1975. The principles and practice of engineering examination used since February 14, 1975 replaced, and is equivalent to, Part III of the examinations used prior to February 1975.

- d. The grade retention provisions of section 59.5 (f) of this Title shall not be applicable to engineering examinations.
  - e. Passing grade.
    - 1. For candidates who completed any part of the examinations prior to February 14, 1975, the passing grade shall be an average of 75 on all parts taken, provided that no part shall be accepted with a grade less than 65 and not more than one part shall be accepted with a grade less than 75.
    - 2. For candidates who did not establish credit for two parts of the examinations prior to February 14, 1975, the passing grade for examinations taken between February 14, 1975 and October 1, 1984 shall be 75 on each part.
    - 3. For candidates not having established credit for two parts of the examinations prior to October 1, 1984, the passing grade for each part taken after October 1, 1984 shall be 70.
  - f. Review and rescoring of examinations shall be conducted in accordance with section 59.5 (g) of this Title.
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#### **§68.4 Professional study of land surveying.**

- a. To meet the professional study requirement for licensure, the applicant shall present evidence of:
  - 1. possession of a bachelor's degree in land surveying or the equivalent from a program approved by the department for professional licensure purposes and four years of land surveying experience acceptable to the State Board; or
  - 2. completion of an approved secondary course of study; and
    - i. for those applying prior to September 1, 1987, the equivalent of six years of land surveying experience acceptable to the board, provided that each complete year of study in a land surveying program approved by the department for professional licensure purposes may be accepted in lieu of one year of such experience to a maximum of two years; and
    - ii. for those applying on or after September 1, 1987, the equivalent of eight years of land surveying experience acceptable to the board, provided that each complete year of study in a land surveying program approved by the department for professional licensure purposes may be accepted in lieu of one year of such experience to a maximum of four years.
- b. To meet the professional study requirement for certification as an intern land surveyor, the applicant shall present evidence of:
  - 1. possession of a bachelor's degree in land surveying or the equivalent from a program approved by the department for professional licensure purposes; or
  - 2. completion of an approved secondary course of study; and
    - i. for those applying prior to September 1, 1987, the equivalent of six years of land surveying experience acceptable to the board, provided that each complete year of study in a land surveying program approved by the department for professional licensure purposes may be accepted in lieu of one year of such experience, to a maximum of two years; and

- ii. for those applying on or after September 1, 1987, the equivalent of eight years of land surveying experience acceptable to the board, provided that each complete year of study in a land surveying program approved by the department for professional licensure purposes may be accepted in lieu of one year of such experience, to a maximum of four years.

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### **§68.5 Experience acceptable for licensure as a land surveyor.**

Practical experience in land surveying work satisfactory to the board shall be verified in a manner acceptable to the board and shall:

- a. include 50 percent of the required experience spent in charge of work related to property conveyance and/or boundary line determination;
- b. demonstrate adequate experience in the technical field aspects of the profession;
- c. demonstrate adequate experience in charge of the office aspects of the profession;
- d. demonstrate experience in the legal aspects of the profession;
- e. demonstrate adequate direct supervision of experience by a licensed land surveyor; and
- f. include at least two years of experience acquired while working on projects requiring a knowledge and use of surveying codes and practices utilized in the United States.

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### **§68.6 Licensing examinations for land surveying.**

- a. An applicant for admission to the licensure examination in land surveying shall have satisfied the professional study requirements set forth in section 68.4 of this Part, except that an applicant for certification as an intern land surveyor may be admitted to Part 1 of the examination when such applicant is within 20 semester hours of completion of the requirements for a bachelor's degree in land surveying or the equivalent approved by the department for professional licensure purposes.
- b. Content. The examination shall consist of:
  - 1. Part 1 - Fundamentals of Land Surveying: mathematics, physics, English, surveying, property surveys and descriptions, vertical curves, state plane coordinate calculations, economic analysis; and
  - 2. Part 2 - Principles and Practice of Land Surveying: principles of profession (legal, technical, standards of professional conduct), property surveys, written instruments, monumentations, real property, field survey procedures, property survey descriptions, subdivision planning and design, deed descriptions and conveyancing, surveying law, geodetic surveying, hydrographic surveying; and
  - 3. Part 3 - Jurisdictional Examination, Surveying in New York State: examination in the practical and legal aspects of land surveying pertinent to New York State, the scope and content of which shall be determined by the State Board.
- c. After February 14, 1975, Fundamentals of Land Surveying, Part 1, replaces Fundamentals of Land Surveying, Mathematics; Principles and Practice of Land Surveying, Part 2, replaces Principles and Practice of Land Surveying, Surveying.

1. Candidates who have established credit prior to February 14, 1975 for the mathematics part of the examination shall be examined in Part 2 and Part 3.
  2. Candidates who have established credit prior to February 14, 1975 for the surveying part of the examination shall be examined in Part 1 and Part 3.
  3. The grade retention provisions of section 59.5(f) of this Title shall not be applicable to land surveying examinations.
  - d. Passing grade. The passing grade for each of the parts of the surveying examination taken prior to October 1, 1984 is 75.0; for parts taken on or after October 1, 1984, the passing grade shall be 70.0.
  - e. Review and rescoring of examinations shall be conducted in accordance with section 59.5 (g) of this Title.
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### **§68.7 Licensure by endorsement of out-of-state examination.**

The department may license an applicant who meets all requirements for licensure in New York State, except examination and has been issued a license or certificate to practice professional engineering or land surveying issued to him upon written examination by a legally constituted board of examiners in any other state or political subdivision of the United States, provided that the examination for such license or certificate was the equivalent of the examination required in this State at the time it was issued.

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### **§68.8 Limited permits.**

- a. In accordance with section 7207 (1) of the Education Law and upon recommendation of the board, the department may issue to an engineer who is not a resident of this State and having no established place of practice in this State a limited permit to practice engineering solely in connection with a single specified project and subject to the same registration and revocation restrictions as a license, provided that such applicant submits:
  1. a completed application form, including:
    - i. the applicant's current residential and employment addresses;
    - ii. a description of the project for which the limited permit is requested; and
    - iii. a detailed description of experience satisfactory to the board and of a nature related to the project in New York for which the permit is to be issued;
  2. at least two satisfactory certifications as to character and qualifications submitted by licensed professional engineers, at least one of whom shall be a resident of this State;
  3. written confirmation, submitted to the department by the appropriate licensing authority, that the applicant is legally qualified to practice as a professional engineer or its equivalent in his own state or country; and
  4. payment of a permit fee of \$60 and, in addition, payment of the statutory registration fee.

- b. In accordance with section 7207(2) of the Education Law, the department may issue a limited permit to practice as a professional engineer or land surveyor in this State, when such practice does not aggregate more than 30 days in any calendar year, to a person not a resident of this State and having no established place of practice in this State, provided that such applicant submits:
    - 1. a completed application form including:
      - i. the applicant's current residential and employment addresses;
      - ii. the specific dates of anticipated practice which shall be for a continuous sequence of days, except that if acceptable reasons are submitted to the department, a special certificate may be issued for the unused portion of the time originally specified;
    - 2. written confirmation, submitted to the department by the appropriate licensing authority, that the applicant is legally qualified to practice as a professional engineer or land surveyor or the equivalent in his own state or country; and
    - 3. payment of a permit fee of \$60.
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**§68.9 Scope of practice by exempt persons.**

- a. The term engineering projects, as used in subdivision (m) of section 7208 of the Education Law, shall not include the survey of land for the purpose of establishing any real property boundaries within a subdivision.
- b. The term minor nature, as used in subdivision (n) of section 7208 of the Education Law, shall include but not be limited to the following projects:
  - 1. the design of water supply systems, sewage disposal systems, and storm drainage systems for individual lots or lots in subdivisions;
  - 2. the design of public water distribution systems for subdivisions where the project is within an existing water district approved by the appropriate Federal, State or local agencies, if:
    - i. the project does not involve source development, treatment, storage, transmission mains, pumping or pressure reduction; and
    - ii. the water mains, as determined by the appropriate Federal, State, or local agencies, do not require highly specialized and complex designs; and
  - 3. the design of public sanitary sewage collection facilities where the project does not include special complex designs such as, but not limited to, those related to extreme soil conditions requiring special bedding, special manholes (e.g., 20 feet or more), major stream or highway crossings, or tunneling, and the project:
    - i. is within an existing sanitary sewer district or within the study area of a comprehensive sewer study as approved by the appropriate Federal, State or local agencies, if the project is limited to the design of sanitary sewer mains, collection sewers and appurtenances within the subdivision, including the design of connections to existing mains or trunks accessible outside the subdivision; or
    - ii. is not within an existing sanitary sewer district or within the study area of a comprehensive sewer study as approved by the appropriate Federal, State or local agencies.



4. All designs for water supply and sanitary sewage collection facilities of a minor nature shall be submitted for review and approval to the appropriate Federal, State or local agencies prior to incorporation in the final plans submitted for subdivision approval.

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### §68.10 Seals.

For those applicants initially applying for licensure on or after July 1, 1984, seals used by licensed professional engineers and land surveyors shall be circular in shape, approximately 1 3/4 inches in diameter, bearing the legend at the top of the outer band, "STATE OF NEW YORK" and at the bottom "LICENSED PROFESSIONAL ENGINEER" or "LICENSED LAND SURVEYOR" or "LICENSED PROFESSIONAL ENGINEER AND LAND SURVEYOR" as the case may be. In the inner circle above the Great Seal of New York shall be shown the name of the licensee, and below the Great Seal the license number with no other letters or numbers.



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### §68.11 Continuing education for professional engineers.

- a. Definitions. As used in this section, acceptable accrediting agency means an organization accepted by the department as a reliable authority for the purpose of accreditation at the postsecondary level, applying its criteria for granting accreditation in a fair, consistent and nondiscriminatory manner, such as an agency recognized for this purpose by the Council for Higher Education Accreditation.
- b. Applicability of requirement.
  1. Each licensed professional engineer, required under Article 145 of the Education Law to register with the department to practice in New York State, shall comply with the mandatory continuing education requirements as prescribed in subdivision (c) of this section, except those licensees exempt from the requirement or who obtain an adjustment to the requirement pursuant to paragraph (2) of this subdivision or who are subject to a different requirement pursuant to this section.
  2. Exemptions and adjustments to the requirement.
    - i. Exemptions. The following licensees shall be exempt from the continuing education requirements, as prescribed in subdivision (c) this section:
      - a. licensees for the triennial registration period during which they are first licensed to practice engineering in New York State, except those first licensed to practice engineering in New York State pursuant to an endorsement of a license of another jurisdiction; and

- b. licensees whose first registration date following January 1, 2004 occurs prior to January 1, 2005, for periods prior to such registration date; and
  - c. licensees who are not engaged in the practice of engineering as evidenced by not being registered to practice in New York State, except as otherwise provided in subdivision (e) of this section to meet the requirements for the resumption of practice in New York State.
- ii. Adjustments to the requirement. An adjustment to the continuing education requirement, as prescribed in subdivision (c) of this section, may be made by the department, provided that the licensee documents good cause that prevents compliance, which shall include, but not be limited to, any of the following reasons: poor health certified by a physician; or a specific physical or mental disability certified by an appropriate health care professional; or extended active duty with the Armed Forces of the United States; or other good cause beyond the licensee's control which in the judgment of the department makes it impossible for the licensee to comply with the continuing education requirements in a timely manner.
- c. Mandatory continuing education requirement.
    - 1. General requirement.
      - i. During each triennial registration period, meaning a registration period of three years' duration, an applicant for registration shall complete at least 36 hours of continuing education acceptable to the department, as defined in paragraph (3) of this subdivision, provided that at least 18 hours of such continuing education shall be in courses of learning, and no more than 18 hours of such continuing education shall be in other educational activities as prescribed in paragraph (3) of this subdivision. Any licensed professional engineer whose first registration date following January 1, 2004 occurs less than three years from that date, but on or after January 1, 2005, shall complete continuing education hours on a prorated basis at the rate of one hour of acceptable continuing education per month for the period beginning January 1, 2004 up to the first registration date thereafter. Such continuing education shall be completed during the period beginning January 1, 2004 and ending before the first day of the new registration period or at the option of the licensee during any time in the previous registration period.
      - ii. Proration. Unless otherwise prescribed in this section, during each registration period of less than three years' duration, an applicant for registration shall complete acceptable continuing education, as defined in paragraph (3) of this subdivision and within the limits prescribed in such paragraph, on a prorated basis at a rate of one hour of continuing education per month for such registration period.
    - 2. Requirement for certain licensees.
      - i. In accordance with section 7211(1)(d) of the Education Law, a licensee shall be deemed to have satisfied the continuing education requirement prescribed in paragraph (1) of this subdivision, if the licensee meets the following conditions:



- a. On December 31, 2003, the licensee was directly employed on a full-time basis by the State of New York; or agencies, public authorities, or public benefit corporations of the State of New York; or local government units of the State of New York in a position requiring licensure in engineering and is represented by a collective bargaining unit at all times when so employed; and
- b. either:
  1. the licensee has continuously been employed in a position or successor positions described in clause (a) of this subparagraph, and since January 1, 2004, has not otherwise practiced engineering in New York State in any other capacity outside of such employment; or
  2. the licensee has left employment described in clause (a) of this subparagraph, and since January 1, 2004, has not practiced engineering in New York State in any other capacity outside of employment in a position described in clause (a) of this subparagraph.
- ii. A licensee who does not meet the conditions prescribed in clauses (a) and (b) of subparagraph (i) of this paragraph shall be required to complete acceptable continuing education, as defined in paragraph (3) of this subdivision, at the rate of one hour of continuing education per month from the date the condition is not met until the next registration date. Thereafter, the licensee shall complete the regular continuing education requirement prescribed in paragraph (1) of this subdivision.
3. Acceptable continuing education. To be acceptable to the department, continuing education shall meet the requirements of this paragraph. Such continuing education must be in the subjects prescribed in subparagraph (i) of this paragraph and be the types of learning activities prescribed in subparagraph (ii) of this paragraph.
  - i. Subjects. Acceptable continuing education shall contribute to professional practice in engineering and shall have as its focus one or more of the following subjects:
    - a. aerospace engineering, agricultural engineering, architectural engineering, bioengineering, ceramic engineering, chemical engineering, civil engineering, construction engineering, control systems engineering, electrical/computer engineering, environmental engineering, fire protection engineering, geological engineering, industrial engineering, manufacturing engineering, mechanical engineering, materials/metallurgical engineering, mining/mineral engineering, naval architecture/marine engineering, nuclear/radiological engineering, ocean engineering, petroleum engineering, structural engineering, systems engineering, architecture, land surveying; or other matters of law and/or ethics which contribute to the professional practice of engineering and the health, safety, and/or welfare of the public; and
    - b. in other topics which contribute to the professional practice of engineering as such practice is defined in section 7201 of the Education Law.

- ii. Types of learning activities. Acceptable continuing education shall be the types of learning activities prescribed in this subparagraph and be subject to the limitations prescribed in this subparagraph.
  - a. Courses of learning. Acceptable continuing education shall be courses of learning offered by a sponsor approved pursuant to subdivision (i) of this section, which may include, among others, the following courses offered by an approved sponsor: university and college courses, and professional development and technical training courses.
  - b. Other educational activities. Acceptable continuing education shall be the following other educational activities, provided that no more than 18 hours of continuing education in a registration period shall consist of such other educational activities:
    - 1. preparing and teaching a course offered by a sponsor of continuing education to professional engineers, approved pursuant to subdivision (i) of this section, provided that such teaching shall not be acceptable where the licensee has taught the course on more than one occasion without presenting new or revised material. Continuing education hours that may be credited for this activity may include actual instructional time plus preparation time which may be up to two additional hours for each hour of presentation;
    - 2. authoring an article published in a peer-reviewed journal or a published book. A licensee shall receive nine continuing education hours for each written work published during the registration period.
    - 3. making a technical presentation at a professional conference sponsored by an organization that is a sponsor of continuing education to professional engineers, approved pursuant to subdivision (i) of this section. Continuing education hours that may be credited for this activity shall include actual instructional time, plus preparation time which may be up to two additional hours for each hour taught.
    - 4. obtaining a patent related to the practice of engineering. A licensee shall receive nine continuing education hours for each patent granted on an invention during the registration period.
    - 5. completing a self-study program, meaning structured study, provided by a sponsor approved pursuant to subdivision (i) of this section, that is based on audio, audio-visual, written, on-line, and other media, and does not include live instruction, transmitted in person or otherwise, during which the student may communicate and interact with the instructor and other students.
- d. Renewal of registration. At each re-registration, licensed professional engineers shall certify to the department that they have either complied with the continuing education

requirements, as prescribed in this section, or are subject to an exemption or adjustment to such continuing education requirements, as prescribed in subdivision (b) of this section.

e. Requirement for lapse in practice.

1. A licensee returning to the practice of engineering after a lapse in practice, as evidenced by not being registered to practice in New York State, whose first registration date after such lapse in practice and following January 1, 2004 occurs less than three years from January 1, 2004, but on or after January 1, 2005, shall be required to complete:
  - i. at least one hour of acceptable continuing education for each month beginning with January 1, 2004 until the beginning of the new registration period, which shall be completed for a licensee who has not lawfully practiced engineering continuously in another jurisdiction throughout such lapse period, in the 12-month period before the beginning of the new registration period; and for the licensee who has lawfully practiced engineering continuously in another jurisdiction throughout such lapse period, in the new registration period or at the option of the licensee in the period beginning 36 months before the commencement of the new registration period and ending at the conclusion of such registration period; and
  - ii. for a licensee who has not lawfully practiced engineering continuously in another jurisdiction throughout such lapse period, at least 12 hours of acceptable continuing education in each successive 12-month period of the new registration period; and for a licensee who has lawfully practiced engineering continuously in another jurisdiction throughout such lapse period, the regular continuing education requirement during the new registration period.
2. Except as prescribed in subparagraph (i) of this paragraph for registrations therein specified, the licensee who returns to the practice of engineering after a lapse in practice in which the licensee was not registered to practice in New York State and did not lawfully practice engineering continuously in another jurisdiction throughout the lapse period, shall be required to complete:
  - i. the continuing education requirement applicable to the period of time the licensee was registered in the licensee's last registration period; and
  - ii. at least one hour of acceptable continuing education for each month of lapsed registration up to a maximum 36 hours, which shall be completed in the 12 months before the beginning of the new registration period; and
  - iii. at least 12 hours of acceptable continuing education in each succeeding 12-month period, after such registration is reissued, until the next registration date.
3. Except as prescribed in subparagraph (i) of this paragraph for registrations therein specified, the licensee who returns to the practice of engineering after a lapse in practice in which the licensee was not registered to practice in New York State but did lawfully practice engineering continuously in another jurisdiction throughout the lapse period, shall be required to complete:
  - i. the continuing education requirement applicable to the period of time the licensee was registered in the licensee's last registration period; and
  - ii. at least one hour of acceptable continuing education for each month of lapsed registration up to a maximum of 36 hours, which shall be

- completed in the new registration period, or at the option of the licensee in the period beginning 36 months before the commencement of the new registration period and ending at the conclusion of the new registration period; and
- iii. the regular continuing education requirement during the new registration period.
- f. Conditional registration.
- 1. The department may issue a conditional registration to a licensee who attests to or admits to noncompliance with the continuing education requirements of this section, provided that such licensee meets the following requirements:
    - i. the licensee agrees to remedy such deficiency within the conditional registration period;
    - ii. the licensee agrees to complete the regular continuing education requirement at the rate of one hour of acceptable continuing education per month during such conditional registration period; and
    - iii. the licensee agrees to complete additional continuing education during such conditional registration period, which the department may require to ensure the licensee's proper delivery of professional engineering services consistent with the licensee's practice of engineering.
  - 2. The duration of such conditional registration shall not exceed one year and shall not be renewed or extended.
- g. Licensee records. Each licensee subject to the requirements of this section shall maintain, or ensure access by the department to, a record of completed continuing education, which includes: the type of learning activity, title of the course if a course, subject of the continuing education, the number of hours completed, the sponsor's name and any identifying number (if applicable), attendance verification if a course, participation verification if another educational activity, and the date and location of the continuing education. Such records shall be retained for at least six years from the date of completion of the continuing education and shall be available for review by the department in the administration of the requirements of this section.
- h. Measurement of continuing education study. Continuing education credit shall be granted only for acceptable continuing education, as prescribed in subdivision (c) of this section. For continuing education courses, a minimum of 50 minutes shall equal one continuing education hour of credit. For credit-bearing university or college courses, each semester-hour of credit shall equal 15 continuing education hours of credit, and each quarter-hour of credit shall equal 10 continuing education hours of credit.
- i. Sponsor approval.
- 1. To be approved by the department, sponsors of continuing education to licensed professional engineers in the form of courses of learning or self-study programs shall meet the requirements of either paragraph (2) or (3) of this subdivision.
  - 2. The department shall deem approved as a sponsor of continuing education to licensed professional engineers in the form of courses of learning or self-study programs:
    - i. a sponsor of continuing education that is approved by the International Association for Continuing Education and Training (IACET), or the Practicing Institute of Engineering, or the American Institute of Architects Continuing Education System (AIA/CES), or an equivalent organization determined by the department with assistance from the State Board for

- Engineering and Land Surveying to have adequate standards for approving sponsors of continuing education for professionals regulated by Title VIII of the Education Law that include but are not limited to standards that are equivalent to the standards prescribed in clauses (3) (ii) (a), (c), and (d) of this subdivision; or
- ii. a postsecondary institution that has authority to offer programs that are registered pursuant to Part 52 of this Title or authority to offer equivalent programs that are accredited by an acceptable accrediting agency.
3. Department review of sponsors.
- i. The department shall conduct a review of sponsors that apply for approval to offer continuing education to licensed professional engineers in the form of courses of learning or self-study programs that are not deemed approved pursuant to the requirements of paragraph (2) of this subdivision.
  - ii. Organizations desiring to offer courses of learning or self-study programs based upon a department review under this paragraph shall submit, with the fee as set forth in subdivision (j) of this section, an application for advance approval as a sponsor at least 90 days prior to the date of the commencement of such continuing education that documents that the organization:
    - a. will offer courses of learning or self-study programs in one or more of the subjects prescribed for acceptable continuing education in subparagraph (c) (3) (i) of this section;
    - b. is an organized educational entity or an entity that has expertise in the professional areas that will be taught, including but not limited to, postsecondary institutions that are not already deemed approved pursuant to subparagraph (2)(ii) of this subdivision, and national, state, or local engineering associations;
    - c. provides course instructors who are qualified to teach the courses which will be offered, including but not limited to, faculty of a college of engineering accredited by an acceptable accrediting agency; or instructors who are specially qualified authorities in engineering, as determined by the department with assistance from the State Board for Engineering and Land Surveying, to conduct such courses;
    - d. has a method of assessing the learning of participants, and describes such method; and
    - e. will maintain records for at least six years from the date of completion of coursework, which shall include, but shall not be limited to, the name and curriculum vitae of the faculty, a record of attendance of licensed professional engineers in the course if a course, a record of participation of licensed professional engineers in the self-study program if a self-study program, an outline of the course or program, date and location of the course or program, and the number of hours for completion of the course or program. In the event an approved sponsor discontinues operation, the governing body of such sponsor shall notify the department and shall transfer all records as directed by the department.

- iii. Sponsors that are approved by the department pursuant to the requirements of this paragraph shall be approved for a three-year term.
- iv. The department may conduct site visits of, or request information from, a sponsor approved pursuant to the requirements of this paragraph to ensure compliance with such requirements, and a sponsor shall cooperate with the department in permitting such site visits and in providing such information.
- v. A determination by the department that a sponsor approved pursuant to the requirements of this paragraph is not meeting the standards set forth in this paragraph shall result in the denial or termination of the approved status of the sponsor.

j. Fees.

- 1. At the beginning of each registration period, a mandatory continuing education fee of \$45 shall be collected from licensees engaged in the practice of engineering in New York State, except for those exempt from the requirement pursuant clauses (b)(2)(i)(a) and (c) of this section. This fee shall be in addition to the registration fee required by section 7206 of the Education Law.
- 2. Licensees applying for a conditional registration, pursuant to the requirements of subdivision (f) of this section, shall pay a fee that is the same as and in addition to, the fee for the triennial registration required by section 7206 of the Education Law. In addition, such licensees shall pay the \$45 mandatory continuing education fee.
- 3. Organizations desiring to offer continuing education to licensed professional engineers based upon a department review, pursuant to paragraph (i)(3) of this section, shall submit an application fee of \$900 with the application requesting the issuance of a permit from the department to become an approved sponsor of continuing education to licensed professional engineers in the form of courses of learning or self-study programs. Application for a three-year renewal of the permit shall be accompanied by a fee of \$900.

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**§68.12 Continuing education for land surveyors. (Effective until June 30, 2014)**

a. General provisions.

- 1. Expiration date. In accordance with section 2 of Chapter 135 of the Laws of 2002, this section shall not be in effect on or after June 30, 2014.
- 2. As used in this section, acceptable accrediting agency means an organization accepted by the department as a reliable authority for the purpose of accreditation at the postsecondary level, applying its criteria for granting accreditation in a fair, consistent and nondiscriminatory manner, such as an agency recognized for this purpose by the Council for Higher Education Accreditation.





- b. Applicability of requirement.
  - 1. Each licensed land surveyor, required under Article 145 of the Education Law to register with the department to practice in New York State, shall comply with the mandatory continuing education requirements as prescribed in subdivision (c) of this section, except those licensees exempt from the requirement or who obtain an adjustment to the requirement pursuant to paragraph (2) of this subdivision or who are subject to a different requirement pursuant to this section.
  - 2. Exemptions and adjustments to the requirement.
    - i. Exemptions. The following licensees shall be exempt from the continuing education requirements, as prescribed in subdivision (c) of this section:
      - a. licensees for the triennial registration period during which they are first licensed to practice land surveying in New York State, except those first licensed to practice land surveying in New York State pursuant to an endorsement of a license of another jurisdiction; and
      - b. licensees whose first registration date following January 1, 2004 occurs prior to January 1, 2005, for periods prior to such registration date; and
      - c. licensees who are not engaged in the practice of land surveying as evidenced by not being registered to practice in New York State, except as otherwise provided in subdivision (e) of this section to meet the requirements for the resumption of practice in New York State.
    - ii. Adjustments to the requirement. An adjustment to the continuing education requirement, as prescribed in subdivision (c) of this section, may be made by the department, provided that the licensee documents good cause that prevents compliance, which shall include, but not be limited to, any of the following reasons: poor health certified by a physician; or a specific physical or mental disability certified by an appropriate health care professional; or extended active duty with the Armed Forces of the United States; or other good cause beyond the licensee's control which in the judgment of the department makes it impossible for the licensee to comply with the continuing education requirements in a timely manner.
- c. Mandatory continuing education requirement.
  - 1. General requirement.
    - i. During each triennial registration period, meaning a registration period of three years' duration, an applicant for registration shall complete at least 24 hours of continuing education acceptable to the department, as defined in paragraph (2) of this subdivision, provided that at least 16 hours of such continuing education shall be in courses of learning, and no more than eight hours of such continuing education shall be in other educational activities as prescribed in paragraph (2) of this subdivision, including but not limited to self-study programs. Any licensed land surveyor whose first registration date following January 1, 2004 occurs less than three years from that date, but on or after January 1, 2005, shall complete continuing education hours on a prorated basis at the rate of one hour of acceptable continuing education per month, up to a maximum of 24 continuing education hours, for the period beginning January 1, 2004 up to the first

- registration date thereafter. Such continuing education shall be completed during the period beginning January 1, 2004 and ending before the first day of the new registration period or at the option of the licensee during any time in the previous registration period.
- ii. Proration. Unless otherwise prescribed in this section, during each registration period of less than three years' duration, an applicant for registration shall complete acceptable continuing education, as defined in paragraph (2) of this subdivision and within the limits prescribed in such paragraph, on a prorated basis at a rate of one hour of continuing education per month, up to 24 continuing education hours, for such registration period.
2. Acceptable continuing education. To be acceptable to the department, continuing education shall meet the requirements of this paragraph. Such continuing education must be in the subjects prescribed in subparagraph (i) of this paragraph and be the types of learning activities prescribed in subparagraph (ii) of this paragraph.
- i. Subjects. Acceptable continuing education shall contribute to the practice of land surveying and shall have as its focus one or more of the following subjects:
    - a. land surveying methods and techniques; or other matters of law and/or ethics which contribute to the practice of land surveying and the health, safety, and/or welfare of the public; and
    - b. in other topics which contribute to the practice of land surveying as such practice is defined in section 7203 of the Education Law.
  - ii. Types of learning activities. Acceptable continuing education shall be the types of learning activities prescribed in this subparagraph and be subject to the limitations prescribed in this subparagraph.
    - a. Courses of learning. Acceptable continuing education shall be courses of learning offered by a sponsor approved pursuant to subdivision (i) of this section, which may include, among others, the following courses offered by an approved sponsor: university and college courses, and professional development and technical training courses.
    - b. Other educational activities. Acceptable continuing education shall be the following other educational activities, provided that no more than eight hours of continuing education in a registration period shall consist of such other educational activities, including but not limited to self-study programs:
      1. preparing and teaching a course offered by a sponsor of continuing education to licensed land surveyors, approved pursuant to subdivision (i) of this section, provided that such teaching shall not be acceptable where the licensee has taught the course on more than one occasion without presenting new or revised material. Continuing education hours that may be credited for this activity may include actual instructional time plus preparation time which may be up to two additional hours for each hour taught;



2. authoring an article published in a peer-reviewed journal or a published book. A licensee shall receive eight continuing education hours for each written work published during the registration period;
  3. making a technical presentation at a professional conference sponsored by an organization that is a sponsor of continuing education to licensed land surveyors, approved pursuant to subdivision (i) of this section. Continuing education hours that may be credited for this activity shall include actual instructional time, plus preparation time which may be up to two additional hours for each hour taught;
  4. obtaining a patent related to the practice of land surveying. A licensee shall receive eight continuing education hours for each patent granted on an invention during the registration period; and
  5. completing a self-study program, meaning structured study, provided by a sponsor approved pursuant to subdivision (i) of this section, that is based on audio, audio-visual, written, on-line, and other media, and does not include live instruction, transmitted in person or otherwise, during which the student may communicate and interact with the instructor and other students.
- d. Renewal of registration. At each re-registration, licensed land surveyors shall certify to the department that they have either complied with the continuing education requirements, as prescribed in this section, or are subject to an exemption or adjustment to such continuing education requirements, as prescribed in subdivision (b) of this section.
- e. Requirement for lapse in practice.
1. A licensee returning to the practice of land surveying after a lapse in practice, as evidenced by not being registered to practice in New York State, whose first registration date after such lapse in practice and following January 1, 2004 occurs less than three years from January 1, 2004, but on or after January 1, 2005, shall be required to complete:
    - i. at least one hour of acceptable continuing education, up to a maximum of 24 hours, for each month beginning with January 1, 2004 until the beginning of the new registration period, which shall be completed for a licensee who has not lawfully practiced land surveying continuously in another jurisdiction throughout such lapse period, in the 12-month period before the beginning of the new registration period; and for the licensee who has lawfully practiced land surveying continuously in another jurisdiction throughout such lapse period, in the new registration period or at the option of the licensee in the period beginning 36 months before the commencement of the new registration period and ending at the conclusion of such registration period; and
    - ii. for a licensee who has not lawfully practiced land surveying continuously in another jurisdiction throughout such lapse period, at least eight hours of acceptable continuing education in each successive 12-month period of the new registration period; and for a licensee who has lawfully practiced land

- surveying continuously in another jurisdiction throughout such lapse period, the regular continuing education requirement during the new registration period.
2. Except as prescribed in subparagraph (i) of this paragraph for registrations therein specified, the licensee who returns to the practice of land surveying after a lapse in practice in which the licensee was not registered to practice in New York State and did not lawfully practice land surveying continuously in another jurisdiction throughout the lapse period, shall be required to complete:
    - i. the continuing education requirement applicable to the period of time the licensee was registered in the licensee's last registration period; and
    - ii. at least one hour of acceptable continuing education for each month of lapsed registration up to a maximum 24 hours, which shall be completed in the 12 months before the beginning of the new registration period; and
    - iii. at least eight hours of acceptable continuing education in each succeeding 12-month period, after such registration is reissued, until the next registration date.
  3. Except as prescribed in subparagraph (i) of this paragraph for registrations therein specified, the licensee who returns to the practice of land surveying after a lapse in practice in which the licensee was not registered to practice in New York State but did lawfully practice land surveying continuously in another jurisdiction throughout the lapse period, shall be required to complete:
    - i. the continuing education requirement applicable to the period of time the licensee was registered in the licensee's last registration period; and
    - ii. at least one hour of acceptable continuing education for each month of lapsed registration up to a maximum of 24 hours, which shall be completed in the new registration period, or at the option of the licensee in the period beginning 36 months before the commencement of the new registration period and ending at the conclusion of the new registration period; and
    - iii. the regular continuing education requirement during the new registration period.
- f. Conditional registration.
1. The department may issue a conditional registration to a licensee who attests to or admits to noncompliance with the continuing education requirements of this section, provided that such licensee meets the following requirements:
    - i. the licensee agrees to remedy such deficiency within the conditional registration period;
    - ii. the licensee agrees to complete the regular continuing education requirement at the rate of one hour of acceptable continuing education per month during such conditional registration period; and
    - iii. the licensee agrees to complete additional continuing education during such conditional registration period, which the department may require to ensure the licensee's proper delivery of land surveying services consistent with the licensee's practice of land surveying.
  2. The duration of such conditional registration shall not exceed one year and shall not be renewed or extended.
- g. Licensee records. Each licensee subject to the requirements of this section shall maintain, or ensure access by the department to, a record of completed continuing education, which

includes: the type of learning activity, title of the course if a course, subject of the continuing education, the number of hours completed, the sponsor's name and any identifying number (if applicable), attendance verification if a course, participation verification if another educational activity, and the date and location of the continuing education. Such records shall be retained for at least six years from the date of completion of the continuing education and shall be available for review by the department in the administration of the requirements of this section.

- h. Measurement of continuing education study. Continuing education credit shall be granted only for acceptable continuing education, as prescribed in subdivision (c) of this section. For continuing education courses, a minimum of 50 minutes shall equal one continuing education hour of credit. For credit-bearing university or college courses, each semester-hour of credit shall equal 15 continuing education hours of credit, and each quarter-hour of credit shall equal 10 continuing education hours of credit.
- i. Sponsor approval.
  - 1. To be approved by the department, sponsors of continuing education to licensed land surveyors in the form of courses of learning or self-study programs shall meet the requirements of either paragraph (2) or (3) of this subdivision.
  - 2. The department shall deem approved as a sponsor of continuing education to licensed land surveyors in the form of courses of learning or self-study programs:
    - i. a sponsor of continuing education that is approved by the International Association for Continuing Education and Training (IACET), or the Shaw Fund Continuing Education Approved Provider Program, or the Practicing Institute of Engineering, or the American Institute of Architects Continuing Education System (AIA/CES), or an equivalent organization determined by the department with assistance from the State Board for Engineering and Land Surveying to have adequate standards for approving sponsors of continuing education for professionals regulated by Title VIII of the Education Law that include but are not limited to standards that are equivalent to the standards prescribed in clauses (3) (ii) (a), (c), and (d) of this subdivision; or
    - ii. a postsecondary institution that has authority to offer programs that are registered pursuant to Part 52 of this Title or authority to offer equivalent programs that are accredited by an acceptable accrediting agency.
  - 3. Department review of sponsors.
    - i. The department shall conduct a review of sponsors that apply for approval to offer continuing education to licensed land surveyors in the form of courses of learning or self-study programs that are not deemed approved pursuant to the requirements of paragraph (2) of this subdivision.
    - ii. Organizations desiring to offer courses of learning or self-study programs based upon a department review under this paragraph shall submit, with the fee as set forth in subdivision (j) of this section, an application for advance approval as a sponsor at least 90 days prior to the date of the commencement of such continuing education that documents that the organization:
      - a. will offer courses of learning or self-study programs in one or more of the subjects prescribed for acceptable continuing education in subparagraph (c) (2) (i) of this section;

- b. is an organized educational entity or an entity that has expertise in the professional areas that will be taught, including but not limited to, postsecondary institutions that are not already deemed approved pursuant to subparagraph (2)(ii) of this subdivision, and national, state, or local land surveying associations;
  - c. provides course instructors who are qualified to teach the courses which will be offered, including but not limited to, faculty of a college of land surveying accredited by an acceptable accrediting agency; or instructors who are specially qualified authorities in land surveying, as determined by the department with assistance from the State Board for Engineering and Land Surveying, to conduct such courses;
  - d. has a method of assessing the learning of participants, and describes such method; and
  - e. will maintain records for at least six years from the date of completion of coursework, which shall include, but shall not be limited to, the name and curriculum vitae of the faculty, a record of attendance of licensed land surveyors in the course if a course, a record of participation of licensed land surveyors in the self-study program if a self-study program, an outline of the course or program, date and location of the course or program, and the number of hours for completion of the course or program. In the event an approved sponsor discontinues operation, the governing body of such sponsor shall notify the department and shall transfer all records as directed by the department.
- iii. Sponsors that are approved by the department pursuant to the requirements of this paragraph shall be approved for a three-year term.
  - iv. The department may conduct site visits of, or request information from, a sponsor approved pursuant to the requirements of this paragraph to ensure compliance with such requirements, and a sponsor shall cooperate with the department in permitting such site visits and in providing such information.
  - v. A determination by the department that a sponsor approved pursuant to the requirements of this paragraph is not meeting the standards set forth in this paragraph shall result in the denial or termination of the approved status of the sponsor.
- j. Fees.
    - 1. At the beginning of each registration period, a mandatory continuing education fee of \$45 shall be collected from licensees engaged in the practice of land surveying in New York State, except for those exempt from the continuing education requirement pursuant to clauses (b)(2)(i)(a) and (c) of this section. This fee shall be in addition to the registration fee required by section 7206-a of the Education Law.
    - 2. Licensees applying for a conditional registration, pursuant to the requirements of subdivision (f) of this section, shall pay a fee that is the same as and in addition to, the fee for the triennial registration required by section 7206-a of the Education Law. In addition, such licensees shall pay the \$45 mandatory continuing education fee.

3. Organizations desiring to offer continuing education to licensed land surveyors based upon a department review, pursuant to paragraph (i)(3) of this section, shall submit an application fee of \$900 with the application requesting the issuance of a permit from the department to become an approved sponsor of continuing education to licensed land surveyors in the form of courses of learning or self-study programs. Application for a three-year renewal of the permit shall be accompanied by a fee of \$900.

- End of Excerpt from Part 68 -

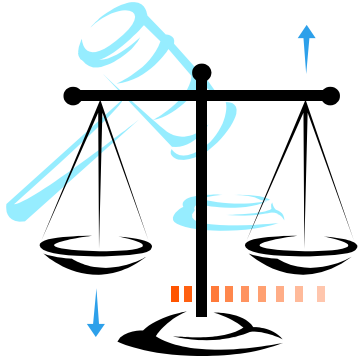


The following is excerpted from [Part 29 of the Rules of the Board of Regents](#):

## **C. Rules of the Board of Regents**

### **Part 29 Unprofessional Conduct**

#### **§ 29.1 General provisions.**

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- a. Unprofessional conduct shall be the conduct prohibited by this section. The provisions of these rules applicable to a particular profession may define additional acts or omissions as unprofessional conduct and may establish exceptions to these general prohibitions.
  - b. Unprofessional conduct in the practice of any profession licensed, certified or registered pursuant to title VIII of the Education Law, except for cases involving those professions licensed, certified or registered pursuant to the provisions of Article 131 or 131-B of such law in which a statement of charges of professional misconduct was not served on or before July 26, 1991, the effective date of Chapter 606 of the Laws of 1991, shall include:
    1. willful or grossly negligent failure to comply with substantial provisions of Federal, State or local laws, rules or regulations governing the practice of the profession;
    2. exercising undue influence on the patient or client, including the promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party;
    3. directly or indirectly offering, giving, soliciting, or receiving or agreeing to receive, any fee or other consideration to or from a third party for the referral of a patient or client or in connection with the performance of professional services;
    4. permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, professional subcontractor or consultant authorized to practice the same profession, or a legally authorized trainee practicing under the supervision of a licensed practitioner. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services used by a professional licensee constitutes a percentage of, or is otherwise dependent upon, the income or receipts of the licensee from such practice, except as otherwise provided by law with respect to a facility licensed pursuant to Article 28 of the Public Health Law or Article 13 of the Mental Hygiene Law;
    5. conduct in the practice of a profession which evidences moral unfitness to practice the profession;

6. willfully making or filing a false report, or failing to file a report required by law or by the Education Department, or willfully impeding or obstructing such filing, or inducing another person to do so;
7. failing to make available to a patient or client, upon request, copies of documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client;
8. revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the patient or client, except as authorized or required by law;
9. practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform, or performing without adequate supervision professional services which the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;
10. delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience or by licensure, to perform them;
11. performing professional services which have not been duly authorized by the patient or client or his or her legal representative;
12. advertising or soliciting for patronage that is not in the public interest:
  - i. Advertising or soliciting not in the public interest shall include, but not be limited to, advertising or soliciting that:
    - a. is false, fraudulent, deceptive or misleading;
    - b. guarantees any service;
    - c. makes any claim relating to professional services or products or the cost or price therefore which cannot be substantiated by the licensee, who shall have the burden of proof;
    - d. makes claims of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof;  
or
    - e. offers bonuses or inducements in any form other than a discount or reduction in an established fee or price for a professional service or product.
  - ii. The following shall be deemed appropriate means of informing the public of the availability of professional services:
    - a. informational advertising not contrary to the foregoing prohibitions;  
and



- b. the advertising in a newspaper, periodical or professional directory or on radio or television of fixed prices, or a stated range of prices, for specified routine professional services, provided that if there is an additional charge for related services which are an integral part of the overall service being provided by the licensee, the advertisement shall so state, and provided further that the advertisement indicates the period of time for which the advertised prices shall be in effect.
  - iii.
    - a. all licensees placing advertisements shall maintain, or cause to be maintained, an exact copy of each advertisement, transcript, tape or videotape thereof as appropriate for the medium used, for a period of one year after its last appearance. This copy shall be made available for inspection upon demand of the Education Department;
    - b. a licensee shall not compensate or give anything of value to representatives of the press, radio, television or other communications media in anticipation of or in return for professional publicity in a news item;
  - iv. Testimonials, demonstrations, dramatizations, or other portrayals of professional practice are permissible provided that they otherwise comply with the rules of professional conduct and further provided that the following conditions are satisfied:
    - a. the patient or client expressly authorizes the portrayal in writing;
    - b. appropriate disclosure is included to prevent any misleading information or imagery as to the identity of the patient or client;
    - c. reasonable disclaimers are included as to any statements made or results achieved in a particular matter;
    - d. the use of fictional situations or characters may be used if no testimonials are included; and
    - e. fictional client testimonials are not permitted;
- 13. failing to respond within 30 days to written communications from the Education Department or the Department of Health and to make available any relevant records with respect to an inquiry or complaint about the licensee's unprofessional conduct. The period of 30 days shall commence on the date when such communication was delivered personally to the licensee. If the communication is sent from either department by registered or certified mail, with return receipt requested, to the address appearing in the last registration, the period of 30 days shall commence on the date of delivery to the licensee, as indicated by the return receipt;
- 14. violating any term of probation or condition or limitation imposed on the licensee by the Board of Regents pursuant to Education Law, Section 6511.



**§ 29.3 General provisions for design professions.**

- a. Unprofessional conduct shall also include, in the professions of architecture and landscape architecture, engineering and land surveying:
  1. being associated in a professional capacity with any project or practice known to the licensee to be fraudulent or dishonest in character, or not reporting knowledge of such fraudulence or dishonesty to the Education Department;
  2. failing to report in writing to the owner or to the owner's designated agent any unauthorized or improperly authorized substantial disregard by any contractor of plans or specifications for construction or fabrication, when professional observation or supervision of the work is provided for in the agreement between the owner and the design professional or when supervision of the work is under the control of the design professional;
  3. certifying by affixing the licensee's signature and seal to documents for which the professional services have not been performed by, or thoroughly reviewed by, the licensee; or failing to prepare and retain a written evaluation of the professional services represented by such documents in accordance with the following requirements:
    - i. a licensee who signs and seals documents not prepared by the licensee or by an employee under the licensee's direct supervision shall prepare, and retain for a period of not less than six years, a thorough written evaluation of the professional services represented by the documents, including but not limited to drawings, specifications, reports, design calculations and references to applicable codes and standards. Such written evaluation shall clearly identify the project and the documents to which it relates, the source of the documents and the name of the person or organization for which the written evaluation was conducted, and the date of the evaluation, and the seal and signature of the licensee shall also be affixed thereto; and
    - ii. nothing in this paragraph shall be construed as authorizing the practice of a design profession in this State by persons other than those authorized to practice pursuant to the provisions of Article 145, 147 or 148 of the Education Law;
  4. failure by a licensee to maintain for at least six years all preliminary and final plans, documents, computations, records and professional evaluations prepared by the licensee, or the licensee's employees, relating to work to which the licensee has affixed his seal and signature;
  5. having a substantial financial interest, without the knowledge and approval of the client or employer, in any products or in the bids or earnings of any contractor, manufacturer or supplier on work for which the professional has responsibility;
  6. permitting any person to share in the fees for professional services, other than: a partner, employee, associate in a professional firm or corporation, subcontractor

or consultant. This prohibition shall include any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment, or personnel services used by a professional licensee constitutes a percentage of or is otherwise dependent upon the income or receipts of the licensee from such practice. This provision shall apply in lieu of Section 29.1(b)(4) of this Part;

7. accepting any form of compensation from more than one party for services on the same project without fully disclosing the circumstances and receiving approval from all interested parties; or
8. participating as a member, advisor or employee or a government body in those actions or deliberations which pertain to services provided by the practitioner or his or her organization for such government body.

b. Unprofessional conduct shall not be construed to include:

1. the employment, with the knowledge of the client, of qualified consultants to perform work in which the consultant has special expertise. This provision shall apply in conjunction with Section 29.1(b)(9) of this Part; and
2. participation as a delegator, or delegatee in delegating or accepting delegation, through an intermediate entity not authorized to provide professional design services, of specifically defined work involving the performance of a design function requiring a professional license, under the following terms, conditions and limitations:
  - i. such specifically defined design work shall be limited to project components ancillary to the main components of the project;
  - ii. the delegator shall specify in writing to the delegatee all parameters which the design must satisfy;
  - iii. the design function shall be required to be performed in accordance with performance specifications established by the delegator;
  - iv. the delegatee shall be required to be licensed or otherwise legally authorized to perform the design work involved and shall be required to sign and certify any design prepared;
  - v. the delegator shall be required to review and approve the design submitted by the delegatee for conformance with the established specifications and parameters and such determination shall be in writing; and
  - vi. the delegator shall be required to determine that the design prepared by the delegatee conforms to the overall project design and can be integrated into such design and such determination shall be in writing.
3. As used in paragraph (2) of this subdivision:
  - i. *Delegator* means a primary design team or team of design professionals which may be composed of professional engineers, land surveyors, architects and landscape architects acting either alone or in combination,

- licensed and registered in accordance with Articles 145, 147 or 148 of the Education Law, and authorized to provide the services being delegated.
- ii. *Intermediate entity* means a person or entity, typically a contractor or subcontractor, responsible for performing the work under the contract for construction.
  - iii. *Delegatee* means a design professional, licensed and registered in accordance with Articles 145, 147 or 148 of the Education Law, who is employed or retained by the intermediate entity to produce design work in compliance with the performance requirements and parameters specified by a delegator.
  - iv. *Certify* means a written statement by a licensee confirming responsibility for the work and attesting that the work prepared meets the specifications (as well as conforming to governing codes applicable at the time the work was prepared), and conforms to prevailing standards of practice.

- End of Excerpt from Part 29 -

## Course Summary

To safeguard the life, health, property and welfare of the public, licensed professional engineers/land surveyors must fully understand the Board Laws and Rules. A licensee who violates any provision of the Laws and Rules may be subject to disciplinary action, such as a fine, reprimand, probation, suspension or revocation of the license.



- End -

*Note: Once you finish studying the above course, you need to take a quiz online to obtain the PDH credits.*