



New York– Laws, Rules and Ethics for Professional Engineers

Three (3) Continuing Education Hours
Course #NY101

Approved Continuing Education for Licensed Professional Engineers

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Course Description:

The New York Laws, Rules and Ethics course satisfies both the 1 required hour of professional ethics and 3 of the 36 hours of continuing education required for New York licensed professional engineers.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of New York.

Objectives:

The primary objective of this course is to familiarize the student with the canons of ethics and familiarize the student with the laws and rules regulating the practice of engineering in the state of New York. Upon successful completion of the course, the student will have increased understanding of ethical practices and be well versed with the NY state laws and board rules.

Grading:

Students must achieve a minimum score of 70% on the online quiz to pass this course. The quiz may be taken as many times as necessary to successfully pass and complete the course.

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Education Law

Article 145, Professional Engineering and Land Surveying

§7200. Introduction.

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

§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.

§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".

§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.

§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".

§7204-a. Definition of the profession of geology.

The practice of the profession of geology is defined as performing professional service such as researching, investigating, consulting and geological mapping, describing the natural processes that act upon the earth's materials, predicting the probable occurrence of natural resources, predicting and locating natural or human-induced phenomena which may be useful or hazardous to humankind and recognizing, determining and evaluating geological factors, and the inspection and performance of geological work and the responsible supervision thereof in furtherance of the health, safety and welfare of the public; provided, however, that geological mapping shall not include the practice of land surveying as defined in section seventy-two hundred three of this article.

§7204-b. Practice of geology and the use of title "professional geologist".

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

***§7204-b. Practice of geology and the use of title "professional geologist".**

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

§7205. State board for engineering, land surveying.

A state board for engineering, land surveying and geology 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, not less than two land surveyors and not less than two professional geologists 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, land surveyor or professional geologist licensed in this state.

§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 or the substantial equivalent, 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 one hundred thirty-five dollars for an initial license and a fee of two hundred ten dollars for each triennial registration period.
2. For an identification card as an "engineer in training", an applicant shall fulfill the requirements of paragraphs one, two, four and seven of subdivision one of this section. The fee for examination and identification card as an "engineer in training" shall be seventy dollars.
3. On recommendation of the board, the department may waive specific requirements, except as to age, character 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.

4. Applicants who file with the department within two years of the effective date of this subdivision an application and fee requirements pursuant to paragraphs one and eight of subdivision one of this section and who, at such time or anytime thereafter, demonstrate to the satisfaction of the department that they have twelve years of practical experience in work satisfactory to the board may substitute such experience for the degree and experience requirements specified in paragraphs two and three of subdivision one of this section, provided that each full year of study in engineering satisfactory to the department may at the discretion of the board be accepted in lieu of up to two years of the required twelve years of experience.

§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: Have practical experience satisfactory to the department and in accordance with the commissioner's regulations;
 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 one hundred thirty-five dollars to the department for an initial license, and a fee of two hundred ten dollars for each triennial registration period.
2. In lieu of the degree requirements specified in paragraph (2) of subdivision one of this section, an associate's degree in land surveying, or an associate's degree

or higher in engineering, math, or related science with credits in land surveying acceptable to the department.

2-a. For admittance to the fundamentals of surveying examination, the applicant shall fulfill the education, experience, and examination requirements in accordance with the commissioner's regulations. Upon the successful completion of the examination, an identification card as an "intern land surveyor" shall be issued by the department. The fee for examination qualification and identification card as an "intern land surveyor" shall be seventy dollars.

2-b. In lieu of the degree and experience requirements specified in paragraphs two and three of subdivision one of this section, eight years of practical experience in work satisfactory to the department 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 department be accepted in lieu of one year of the required eight years of experience. NB Repealed April 3, 2029

§7206-b. Requirements for a license as a professional geologist.

1. To qualify for a license as a professional geologist, an applicant shall fulfill the following requirements:
 - a. Application: file an application with the department;
 - b. Education: have received an education, including a bachelor's or higher degree in geological sciences, in accordance with the commissioner's regulations;
 - c. Experience: have at least five years practical experience satisfactory to the board in appropriate geological work; up to one year of experience may be credited for an advanced degree (masters, doctorate or an equivalent thereof) in accordance with the commissioner's regulations;
 - d. Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;
 - e. Age: be at least twenty-one years of age;
 - f. Character: be of good moral character as determined by the department;and

- g. Fees: pay a fee of two hundred twenty dollars to the department for an initial license, and a fee of two hundred ten dollars for each triennial registration period.
2. In lieu of the degree and experience requirements specified in paragraphs (b) and (c) of subdivision one of this section, twelve years of practical experience in geological work of a grade and character satisfactory to the board may be accepted by the department.
3. For an identification card as an "intern geologist", an applicant shall fulfill the requirements of subdivision one of this section, except those in paragraphs (c) and (e) of such subdivision, provided that admission to the examination may be given when the applicant is within twenty credits of the completion of the requirements of the bachelor's degree or higher as prescribed in paragraph (b) of subdivision one of this section, or has completed the practical experience requirement of subdivision two of this section. The fee for the examination and identification card as an "intern geologist" shall be seventy dollars and the fee for each reexamination shall be seventy dollars.
4. An applicant who applies for licensure within one year after the effective date of this section shall be qualified for a license as a professional geologist without a written examination if the applicant has satisfied the requirements of education and experience described in paragraphs (b) and (c) of subdivision one or subdivision two of this section no later than one year after the effective date of this section.

§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, land surveyor or professional geologist 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. On recommendation of the board, the department may issue a limited permit to practice geology to a geologist 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 or her own country or state with standards equivalent to those enumerated in this article and who submits evidence satisfactory to the board established and recognized professional standing in his or her own country or state and who submits satisfactory certification as to character and qualifications from at least two professional geologists, 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.
4. Fees. The fee for each limited permit shall be one hundred five dollars.

§7208. Exempt persons for the professions of engineering and land surveying.

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 non-engineering services rendered by, such corporation or its manufacturing affiliates;
 - l. The practice of engineering or land surveying, or using the title "engineer" or "surveyor" (i) 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, or (ii) exclusively as an officer or employee of the Long Island power authority or its service provider, as defined under section three-b of the public service law, by rendering to such authority or provider such services in connection with its lines and property which are located in such authority's service area 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.

§7208-a. Exempt persons in or related to the profession of geology.

Nothing in this article shall be construed to affect or prevent:

1. The employment and supervision of interns and other persons qualified by education or experience by professional geologists as assistants in the performance of geological services, or as consultants or employees in special fields related to but not uniquely geology, provided that the professional geologist employing or supervising such persons shall not be relieved of any responsibility whatsoever by delegation to such persons.
2. The practice of professional engineering by a professional engineer licensed pursuant to this article to practice engineering in this state or an entity authorized pursuant to section seventy-two hundred ten of this article to provide engineering in this state, including the investigation, acquisition, evaluation, and interpretation of the physical and chemical properties of the soil, rock, groundwater, earth materials and data related thereto, and the performance of activities as specified in section seventy-two hundred four-a of this article, provided that no such person shall use the designation, or hold himself or herself out as a "professional geologist," unless licensed as such in this state, and provided further that nothing in this chapter shall preclude a licensed professional engineer or authorized entity from offering to provide or providing the work enumerated in this subdivision, however categorized, on the grounds that such licensed professional engineer or authorized entity is not licensed to practice geology.
3. The practice of land surveying by any person that is licensed or otherwise authorized to practice land surveying in this state, provided that no such person shall use the designation or hold himself or herself out as a "professional geologist" unless licensed as such in this state.

4. The execution of work by contractors or by others of work prepared by a professional geologist, or the superintendence of such work as a superintendent, foreman or inspector.
5. The practice of the profession of geology by officers and employees of this state practicing solely as officers and employees; provided, however, that this exemption shall not apply to officers and employees of the state of New York who commence employment or the performance of work related activities after the effective date of this section.
6. The execution of geological research and/or teaching conducted at accredited educational institutions and not-for-profit research institutions, conducted solely through those institutions.
7. Work customarily performed by physical or natural scientists provided such work does not include geological investigations, being in responsible charge of geological work, or the drawing of geological conclusions and recommendations.
8. Work customarily performed by water well drillers who have received a certificate of registration pursuant to section 15-1525 of the environmental conservation law.

§7209. Special provisions.

1. Every professional engineer, land surveyor and professional geologist shall have a seal, approved by the board, which shall contain the name of the professional engineer and the words "Licensed Professional Engineer", the name of the land surveyor and the words "Licensed Land Surveyor" or the name of the professional geologist and the words "Licensed Professional Geologist", 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, or geologic drawings and reports prepared by such professional engineer, all plans, specifications, plats and reports prepared by such land surveyor and all geologic drawings and reports prepared by such professional geologist or by a full-time or part-time subordinate under his or her supervision, shall be stamped with such seal and shall also be signed, on the original with the personal signature of such professional engineer, land surveyor or professional geologist 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, specifications, or geologic drawings or reports that are not stamped:

- a. With the seal of an architect or professional engineer or land surveyor or professional geologist licensed in this state and bearing the authorized facsimile of the signature of such architect or professional engineer or land surveyor or professional geologist, or
 - b. With the official seal and authorized facsimile of the signature of a professional engineer or land surveyor or professional geologist 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 or her own state or country, provided that such person may lawfully practice as such in this state, and provided further that the plans, specifications, or geologic drawings or reports are accompanied by and have attached thereto written authorization issued by the department certifying to such right to practice at such time.
2. a. 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 article for any person, unless he or she 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 or her seal and the notation "altered by" followed by his or her signature and the date of such alteration, and a specific description of the alteration.
- b. To all geologic drawings and reports to which the seal of a professional geologist or professional engineer has been applied, there shall also be applied a stamp with appropriate wording warning that it is a violation of this article for any person, unless he or she is acting under the direction of a professional geologist or professional engineer, to alter a drawing or report in any way. If an item bearing the seal of a licensed professional geologist or professional engineer is altered, the altering party shall affix to the item his or her seal and the notation "altered by" followed by his or her signature and the date of such alteration, and a specific description of the alteration.
- Nothing contained in this article shall be deemed to authorize a professional

- geologist to practice professional engineering unless he or she is licensed as a professional engineer pursuant to this article.
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, geologists, architects, and landscape architects may join in the formation of a joint enterprise, or a partnership or a professional service corporation or a design 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 or her profession shall be indicated. 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.
 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.
9. a. Any person who knowingly damages, destroys, disturbs, removes, resets, or replaces any boundary marker placed on any tract of land by a licensed land surveyor, or by any person at the direction of a licensed land surveyor, for the purpose of designating any point, course or line in the boundary of such tract of land in which he or she has no legal interest, shall be punished by a civil fine of not more than five hundred dollars and shall be liable for the cost of reestablishment of said boundary marker.
 - b. Notwithstanding the provisions of paragraph a of this subdivision, a licensed land surveyor licensed under section seventy-two hundred three of this article or a person acting at the direction of any such licensed land surveyor, may remove an existing marker if substandard in nature in order to place an upgraded marker in the same location and shall note the same on the map of survey.

§7210. Certificates of authorization.

1. Domestic or foreign professional service corporations, design 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, land surveying or professional geology 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, land surveying or professional geology 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, land surveying or professional geology services and may not obtain certificates of authorization provided that nothing contained herein shall prohibit an individual who is licensed to practice professional engineering, land surveying or professional geology 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
 - o Application fee and first triennial certificate of authorization - \$125.00;
 - o Triennial renewal fee - \$75.00;
 - o Delinquent fee - \$10.00 per month of practice without a certificate of authorization;
 - o 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.

§7211. Mandatory continuing education for professional engineers, land surveyors and professional geologists.

1.
 - a. Each licensed professional 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. Licensed professionals who do not satisfy the mandatory continuing education requirements shall not practice until they have met such requirements, and have been issued a registration certificate, except that a licensed professional may practice without having met such requirements if he or she is issued a conditional registration certificate pursuant to subdivision three of this section. For purposes of this section the term "licensed professional" shall mean any individual licensed under this article as a professional engineer, land surveyor or professional geologist.
 - b. Licensed professionals shall be exempt from the mandatory continuing education requirement for the triennial registration period during which they are first licensed. In accordance with the intent of this section, adjustment to the mandatory continuing education requirement may be granted by the department for reasons of health certified by an appropriate health care professional, for 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 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 his or her profession during the triennial registration period shall notify the department prior to reentering the profession and shall meet such mandatory education requirements as shall be prescribed by regulations of the commissioner.
 - d. Professional engineers directly employed on a full time basis by the state of New York, its agencies, public authorities, public benefit corporations or local governmental units prior to January first, two thousand four and who are represented by a collective bargaining unit or who are designated managerial or confidential pursuant to article fourteen of the civil service law, at all times when so employed shall be deemed to have satisfied the continuing education requirements of this section, provided however that any such licensees who thereafter leave such employment and enter the practice of professional engineering in other capacities in New York, or otherwise engage in such practice, shall satisfy the requirements of this section in such manner as shall be prescribed by regulations of the commissioner.
 - e. Professional geologists directly employed on a full-time basis by the state of New York, its agencies, public authorities, public benefit corporations or local governmental units prior to January first, two thousand twenty-two and who are represented by a collective bargaining unit or who are designated managerial or confidential pursuant to article fourteen of the civil service law, at all times when so employed shall be deemed to have satisfied the continuing education requirements of this section, provided however that any such licensees who thereafter leave such employment and enter the practice of professional geology in other capacities in New York, or otherwise engage in such practice, shall satisfy the requirements of this section in such manner as shall be prescribed by regulations of the commissioner.
2. During each triennial registration period an applicant for registration as a professional engineer and/or a professional geologist shall complete a minimum of thirty-six hours of acceptable continuing education and an applicant for registration as a land surveyor shall complete a minimum of twenty-four hours of acceptable continuing education as specified in subdivision four of this section. Any professional geologist whose first registration date following the effective date of the chapter of the laws of two thousand twenty which amended this

section occurs less than three years from such effective date, but on or after January first, two thousand twenty-three, shall complete continuing education hours on a prorated basis at the rate of one hour per month for the period beginning January first, two thousand twenty-two up to the first registration date thereafter. A licensee who has not satisfied the mandatory continuing education requirements shall not be issued a triennial registration certificate by the department and shall not practice unless and until a conditional registration certificate is issued as provided for in subdivision three of this section. With the exception of continuing education hours taken during the registration period immediately preceding the effective date of this section, no more than six continuing education hours taken during one triennium may be transferred to a subsequent triennium.

3. The department, in its discretion, may issue a conditional registration to a licensee who fails to meet the continuing education requirements established in subdivision two of this section but who agrees to make up any deficiencies and complete any additional education which the department may require. The fee for such a conditional registration shall be the same as, and in addition to, the fee for the triennial registration. The duration of such conditional registration shall be determined by the department but shall not exceed one year. Any licensee who is notified of the denial of registration for failure to submit evidence, satisfactory to the department, of required continuing education and who practices a licensed profession without such registration, may be subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title.
4. As used in subdivision two of this section, "acceptable continuing education" shall mean courses of learning and educational activities in architecture, engineering, interior design, land surveying, landscape architecture and geology that may contribute to professional practice in professional engineering, land surveying and/or geology and which meet the standards prescribed by regulations of the commissioner. Completing courses of learning and educational activities that fall within the scope of practice of another licensed profession does not authorize the licensed professional engineer, licensed land surveyor or licensed professional geologist to lawfully practice a profession that they are not authorized to practice as defined in sections seventy-two hundred one, seventy-two hundred three and seventy-two hundred four of this title. The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education courses in specific subjects.

5. Licensed professionals shall maintain adequate documentation of completion of acceptable continuing education and educational activities and shall provide such documentation at the request of the department.
 6. The mandatory continuing education fee shall be forty-five dollars, shall be payable on or before the first day of each triennial registration period, and shall be paid in addition to the triennial registration fees required by sections seventy-two hundred six, seventy-two hundred six-a, and seventy-two hundred six-b of this article.
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Rules of the Board of Regents

Part 29, Unprofessional Conduct

§ 29.1 General provisions.

- 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.

§ 29.2, 29.4 to 29.19– Not Applicable

§ 29.3 General provisions for design professions.

- a. Unprofessional conduct shall also include, in the professions of architecture and landscape architecture, engineering, land surveying and geology:
 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;
 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; or
 9. in the profession of land surveying, the revision, alteration, or update of any existing boundary survey without adequate confirmation of relevant boundary lines and monuments. To be adequate, such confirmation shall include a reasonable field verification and shall be sufficiently extensive to reasonably ensure the accuracy of the revision, alteration, or update, as appropriate to the circumstances of the revision, alteration, or update.
- 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.

Regulations of the Commissioner

Part 68, Engineering and Land Surveying

§68.1 Professional study and experience requirements for professional engineering.

- a. Definition. As used in this section, an acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accrediting at the postsecondary level and which applies its criteria for granting accreditation in a fair, consistent, and nondiscriminatory manner.
- b. Licensure requirement. To meet the professional education and experience requirements for licensure as a professional engineer in this State, the applicant shall submit evidence of:
 1. graduation, including receipt of the bachelor's degree in engineering, from a professional program in engineering registered by the department, accredited by an acceptable accrediting agency, or determined by the department to be the substantial equivalent of a registered or accredited program; and
 2. completion of a minimum of four years of professional engineering work experience that meets the requirements of section 68.2 of this Part; or
 3. graduation, including receipt of the bachelor's degree in engineering technology, from an engineering technology program registered by the department or accredited by an acceptable accrediting agency; or
 4. graduation, including receipt of the bachelor's degree in engineering, from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program; or
 5. graduation, including receipt of the bachelor of science degree, in a field related to engineering, engineering technology, or architecture as determined to be acceptable by the department, and graduation, including receipt of a master's or doctoral degree from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program and that contains 24 graduate-level semester hours of engineering; and

6. completion of a minimum of six years of professional engineering work experience that meets the requirements of section 68.2.
 7. For applicants that meet the requirements of paragraphs (1), (3), or (4) of this subdivision, the department shall accept graduation, including receipt of a master's or doctoral degree from a professional program in engineering determined by the department to be the substantial equivalent of a registered or accredited engineering program and that contains 24 graduate-level semester hours of engineering in lieu of not more than one year of work experience set forth in (b)(2) or (b)(6) of this section.
- c. Special provisions. As an alternative to the education/experience credit requirements in subdivision (b) of this section, for applicants who seek licensure and submit an application, with the required fee, to the department prior to April 6, 2024, the following education/experience credit requirements shall apply:
1. 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, Land Surveying and Geology 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, as defined in subdivision (a) of this section, which specializes in the fields of engineering or in a program equivalent to such an accredited professional engineering program.
 2. 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:
 - i. 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;
 - ii. 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;

- iii. 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
 - iv. that it is part of a program accredited by an acceptable accrediting agency pursuant to subdivision (a) of this section or part of a program equivalent to such an accredited program.
3. In accordance with the provisions of subdivision (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.

§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.

§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. Admission to examinations.
1. To meet the requirements for admission to the fundamentals of engineering examination, an applicant shall either:
 - i. be enrolled in a professional program in engineering registered by the department, or accredited by an acceptable accrediting agency as defined in subdivision (a) of section 68.1 of this Part, or determined by the department to be the substantial equivalent of a registered or accredited program that leads to a bachelor's degree in engineering; or
 - ii. be enrolled in a professional program in engineering technology registered by the department or accredited by an acceptable accrediting agency that leads to a bachelor's degree in engineering technology; or
 - iii. have met the education requirement of 68.1(b)(4) or (5); or
 - iv. as prescribed in section 68.1(c) of this Part, have earned at least six education/experience credits and submitted an application for licensure with the required fee to the department prior to April 6, 2024,
 2. To meet the professional education and experience requirements for admission to the principles and practice of engineering examination, an applicant shall have met the requirements in sections 68.1 and 68.2 of this Part.
- 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.
 4. Scores for licensing examinations shall be reported on a pass/fail basis.
- f. Review and rescoring of examinations shall be conducted in accordance with section 59.5 (g) of this Title.

§68.4 Professional study of land surveying.

- a. As used in this section, acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accrediting land surveying, engineering or other math and science programs as having reasonable accreditation standards and as an organization that applies its criteria for granting accreditation of programs in a fair, consistent, and nondiscriminatory manner.
- b. To meet the professional study requirement for licensure, the applicant shall present evidence of:
 1. completion of a bachelor's degree or higher in land surveying or the equivalent from a program approved by the department for professional licensure purposes and three years of land surveying experience acceptable to the department as recommended by the State board; or
 2. completion of a bachelor's degree or higher in engineering, math, or related science with 15 credits of surveying course work acceptable to the department as recommended by the State Board as set forth in section

- 52.49 of this Title and 4 years of land surveying experience acceptable to the department as recommended by the State board; or
3. completion of an associate's degree in land surveying and five-and-a-half years of land surveying experience acceptable to the department as recommended by the State board; or
 4. completion of an associate's degree in engineering, math, or related science with 15 credits of land surveying course work acceptable to the department as recommended by the State board as set forth in section 52.49 of this Title and 6 years of land surveying experience acceptable to the department as recommended by the State board; or
 5. completion of an approved secondary course of study; and
 - i. for those applying for licensure on or after September 1, 1987, the equivalent of eight years of land surveying experience acceptable to the department as recommended by the State board, provided that all experience is completed prior to April 3, 2029 and provided that each full year of college study in engineering or land surveying in a program approved by the department for professional licensure purposes or a substantially equivalent program, as determined by the department upon the recommendation of the State board, may be accepted in lieu of one year of such experience to a maximum of four years.

§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.

§68.6 Licensing examinations for land surveying.

- a. An applicant for admission to the fundamentals of surveying examination shall:
 - 1. be within 20 credits of graduation from a bachelor's degree program registered as leading to licensure in land surveying pursuant to section 52.49 of this Title, or accredited by an acceptable accrediting agency, or a bachelor's degree program that is substantially equivalent to such a registered or accredited program as determined by department as recommended by the State board; or
 - 2. hold a bachelor's degree in engineering, math, or a related science or their substantial equivalent with 15 credits of surveying as set forth in section 52.49 of this Title and have completed 1 year of experience acceptable to the department as recommended by the State board; or
 - 3. hold an associate's degree in surveying accredited by an acceptable accrediting agency, or an associate's degree program that is substantially equivalent to such accredited program as determined by the department and have completed two and a half years of experience acceptable to the department as recommended by the State board; or
 - 4. hold an associate's degree in engineering, math, or related science or their substantial equivalent with 15 credits of surveying as set forth in section 52.49 of this Title and have completed 3 years of experience acceptable to the department as recommended by the State board; and
- b. An applicant for admission to the principles and practice of surveying and the New York State jurisdictional surveying examinations shall:
 - 1. have completed the education and experience requirements set forth in section 68.4 of this Title.
- c. Content. The examination shall consist of:

1. Part 1 - Fundamentals of 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 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.
- d. 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.
- e. 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. Except for the jurisdictional examination, scores for the licensing examinations shall be reported on a pass/fail basis.
- f. Review and rescoring of examinations shall be conducted in accordance with section 59.5(g) of this Title.

§68.7 Professional study for professional geologists.

- a. As used in this section, acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accrediting geological sciences, engineering or other science programs, as having reasonable accreditation standards, and as an organization that applies its criteria for granting accreditation of programs in a fair, consistent, and nondiscriminatory manner.
- b. To meet the professional education requirement for licensure as a professional geologist, the applicant shall present satisfactory evidence of:
 1. holding a bachelor's degree awarded upon successful completion of a bachelor's degree program in geological sciences registered as leading to licensure pursuant to section 52.46 of this Title or accredited by an acceptable accrediting agency, or a bachelor's degree program that is substantially equivalent to such a registered program as determined by the department; or
 2. holding a bachelor's degree awarded upon successful completion of a bachelor's degree program in a related science or engineering and a master's or doctoral degree awarded upon successful completion of a master's or doctoral degree program in geological sciences that satisfies the requirements of section 52.46 of this Title, or a bachelor's degree and a master's or doctoral degree from programs that are substantially equivalent to such programs as determined by the department; or
 3. twelve years of experience acceptable to the State Board for Engineering, Land Surveying and Geology pursuant to paragraph (4) of subdivision (a) of section 68.8 of this Part.
- c. The department may accept completion of the following in lieu of not more than one year of acceptable experience:
 1. holding a master's or doctoral degree awarded upon successful completion of a master's or doctoral degree program in geological sciences following successful completion of either a licensure qualifying bachelor's program pursuant to section 52.46 of this Title or accredited by an acceptable accrediting agency, or a bachelor's degree program that is substantially equivalent to such a registered or accredited program as determined by the department; or

2. holding a bachelor's degree awarded upon successful completion of a bachelor's degree program in a related science or engineering and a master's or doctoral degree awarded upon successful completion of a master's or doctoral degree program in geological sciences that satisfies the requirements of section 52.46 of this Title, or a bachelor's and master's or doctoral degree from programs that are substantially equivalent to such programs as determined by the department.

§68.8 Experience acceptable for licensure as a professional geologist.

- a. Practical experience in geological work satisfactory to the board shall be verified in a manner acceptable to the board and shall:
 1. encompass a broad range of geological subdisciplines;
 2. demonstrate comprehensive understanding of geological principles and concepts, as well as the ability to apply those principles and concepts to the practical solution of geological problems or issues;
 3. demonstrate progressive professional practice beyond data collection, routine sampling, laboratory work or geological drafting, that requires independent judgment, competency, and accountability such that the applicant is qualified to assume responsible charge of geological work; and
 4. include at least five years of professional experience, after successful completion of the education requirements set forth in paragraph (1) of subdivision (b) of section 68.7; or at least four years of professional experience, after successful completion of the education requirements set forth in paragraph (2) of subdivision (b) of section 68.7 or paragraphs (1) and (2) of subdivision (c) of section 68.7; or twelve years of experience as set forth in paragraph (3) of subdivision (b) of section 68.7 that was either:
 - i. under the supervision of a licensed professional geologist;
 - ii. under the supervision of a geologist or engineer, whom the board recognizes as qualified to have responsible charge of geologic work; or

- iii. entailed the applicant being in responsible charge of geological work as described in paragraphs (1), (2) and (3) of subdivision (a) of this section.
 - b. Exception to the practical experience in geological work requirements. In lieu of the practical experience in geological work requirements set forth in subdivision (a) of this section, the board may accept research in, or the teaching of, geological sciences at the college or university level as qualifying practical experience in geological work, if, in the judgment of the board, the research or teaching is comparable to the practical experience obtained in the practice of geology.

§68.9 Licensing examinations for geology.

- a. The licensing examination shall consist of:
 1. fundamentals of geology; and
 2. practice of geology.
- b. The grade retention provisions of section 59.5(f) of this Title shall not be applicable to geology examinations.
- c. Passing score. The passing scores for the examinations for licensure as a professional geologist shall be determined by the department, in consultation with the State Board for Engineering, Land Surveying and Geology.
- d. An applicant for admission to the fundamentals of geology examination shall:
 1. be within 20 credits of graduation from a bachelor's degree program in geological sciences registered as leading to licensure pursuant to section 52.46 of this Title, or accredited by an acceptable accrediting agency, or a bachelor's degree program that is substantially equivalent to such a registered or accredited program as determined by the department; or
 2. hold a bachelor's degree from a bachelor's degree program in a related science or engineering and be in the last semester of a master's or doctoral degree program in geological sciences that satisfies the requirements of section 52.46 of this Title, or hold a bachelor's degree and a master's or doctoral degree from programs that are substantially equivalent to such programs as determined by the department; or

3. have completed eight years of experience acceptable to the State Board for Engineering, Land Surveying and Geology pursuant to section 68.8 of this Part.
- e. An applicant for admission to the practice of geology examination shall:
1. have completed the education and experience requirements set forth in sections 68.7 and 68.8 of this Part; or
 2. have completed 12 years of experience acceptable to the State Board for Engineering, Land Surveying and Geology pursuant to section 68.8 of this Part.

§68.10 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, land surveying or professional geology issued to him or her 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.

§68.11 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 \$105 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, land surveyor or professional geologist 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, land surveyor or professional geologist or the equivalent in his or her own state or country; and
 3. payment of a permit fee of \$105.
- c. In accordance with section 7207(3) of the Education Law and upon recommendation of the board, the department may issue to a geologist who is not a resident of this State and having no established place of practice in this State a limited permit to practice geology 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 this State for which the limited permit is requested.
2. at least two satisfactory certifications as to the character and qualifications of the applicant submitted to the department by licensed professional geologists, 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 geologist or its equivalent in his or her state or country; and
4. payment of a permit fee of \$105 and payment of the statutory registration fee.

§68.12 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 tunnelling, 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.

§68.13 Seals.

For those applicants initially applying for licensure on or after July 1, 1984, seals used by licensed professional engineers, land surveyors and professional geologists 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" or "LICENSED PROFESSIONAL GEOLOGIST" 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.

§68.14 Continuing education for professional engineers, land surveyors and professional geologists.

a. Definitions. As used in this section:

1. 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.
2. Licensed professional means any individual licensed under Article 68 of the Education Law as a professional engineer, land surveyor or professional geologist.

b. Applicability of requirement.

1. Each licensed professional, 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 engineering, land surveying, and/or geology in New York State, except those first licensed to practice engineering, land surveying, and/or geology in New York State pursuant to an endorsement of a license of another jurisdiction; and
 - b. licensed professional engineers and/or land surveyors whose first registration date following January 1, 2004 occurs prior to January 1, 2005, for periods prior to such registration date;

- c. licensed professional geologists whose first registration date following January 1, 2022 occurs prior to January 1, 2023, for periods prior to such registration date; and
 - d. licensees who are not engaged in the practice of engineering, land surveying or geology 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 as a professional engineer or professional geologist shall complete at least 36 hours of continuing education acceptable to the department, and an applicant for registration as a land surveyor shall complete at least 24 hours of continuing education acceptable to the department, as defined in paragraph (3) of this subdivision. At least one hour of such continuing education shall be in professional ethics and no more than six continuing education hours completed during one triennial registration period may be transferred to a subsequent triennial registration period. Any licensed professional geologist whose first registration date following January 1, 2022 occurs less than three years from that

date, but on or after January 1, 2023, 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, 2022 up to the first registration date thereafter. Such continuing education shall be completed during the period beginning January 1, 2023 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 licensed professional engineers.

- 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 or designated management or confidential pursuant to article 14 of the Civil Service Law 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

has not practiced geology 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 (i)(a) and (b) of this paragraph shall be required to complete acceptable continuing education, as defined in paragraph (4) 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.
4. 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 mean courses of learning and educational activities in architecture, engineering, interior design, land surveying, landscape architecture and geology that may contribute to professional practice in engineering, land surveying and/or geology as such practice is defined in sections 7201, 7203 and 7204-a 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:

1. preparing and teaching a course offered by a sponsor of continuing education to professional engineers, land surveyors and/or professional geologists 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 a peer-reviewed article, map, or other document published by a governmental, academic or research entity in a journal, book or digital format. 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, land surveyors and/or professional geologists, 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, land surveying and/or geology. A licensee shall receive nine continuing education hours for each patent granted on an invention during the registration period.
5. completing educational activities, meaning structured study, including, but not limited to, self-study programs, 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;

6. completing an educational tour, meaning a structured tour of an instructional nature provided by a sponsor approved pursuant to subdivision (i) of this section; and
 7. serving on any committee or task force that addresses technical and/or regulatory issues relating to the professional practice of engineering, land surveying and/or geology, provided that such committee or task force has been established by a governmental entity or other entity determined by the department, with assistance from the State Board for Engineering, Land Surveying and Geology, to be acceptable. Continuing education hours that may be credited for this activity shall be one hour of credit for every two hours of service while engaged in activities directly related to professional practice. To be acceptable for continuing education credit, such service must be certified in writing by an authorized individual within the committee or task force and approved by the department. No more than nine hours of such continuing education may be included during each registration period.
- d. Renewal of registration. At each re-registration, licensed professionals 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 who returns to practice after a lapse in practice in which the licensee was not registered to practice in New York State 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;
 - ii. one hour of acceptable continuing education for each month of lapsed registration up to a maximum of 12 hours, which shall be completed in the 12 months before the beginning of 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 services consistent with the licensee's practice.
 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 professionals in the form of courses of learning or educational activities shall meet the requirements of either paragraph (2), (3) or (4) of this subdivision.
 2. The department shall deem approved as a sponsor of continuing education to licensed professionals in the form of courses of learning or educational activities:
 - 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 The Shaw Fund, or The New York State Council of Professional Geologists or an equivalent organization determined by the department with assistance from the State Board for Engineering, Land Surveying and Geology 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;
 - 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; or
 - iii. a sponsor of continuing education that is approved by a licensing authority or agency of another jurisdiction under standards substantially equivalent to those of the Department.

3. Department review of sponsors.
 - i. The department shall conduct a review of sponsors that apply for approval to offer continuing education to licensed professionals in the form of courses of learning or educational activities that are not deemed approved pursuant to the requirements of paragraph (2) or (3) of this subdivision.
 - ii. Organizations desiring to offer courses of learning or educational activities 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 educational activities in one or more of the subjects prescribed for acceptable continuing education in subparagraph (c)(4)(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 professional design 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, land surveying or geology accredited by an acceptable accrediting agency; or instructors who are specially qualified authorities in engineering, land surveying or geology as determined by the department with assistance from the State Board for Engineering, Land Surveying and Geology, 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 professionals in the course if a course, a record of participation of licensed professionals in the educational activities if an educational activity, 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, land surveying or geology 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, land surveyors or professional geologists 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, land surveyors or professional geologists in the form of courses of learning or educational activities. Application for a three-year renewal of the permit shall be accompanied by a fee of \$900.

Code of Ethics

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
 - 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.
 - 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
 - 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
 - 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.

- 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
 - 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.
2. Engineers shall perform services only in the areas of their competence.
 - 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
 - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
 - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
 3. Engineers shall issue public statements only in an objective and truthful manner.
 - 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.
 - 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
 - 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.
 4. Engineers shall act for each employer or client as faithful agents or trustees.
 - 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
 - 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services

pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.

4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.

5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.

1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.

2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

1) Engineers shall acknowledge their errors and shall not distort or alter the facts.

- 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
 - 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
 - 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
 - 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.
2. Engineers shall at all times strive to serve the public interest.
 - 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
 - 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.
 - 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
 - 4) Engineers are encouraged to adhere to the principles of sustainable development¹ in order to protect the environment for future generations.
 3. Engineers shall avoid all conduct or practice that deceives the public.
 - 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
 - 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
 - 3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.
 4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.
 - 1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.

- 2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.
5. Engineers shall not be influenced in their professional duties by conflicting interests.
- 1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
 - 2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.
6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.
- 1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
 - 2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
 - 3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.
7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.
- 1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
 - 2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.

- 3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.
8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.
- 1) Engineers shall conform with state registration laws in the practice of engineering.
 - 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
- 1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
 - 2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
 - 3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
 - 4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
 - 5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

References

NYSED Professional Engineering & Land Surveying: Laws, Rules, & Regulations

<https://www.op.nysed.gov/professions/engineering/laws-rules-regulations>

New York Education Law: Article 145 (7200-7212), Engineering, Land Surveying and Geology

<http://public.leginfo.state.ny.us/menuf.cgi>

New York Codes, Rules and Regulations: Title 8, Chapter I, Part 29

(8 CRR-NY I 29)

Unprofessional Conduct

<https://govt.westlaw.com/nycrr/index?contextData=%28sc.Default%29&transitionType=Default>

New York Codes, Rules and Regulations: Title 8, Chapter II, Sub-Chapter B, Part 68

(8 CRR-NY II B 68)

Engineering and Land Surveying

<https://govt.westlaw.com/nycrr/index?contextData=%28sc.Default%29&transitionType=Default>

National Society of Professional Engineers, Code of Ethics

<http://www.nspe.org/resources/ethics/code-ethics>