

# Education Law

## Article 145, Professional Engineering and Land Surveying

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### **§7200. Introduction.**

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

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

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

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

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

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

The practice of the profession of land surveying is defined as practicing that branch of the engineering profession and applied mathematics which includes the measuring and plotting of the dimensions and areas of any portion of the earth, including all naturally

placed and man- or machine-made structures and objects thereon, the lengths and directions of boundary lines, the contour of the surface and the application of rules and regulations in accordance with local requirements incidental to subdivisions for the correct determination, description, conveying and recording thereof or for the establishment or reestablishment thereof.

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

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

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

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

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

1. To qualify for a license as a professional engineer an applicant shall fulfill the following requirements:
  1. Application: file an application with the department;
  2. Education: have received an education, including a bachelor's or higher degree based on a program in engineering, in accordance with the commissioner's regulations;
  3. Experience: have at least four years in work satisfactory to the board, provided that the board may accept study beyond the bachelor's degree in partial fulfillment of this requirement;
  4. Examination: pass an examination satisfactory to the board and in accordance with the commissioner's regulations;
  5. Age: be at least twenty-one years of age;
  6. Citizenship or immigration status: be a United States citizen or an alien lawfully admitted for permanent residence in the United States;

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

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

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

six years in work satisfactory to the board provided that the board may accept study beyond the associate's degree in partial fulfillment of this requirement;

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

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#### **§7207. Limited permits.**

1. On recommendation of the board, the department may issue a limited permit to practice engineering to an engineer not a resident of this state and having no established place of practice in this state who is legally qualified to practice as such in his own country or state and who submits satisfactory evidence of established and recognized professional standing in his own country or state and who submits satisfactory certifications as to character and qualifications from at least two licensed professional engineers, one of whom shall be a resident of this

- state. Such limited permit shall be issued solely in connection with the specific project for which such limited permit is granted.
2. A limited permit to practice as a professional engineer or land surveyor in this state may be issued by the department to a person not a resident in this state and having no established place of practice in this state, when such practice does not aggregate more than thirty days in any calendar year, provided that such person is legally qualified to practice in his own state or country. The limited permit authorizing such right to practice in this state shall specify the dates within the calendar year when such right may be exercised.
  3. Fees. The fee for each limited permit shall be one hundred five dollars.
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### **§7208. Exempt persons.**

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

- a. Offering to practice in this state as a professional engineer or land surveyor by any person not a resident of, and having no established place of practice in this state, provided that such person is legally qualified for such practice in his own state or country;
- b. Practice as a professional engineer or land surveyor in this state by any person not a resident, or having no established place of practice in this state, or any person resident in this state but who has arrived in this state within six months, provided, however, such a person shall have filed an application for license as a professional engineer or land surveyor, and is legally qualified for such practice in the state or country in which he resides or has his place of practice or in which he had his previous residence or place of practice, such exemption continuing for only such reasonable time as the board requires to grant or deny the application for license, and a person intending to practice under this subdivision shall so state on the application;
- c. Practice of engineering or land surveying, by an employee of a county or town, in the construction, improvement or maintenance of a county road or town highway, or by an employee of a county, city, town or village, in the construction, improvement or maintenance of any public work wherein the contemplated expenditure for the completed project does not exceed five thousand dollars;
- d. Operation or maintenance of steam, power, or refrigeration plants by legally authorized persons not licensed under this article or persons engaged or employed as an engine man, operator or driver of any engine or of any mechanical, electrical, chemical or other device or machine;
- e. Making of surveys by professional engineers, except that the determination of real property boundaries may be done only by a licensed land surveyor;

- f. Employment or supervision of interns or other persons qualified by education or experience by professional engineers or land surveyors as assistants in the performance of engineering or land surveying, or as consultants or employees in special fields related to but not uniquely engineering or land surveying, provided that the engineers or land surveyors employing or supervising such persons shall not be relieved of any responsibility whatsoever by delegation to such persons, and provided further that such persons who have attained the bachelor's level of studies in accordance with the requirements of section seventy-two hundred six of this title may be employed as junior or assistant engineers or junior or assistant land surveyors, or similar titles, to act under the general direction of a professional engineer or land surveyor, or in work not covered by this article;
- g. Employment of any person as a junior or assistant engineer or junior or assistant land surveyor in the civil service of the state or its political subdivisions in a position the title of which was approved and in use as of July first, nineteen hundred seventy-one, provided such person acts under the general direction of a licensed professional engineer or land surveyor;
- h. Execution by a contractor or by others of work designed by a professional engineer, or land surveyor, or the superintendence of such work as a superintendent, foreman, or inspector;
- i. The practice of architecture by an architect licensed in this state, or the practice of landscape architecture by a landscape architect licensed in this state, provided that no such architect or landscape architect shall use the designation "engineer" or "engineering" unless licensed as a professional engineer in this state;
- j. The practice of engineering or land surveying or having the title "engineer" or "surveyor" solely as an officer or an employee of a corporation engaged in interstate commerce;
- k. The practice of engineering by a manufacturing corporation or by employees of such corporation, or use of the title "engineer" by such employees, in connection with or incidental to goods produced by, or sold by, or nonengineering services rendered by, such corporation or its manufacturing affiliates;
- l. The practice of engineering or land surveying, or using the title "engineer" or "surveyor" exclusively as an officer or employee of a public service corporation by rendering to such corporation such services in connection with its lines and property which are subject to supervision with respect to the safety and security thereof by the public service commission of this state, the interstate commerce commission or other federal regulatory body and so long as such person is thus actually and exclusively employed and no longer;
- m. The making of land surveys by a professional engineer where such land surveys are essential to engineering projects, provided he was licensed as a professional engineer in this state on or before the first day of January in the year in which this act shall become a law and files evidence satisfactory to the board on or before the first day of July in the year next succeeding the year in which this act shall have become law, that he is competent and experienced in such land surveys;
- n. The design by a land surveyor of roads, drainage, water supply or sanitary sewerage facilities of a minor nature in connection with subdivisions and the extension and inspection thereof, but not including sewage disposal or treatment

- plants, lift stations, pumping stations, commercial buildings or bridges, provided the surveyor was licensed as a land surveyor in this state on or before the first day of January in the year in which this act shall have become a law and files evidence satisfactory to the board on or before the first day of July in the year next succeeding the year in which this act shall have become a law, attesting that he is competent and experienced in the engineering required for design of such facilities appurtenant to subdivisions; or
- o. Using the title "marine operating engineer", "stationary engineer", "port of customs surveyor", or "ship surveyor".
  - p. Contractors or builders from engaging in construction management and administration of construction contracts.
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### **§7209. Special provisions.**

1. Every professional engineer and every land surveyor shall have a seal, approved by the board, which shall contain the name of the professional engineer and the words "Licensed Professional Engineer" or the name of the land surveyor and the words "Licensed Land Surveyor" and such other words or figures as the board may deem necessary. All plans, specifications, plats and reports relating to the construction or alteration of buildings or structures prepared by such professional engineer and all plans, specifications, plats and reports prepared by such land surveyor or by a full-time or part-time subordinate under his supervision, shall be stamped with such seal and shall also be signed, on the original with the personal signature of such professional engineer or land surveyor when filed with public officials. No official of this state, or of any city, county, town or village therein, charged with the enforcement of laws, ordinances or regulations shall accept or approve any plans or specifications that are not stamped:
  - a. With the seal of an architect or professional engineer or land surveyor licensed in this state and bearing the authorized facsimile of the signature of such architect or professional engineer or land surveyor, or
  - b. With the official seal and authorized facsimile of the signature of a professional engineer or land surveyor not a resident of this state and having no established business in this state, but who is legally qualified to practice as such in his own state or country, provided that such person may lawfully practice as such in this state, and provided further that the plans or specifications are accompanied by and have attached thereto written authorization issued by the department certifying to such right to practice at such time.
2. To all plans, specifications, plats and reports to which the seal of a professional engineer or land surveyor has been applied, there shall also be applied a stamp with appropriate wording warning that it is a violation of this law for any person,

- unless he is acting under the direction of a licensed professional engineer or land surveyor, to alter an item in any way. If an item bearing the seal of an engineer or land surveyor is altered, the altering engineer or land surveyor shall affix to the item his seal and the notation "altered by" followed by his signature and the date of such alteration, and a specific description of the alteration.
3. No county, city, town or village or other political subdivision of this state shall engage in the construction or maintenance of any public work involving engineering or land surveying for which plans, specifications and estimates have not been made by, and the construction and maintenance supervised by, a professional engineer or land surveyor; provided that this section shall not apply to the construction, improvement or maintenance of county roads or town highways, nor to any other public works wherein the contemplated expenditure for the completed project does not exceed five thousand dollars. This section shall not be construed as affecting or preventing any county, city, town or village or other political subdivision of this state from engaging an architect licensed in this state for the preparation of plans, specifications and estimates for and the supervision of construction or maintenance of public works.
  4. Engineers, land surveyors, architects, and landscape architects may join in the formation of a joint enterprise, or a partnership or a professional service corporation or may form any desired combination of such professions and may use in the name of such corporation the title of any of the professions which will be practiced. After the name of each member his profession shall be indicated.
  5. A firm name may be continued by employees having at least fifteen years of continuous service if the retired members and legal representatives of deceased members consent to such continuance.
  6. It shall be lawful for a corporation organized and existing under the laws of the state of New York which on the fifteenth day of April, nineteen hundred thirty-five and continuously thereafter, was lawfully practicing engineering or land surveying in New York state, to continue such practice provided that the chief executive officer shall be a professional engineer licensed under this article, if practicing engineering, or a land surveyor licensed under this article, if practicing land surveying, and provided further that the person or persons carrying on the actual practice of engineering or surveying on behalf of, or designated as "engineer" or "surveyor", with or without qualifying or characterizing word, by such corporation shall be authorized to practice engineering or land surveying as provided in this article. It shall be lawful for a corporation which, on account of or as a result of requirements, restrictions or provisions of federal law, was organized subsequent to April fifteenth, nineteen hundred thirty-five for the purpose of taking over an existing engineering organization established prior to such time and which has taken over such organization and continued its engineering activities, provided that the chief executive officer of such corporation shall be a professional engineer licensed under this article and provided further, that the person or persons carrying on the actual practice of engineering on behalf of, or designated as "engineer", with or without qualifying or characterizing word, by such corporation, shall be authorized to practice engineering as provided in this article. No such corporation shall change its name

or sell its franchise or transfer its corporate rights, directly or indirectly to any person, firm or corporation without the consent of the department. Each such corporation shall obtain a triennial registration on payment of a fee of fifty dollars.

7. Nothing in this article shall be construed to apply:
    - a. To the preparation or execution of designs, drawings, plans or specifications for the construction or installation of machinery, or apparatus constructed or installed by the corporation preparing such designs, drawings, plans or specifications if the supervision of the preparation of any such designs, drawings, plans or specifications, construction or installation is done under the general direction of a professional engineer or land surveyor licensed under this article; or
    - b. To alterations to any building or structure costing ten thousand dollars or less which do not involve changes affecting the structural safety or public safety thereof nor to farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes; nor to residence buildings of gross floor area of fifteen hundred square feet or less, not including garages, carports, porches, cellars, or uninhabitable basements or attics.
  
  8. Nothing in this article shall prohibit a corporation organized and existing prior to the fifteenth day of April, nineteen hundred thirty-five under the laws of any state other than the state of New York, the name of which includes the word "engineers", from obtaining a certificate of authority to do business in the state of New York, provided that the business proposed to be done by such corporation within this state, as set forth in the statement and designation provided for by section thirteen hundred four of the business corporation law, shall not include the practice within this state of engineering or land surveying.
  
  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.
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## **§7210. Certificates of authorization.**

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

All checks shall be made payable to the state department of education, state of

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

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

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**§7211. Mandatory continuing education for professional engineers.**

1.
  - a. Each licensed professional engineer required under this article to register triennially with the department to practice in this state shall comply with provisions of the mandatory continuing education requirements prescribed in subdivision two of this section except as set forth in paragraphs (b) and (c) of this subdivision. Professional engineers who do not satisfy the mandatory continuing education requirements shall not practice until they have met such requirements, and have been issued a registration certificate, except that a professional engineer may practice without having met such requirements if he or she is issued a conditional registration certificate pursuant to subdivision three of this section.
  - b. Professional engineers shall be exempt from the mandatory continuing education requirement for the triennial registration period during which they are first licensed. In accordance with the intent of this section, adjustment to the mandatory continuing education requirement may be granted by the department for reasons of health certified by an appropriate health care professional, for extended active duty with the armed forces of the United States, or for other good cause acceptable to the department which may prevent compliance.
  - c. A licensed professional engineer not engaged in practice as determined by the department, shall be exempt from the mandatory continuing education requirement upon the filing of a statement with the department declaring such status. Any licensee who returns to the practice of professional engineering during the triennial registration period shall notify the department prior to reentering the profession and shall meet such mandatory education requirements as shall be prescribed by regulations of the commissioner.

- d. Professional engineers directly employed on a full time basis by the state of New York, its agencies, public authorities, public benefit corporations or local governmental units prior to January first, two thousand four and who are represented by a collective bargaining unit, at all times when so employed shall be deemed to have satisfied the continuing education requirements of this section, provided however that any such licensees who thereafter leave such employment and enter the practice of professional engineering in other capacities in New York, or otherwise engage in such practice, shall satisfy the requirements of this section in such manner as shall be prescribed by regulations of the commissioner.
2. During each triennial registration period an applicant for registration shall complete a minimum of thirty-six hours of acceptable continuing education, as specified in subdivision four of this section, provided that no more than eighteen hours of such continuing education may consist of non-course activities. Any professional engineer whose first registration date following the effective date of this section occurs less than three years from such effective date, but on or after January first, two thousand five, shall complete continuing education hours on a prorated basis at the rate of one hour per month for the period beginning January first, two thousand four up to the first registration date thereafter. A licensee who has not satisfied the mandatory continuing education requirements shall not be issued a triennial registration certificate by the department and shall not practice unless and until a conditional registration certificate is issued as provided for in subdivision three of this section. With the exception of continuing education hours taken during the registration period immediately preceding the effective date of this section, continuing education hours taken during one triennium may not be transferred to a subsequent triennium.
3. The department, in its discretion, may issue a conditional registration to a licensee who fails to meet the continuing education requirements established in subdivision two of this section but who agrees to make up any deficiencies and complete any additional education which the department may require. The fee for such a conditional registration shall be the same as, and in addition to, the fee for the triennial registration. The duration of such conditional registration shall be determined by the department but shall not exceed one year. Any licensee who is notified of the denial of registration for failure to submit evidence, satisfactory to the department, of required continuing education and who practices professional engineering without such registration, may be subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title.
4. As used in subdivision two of this section, "acceptable continuing education" shall mean courses of learning and educational activities which contribute to professional practice in professional engineering and which meet the standards prescribed by regulations of the commissioner. The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education courses in specific subjects.

5. Professional engineers shall maintain adequate documentation of completion of acceptable continuing education and educational activities and shall provide such documentation at the request of the department.
  6. The mandatory continuing education fee shall be forty-five dollars, shall be payable on or before the first day of each triennial registration period, and shall be paid in addition to the triennial registration fee required by section seventy-two hundred six of this article.
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**\*§7212. Mandatory continuing education for land surveyors.**

1.
  - a. Each licensed land surveyor required under this article to register triennially with the department to practice in the state shall comply with the provisions of the mandatory continuing education requirements prescribed in subdivision two of this section except as set forth in paragraphs (b) and (c) of this subdivision. Land surveyors who do not satisfy the mandatory continuing education requirements shall not practice until they have met such requirements, and have been issued a registration certificate, except that a land surveyor may practice without having met such requirements if he or she is issued a conditional registration certificate pursuant to subdivision three of this section.
  - b. In accord with the intent of this section, adjustment to the mandatory continuing education requirement may be granted by the department for reasons of health certified by an appropriate health care professional, for extended active duty with the armed forces of the United States, or for other good cause acceptable to the department which may prevent compliance.
  - c. A licensed land surveyor not engaged in practice as determined by the department, shall be exempt from the mandatory continuing education requirement upon the filing of a statement with the department declaring such status. Any licensee who returns to the practice of land surveying during the triennial registration period shall notify the department prior to reentering the profession and shall meet such mandatory education requirements as shall be prescribed by regulations of the commissioner.
  - d. Licensed land surveyors shall be exempt from the mandatory continuing education required by this section for the triennial registration period during which they are first licensed.
2. During each triennial registration period an applicant for registration shall complete a minimum of twenty-four hours of acceptable continuing education, as specified in subdivision four of this section, provided, however, that a minimum of sixteen hours of such continuing education shall consist of courses in land

- surveying and related subjects, provided that no more than eight of said twenty-four hours shall consist of self-study courses. Any land surveyor whose first registration date following the effective date of this section occurs less than three years from such effective date, but on or after January first, two thousand five, shall complete continuing education hours on a prorated basis at the rate of one hour per month for the period beginning January first, two thousand four up to the first registration date thereafter. A licensee who has not satisfied the mandatory continuing education requirements shall not be issued a triennial registration certificate by the department and shall not practice unless and until a conditional registration certificate is issued as provided for in subdivision three of this section. With the exception of continuing education hours taken during the registration period immediately preceding the effective date of this section, continuing education hours taken during one triennium may not be transferred to a subsequent triennium.
3. The department, in its discretion, may issue a conditional registration to a licensee who fails to meet the continuing education requirements established in subdivision two of this section but who agrees to make up any deficiencies and complete any additional education which the department may require. The fee for such a conditional registration shall be the same as, and in addition to, the fee for the triennial registration. The duration of such conditional registration shall be determined by the department but shall not exceed one year. Any licensee who is notified of the denial of registration for failure to submit evidence, satisfactory to the department, of required continuing education and who practices land surveying without such registration, shall be subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title.
  4. As used in subdivision two of this section, "acceptable continuing education" shall mean courses of learning and other activities which contribute to the profession or practice of land surveying and which meet the regulations of the commissioner. The department may, in its discretion and as needed to contribute to the health and welfare of the public, require the completion of continuing education courses in specific subjects. Such courses of learning must be taken from a sponsor approved by the department, pursuant to regulations of the commissioner.
  5. Land surveyors shall maintain adequate documentation of completion of acceptable continuing education and shall provide such documentation at the request of the department.
  6. The mandatory continuing education fee shall be forty-five dollars and shall be payable on or before the first day of each triennial registration period, and shall be paid in addition to the triennial registration fee required by paragraph eight of subdivision one of section seventy-two hundred six of this article.