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# New York Laws and Rules for Engineers

by

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New York Laws and Rules for Engineers  
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Course Outline:

Education Law  
Education Law Article 145  
NYCRR  
8 NYCRR 29  
8 NYCRR 68  
State Board  
Practice of Professional Engineering  
Continuing Education  
Sign and Seal Requirements  
Helpful References  
Examination



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## **Education Law**

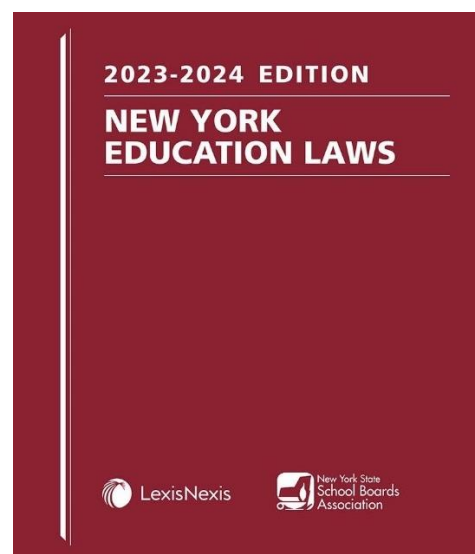
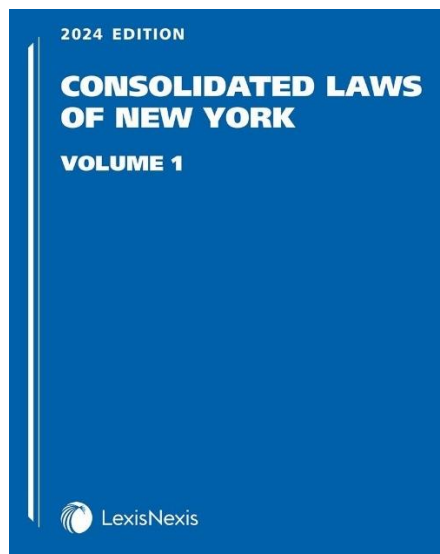
Laws enacted by the New York Legislature (senate and assembly) are called statutes. All the state statutes are compiled to form the Consolidated Laws of New York (CLNY), also called the New York Consolidated Law (NYCL). The CLNY contains public, general, and permanent laws/statutes grouped into 90 different area of government.

Under “Education Law”, Title 8 is “The Professions”, and Article 145 is “Engineering, Land Surveying and Geology”. Article 130, Sub Art. 3 entitled “Professional Misconduct” also has some general requirements for professional practice. A statue organization tree showing Articles 130 and 145 is shown on the next page and below.

See the “Helpful Resources” section for the websites to view the latest statutes, rules, and the Board website.

## **NYCL**

- **Law: Education Law**
  - **Title: 8 THE PROFESSIONS**
    - **Article 145 ENGINEERING, LAND SURVEYING AND GEOLOGY**
      - **Sections: 7200 to 7211**





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NYCL - Laws:

- Abandoned Property
- Agriculture and Markets
- Alcoholic Beverages and Cannabis

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Economic Development Law

**Education Law**

Elder

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Titles:

- 1 - General Provisions
- 2 - School District Organization
- 4 - Teachers and Pupils
- 5 - Taxation and Financial Administration
- 6 - Special Schools and Instruction
- 7 - State and City Colleges and Institutions-Cornell University

**8 - The Professions**

9 - Laws Repealed; Saving Clause; When to Take Effect

... ..

8 Articles:

- 130\* General Provisions
  - Sub Art. 1 - Introductory Summary.
  - Sub Art. 2 - State Management.
  - Sub Art. 3 - Professional Misconduct.**
  - Sub Art. 4 - Unauthorized Acts.
- 131 Medicine
  - 131-A Definitions of Professional Misconduct Applicable to Physicians, Physician's Assistants and Specialist's Assistants
  - 131-B Physician Assistants
  - 131-C Specialist Assistants
- 132 Chiropractic
- 133 Dentistry, Dental Hygiene, and Registered Dental Assisting
- 134 Licensed Perfusionists
- 135 Veterinary Medicine and Animal Health Technology
- 136 Physical Therapy and Physical Therapist Assistants
- 137 Pharmacy
  - 137-A Registered Pharmacy Technicians
- 139 Nursing
- 140 Professional Midwifery Practice Act
- 141 Podiatry
- 143 Optometry
- 144 Ophthalmic Dispensing
- 145 Engineering, Land Surveying and Geology**
- 147 Architecture

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**Education Law Article 145**

Article 145 is entitled “Engineering, Land Surveying and Geology” and it contains general requirements for profession engineers. It also gives authority to the State Board for Engineering, Land Surveying and Geology to manage licensing and conduct of professional engineers.

The following are all the sections of Article 145, with bold items being of particular importance for practicing professional engineers.

Article 145    Engineering, Land Surveying and Geology

- 7200        Introduction.
- 7201        Definition of practice of engineering.**
- 7202        Practice of engineering and use of title "professional engineer".**
- 7203        Definition of practice of land surveying.
- 7204        Practice of land surveying and use of title "land surveyor".
- 7204-A     Definitions of the profession of geology.
- 7204-B     Practice of geology and the use of title "professional geologist".
- 7205        State board for engineering, land surveying and geology.
- 7206        Requirements for a license as a professional engineer.
- 7206-A     Requirements for a license as a professional land surveyor.
- 7206-B     Requirements for a license as a professional geologist.
- 7207        Limited permits.**
- 7208        Exempt persons for the professions of engineering and land surveying.**
- 7208-A     Exempt persons in or related to the profession of geology.
- 7209        Special provisions.**
- 7210        Certificates of authorization.
- 7211        Mandatory continuing education for professional engineers, land surveyors and professional geologists.**



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## **NYCRR**

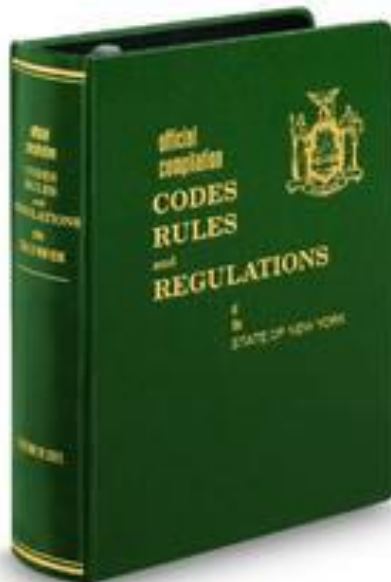
The CLNY statutes are often high-level and lack details required for implementation. The legislature delegates state agencies to manage implementation of statutes and to create rules and regulations that complement the statutes. The collection of rules is called the New York Codes, Rules, and Regulations (NYCRR or CRR-NY). These rules generally have the full force and effect of laws.

NYCRR is a collection of “titles”, each in a different area of government. Title 8 is Education Department

NYCRR Title 8, Part 29 (8 NYCRR 29) is entitled “Unprofessional Conduct”. The following sections apply to professional engineers:

- 8 NYCRR 29.1 – General provisions.
- 8 NYCRR 29.3 – General provisions for design professions.

NYCRR Title 8, Part 68 (8 NYCRR 68) is entitled “Engineering, Land Surveying and Geology”. It contains many important details to guide the regular practice of engineering in New York. See the next page for an organization tree.





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NYCRR - Titles:

- 1 Department of Agriculture and Markets
- 2 Department of Audit and Control
- 3 Banking
- 4 Department of Civil Service
- 5 Department of Economic Development
- 6 Department of Environmental Conservation
- 7 Department of Corrections and Community Supervision

**8 Education Department**

- 9 Executive Department
- ...

Title 8 Chapters:

**Chapter I Rules of the Board of Regents**

**Chapter II Regulations of the Commissioner**

- Chapter IV Appeals and Other Proceedings Before the Commissioner
- Chapter V State University of New York
- Chapter XX Higher Education Services Corporation
- Chapter XXI Annual Program Plans
- Chapter XXII Additional Institutional Participation in the Tuition Assistance Program

Chapter I Parts:

- Part 1 Definitions
- Part 2 Amendments
- Part 3 University of the State of New York; State Education Department
- ...

**Part 29 Unprofessional Conduct**

- 29.1 – General provisions.**
- 29.3 – General provisions for design professions.**

Chapter II Subchapters:

- Subchapter A. Higher and Professional Education
- Subchapter B. Regulation of Professions**
- Subchapter C. Teachers
- ...

Subchapter B. Parts:

- Part 59 General Provisions
- Part 60 Medicine, Physician Assistant, Specialist Assistant...
- Part 61 Dentistry, Dental Hygiene, and Certified Dental Assisting
- Part 62 Veterinary Medicine
- Part 63 Pharmacy and Registered Pharmacy Technicians
- Part 64 Nursing
- Part 65 Podiatry
- Part 66 Optometry
- Part 67 Ophthalmic Dispensing
- Part 68 Engineering, Land Surveying and Geology**
- Part 69 Architecture



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**8 NYCRR 29.3**

The entirety of 8 NYCRR 29.3 entitled "General provisions for design professions" is copied here:

8 NYCRR 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





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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;



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(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.

Current through August 15, 2021



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**8 NYCRR 68**

The following are all the sections of 8 NYCRR 68, with bold items being of particular importance for practicing professional engineers.

Part 68 Engineering, Land Surveying and Geology

- 68.1 Education/experience credit.
- 68.2 Experience acceptable for licensure as a professional engineer.
- 68.3 Licensing examinations for engineering.
- 68.4 Professional study of land surveying.
- 68.5 Experience acceptable for licensure as a land surveyor.
- 68.6 Licensing examinations for land surveying.
- 68.7 Professional study for professional geologists.
- 68.8 Experience acceptable for licensure as a professional geologist.
- 68.9 Licensing examinations for geology.
- 68.10 Licensure by endorsement of out-of-state examination.
- 68.11 Limited permits.**
- 68.12 Scope of practice by exempt persons.**
- 68.13 Seals.**
- 68.14 Continuing education for professional engineers.**
- 68.15 Continuing education for land surveyors.



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### **State Board**

The state agency for professional engineering is the “State Board for Engineering, Land Surveying and Geology”, hereafter referred to as the Board. The Board oversees thousands of Professional Engineers and is given authority to manage and further regulate professional engineering in Education Law § 7205. The board falls under the umbrella of the New York State Education Department in the Office of Professions.



The Board can make modifications to 8 NYCRR 68.

### **Guidance Documents**

The board also issues and updates guidance documents that complement the laws and rules. The following is the list of guidance documents available on the state website:

Introduction

Guideline 1: Defining the Terms for Providing Professional Services

Guideline 2: Permissible Forms of Practice

Guideline 3: Professional Seals and Signatures

Guideline 4: Design Delegation

March 15, 1999 Memorandum



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## **Practice of Professional Engineering**

### Disciplines

New York is a generic licensure jurisdiction for engineering, so there are not specific licenses for each discipline (civil, electrical, structural, etc.). There are no special code requirements for structural engineering. Engineering discipline names are not listed on seals or certificates.

There are separate and distinct licenses for professional engineers, professional land surveyors, and professional geologists.

### Surveyor and Engineer

A professional engineer may also be a professional land surveyor (dual-licensed).

### Statutes and Regulations

The following laws and rules help define what is and what is not considered practicing professional engineering. Many of the rules list exceptions or exempt persons, which helps understand what is NOT considered professional engineering.

## **Education Law Article 145**

§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".

§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:



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- 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;



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- 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" (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





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- 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.

§7209. Special provisions.

...

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.

...

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.





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**8 NYCRR 68**

§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.



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### **Continuing Education**

Per Education Law 7211 and 8 NYCRR 68.14, the following continuing education is required every 3-year renewal period, where a PDH is a professional development hour:

- Total 36 PDH
- Including minimum 1 PDH in professional ethics
- The board pre-approves providers/sponsors, but not specific courses
- Courses must contribute to the professional practice of professional engineering with subject matter related to professional practice and contribute to the development or maintenance of professional knowledge
- Acceptable subject areas include matters of law (this course) and/or ethics which contribute to the professional practice in engineering and the health, safety, and/or welfare of the public
- As of 2022, live courses are no longer required
- A maximum of 6 PDH can be carried forward
- Retain PDH records for 6 years
- Renews every 3 years based on licensee's date of birth

### **Statutes and Regulations**

Here is a copy-paste of the relevant statutes and regulations:

#### **Education Law Article 145**

§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



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- 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.



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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



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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.

### **8 NYCCR 68**

§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



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- 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





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- 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
      2. the licensee has left employment described in clause (a) of this subparagraph, and since January 1, 2004, has not practiced engineering in New York State in any other capacity outside of employment in a position described in clause (a) of this subparagraph.
  - ii. A licensee who does not meet the conditions prescribed in clauses (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



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continuing education requirement prescribed in paragraph (1) of this subdivision.

3. Requirement for certain licensed professional geologists.
  - i. ...
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





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- 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



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- 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



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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



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- 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.



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- 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.



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### **Sign and Seal Requirements**

New York PE seal and signature requirements are found in Education Law §7209 and 8 NYCRR 68.13. Here are a few highlights that may differ from requirements in other states:

- Seal shall contain features shown on right
- If dual licensed, state "LICENSED PROFESSIONAL ENGINEER AND LAND SURVEYOR"
- Size should be approximately 1.75" diameter
- Sign and date near or over the seal such that the name and license numbers are not obscured
- Acceptable forms of signatures:
  - Hand signed with permanent ink and an impression or rubber stamp seal
  - Digital/electronic signature
    - Comply with Electronic Signatures and Records Act (ESRA)
    - 3<sup>rd</sup> party verification NOT required, per ESRA
    - Scanning a hand signature is NOT acceptable
- Also apply a stamp with a warning that it is a violation of law to alter the document (see example on right).



WARNING: IT IS A VIOLATION OF THE NYS EDUCATION LAW ARTICLE 145 FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS ITEM IN ANY WAY.

### **Statutes and Regulations**

The following is a copy-paste of the relevant statutes and regulations:

#### **Education Law Article 145**

§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





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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.



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## **8 NYCRR 68**

### §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.

### Additional Guidelines

Source: <https://www.op.nysed.gov/professions/engineering/professional-practice/professional-seals-and-signatures>

Guidelines for Professional Engineering Practice in New York State  
Guideline 3: Professional Seals and Signatures

#### **I. Meaning of Seal and Signature**

The seal and signature of a licensee on a document indicates that the licensee takes professional responsibility for the work and to the best of the licensee's knowledge and ability, the work represented in the document is accurate, in conformance with applicable codes at the time of submission and has been prepared in conformance with normal and customary standards of practice and with a view to the safeguarding of life, health, property and public welfare.

#### **II. Application of Seal and Signature**

Section 7209 of Article 145 of the State Education Law requires every professional engineer to have a seal. It does not specify the type of seal to be used, with an embossing seal, rubber stamp or electronic version all being acceptable to the Department and the State Board for Engineering and Land Surveying.

Section 7209 also identifies when a professional engineer is required to sign and seal documents. In general, all plans, specifications and reports prepared by the professional engineer or by a full-time or part-time subordinate under their supervision, shall be signed and sealed when filed with public officials. In addition, whenever a document is signed and sealed, a stamp is required with appropriate wording warning that it is a violation of this law for any person to alter any document that bears the seal of a professional engineer, unless the person is acting under the direction of a licensed professional engineer. For information





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on changing documents sealed and signed by a professional engineer refer to Section IV below.

Whatever the means of production, on all documents on which a seal is required, there shall be visible the required image, satisfying the provisions of Sections 7209, and Part 68.10 of the Regulations of the Commissioner, and which clearly and legibly shows both the professional engineer's name and license number. The documents are to be signed by the professional engineer whose name appears on the seal in such a manner that neither the name nor the number appearing on the seal is obscured in any way.

Regulations of the Commissioner - Part 68.10 describes the requirements of the seal to be used in the State of New York. For those that are licensed on or after July 1, 1984, seals used by licensed professional engineers 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". In the inner circle, the licensee's name is placed above the Great Seal of New York and the license number, with no other letters or numbers, is placed below the Great Seal.

III. **Electronic Seal and Signature (E-Signature)**

New York State allows the use of an electronic signature with the same validity and effect as the use of a signature affixed by hand. An electronic signature is an electronically generated identifier that is unique to the person using it. The Electronic Signature and Records Act (ESRA) defines what constitutes an electronic signature in New York State and describes its specific uses and limitations.

The use of electronic signatures is voluntary by both public and private entities. A state or local municipality is not required to accept electronic signatures. ESRA does not define a specific protocol to perform electronic signatures. It does describe the security level and performance requirements associated with the exchange and validation process. Therefore, before an electronic signature is transmitted, an agreement between both parties is required to permit a valid exchange of electronic information in a compatible manner.

The NYS Office For Technology (OFT) has been designated by ESRA as the facilitator responsible to promote the use of electronic signatures and records. The NYS Law and Regulations, OFT Guidelines and other articles can be found on OFT's website <https://www.cio.ny.gov/policy/ESRA/esra.htm>.

IV. **Alterations to Work**

As described in Section II above, all plans, specifications, and reports to which the seal of a professional engineer has been applied, must also be stamped with appropriate wording warning that it is a violation of this law for any person to alter a document in any way, unless acting under the direction of a licensed professional engineer. If a document bearing the seal of an engineer is altered, the altering engineer shall affix to the document their seal and the notation



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"altered by" followed by their signature and the date of such alteration, and a specific description of the alteration.

V. **Sealing Work Prepared by Others**

The Rules of the Board of Regents Part 29.1 addresses unprofessional conduct in all professions regulated by the Board of Regents, and Part 29.3 specifically addresses conduct in the design professions of engineering, architecture, land surveying and landscape architecture, with Part 29.3(a)(3) and (4) addressing the sealing of work prepared by others.

Situations where this might be considered appropriate would include, but not be limited to:

- Construction documents prepared by an owner or his unlicensed employee, where the proposed project is to be built for the owner, not for a third party.
- Construction documents owned by an individual, such as those purchased through the mail from an out-of-state business entity. Frequently these would be plans for a house or pre-engineered building for the purchaser's occupancy. Such documents must be reviewed by a New York professional engineer as described below and made site-specific. Depending on the condition of such documents after the review (i.e., clarity after all revisions or additions have been made), the professional engineer shall incorporate such documents into the set of documents to be submitted to the appropriate authority, and it shall be signed and sealed by the professional engineer. Before a building is built, the plans must be thoroughly reviewed and the plans sealed by a professional engineer or another authorized professional. Written documentation must be retained for a period of six years.
- Engineering documents prepared by a corporation for franchisees, such as fast-food chains. In such case the documents shall be reviewed by a New York licensed professional engineer as described below and made site-specific. All safety-related aspects should be clarified, and all necessary site work information should be clearly provided.
- Engineering documents for prefabricated and pre-engineered devices and structures may also be reviewed and sealed by New York licensed professional engineers. In the review process the professional engineer is responsible for verifying that the device or structure has been designed to meet or exceed the code requirements for the particular site on which the device or structure is to be used or erected. Typically the professional engineer or his/her consultants may provide the necessary site specific design work for the project.
- In those instances where an unauthorized individual or firm has rendered engineering services in this state to a client for a project in this state, and a New York licensed professional engineer subsequently becomes aware of the fact, such professional engineer should report the incident to the



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Education Department such that an investigation of the unauthorized practitioner might be conducted.

Sect. 29.3(a)(3) requires that when a licensee reviews work prepared by others, a thorough written evaluation of the work must be prepared and retained by the licensee for a period of not less than six years. This report shall include and address:

- A thorough written evaluation of drawings and specifications; reports; design calculations and references to applicable codes and standards against which the work was checked.
- The report shall identify the common name of the project; owner of the project and/or the client; the preparer of the documents; date of evaluation; documents reviewed, with listing of dates of issue.
- Conformance with applicable codes including, but not limited to: town, city, state and federal codes; appropriate professional standards (ASME, IEEE, ASTM, etc.).

In signing and sealing work prepared by others, the licensee may correct, alter, or add to the existing documents or prepare additional documents to address items found inappropriate or missing. When the documents meet the appropriate standards, they may then be signed and sealed by the licensee. A licensee who seals and signs the documents may be seen as accepting all responsibility for the work as though the licensee had personally prepared all documents. When the scope of review is limited work to individual aspects of the work, the licensee should indicate this by noting such on the sealed and signed documents. Refer to Section IV above – Alterations To Work.

VI. **Best Practices for Drawings, Specifications and Reports**

On all drawings which are intended to convey engineering information and services, a title block should be provided. The title block should contain:

- the name of the professional engineer;
- the license number and expiration date of the professional engineer's registration;
- the name and location of the firm providing the engineering services;
- the Certificate of Authorization number of the engineering firm, unless exempt from this requirement;
- the name of the project and project location;
- the client for whom the services have been provided;
- the date the work was completed.

In addition the title block may contain identification of those who prepared and checked the documents, as well as drawing numbers and such similar incidental items as are customary.

Working drawings and specifications submitted to public officials should not include the name of a non-licensed consultant.

Similar information shall be provided on the title page of all specifications and reports



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Engineers should legibly indicate their name and business address on all engineering documents. Engineering documents which are issued for preliminary or conceptual use shall clearly note the intended purpose of such documents. When elements of the project are shown on an engineering document only for information or clarification and the engineer does not intend to accept responsibility for the elements, the engineer shall note on the documents the extent of his/her responsibility.

Engineers should clearly note on any preliminary engineering documents that such documents are not in final form but are being transmitted to the public agency for review, comments and interpretations. The documents may subsequently be revised by the engineer to reflect resolution of issues with the public agency prior to final action by the agency. Changes, revisions and modifications to a project may prompt additional document submittal for agency approval action on the same project.

VII. **As Builts / Record Drawings**

From time to time a client may ask the engineer or design team to modify construction documents, plans and specifications to reflect conditions in the field. That is, to prepare "As Builts" or "Record Drawings" and sign and seal the same. The engineer should clarify the expectations for the client with respect to what the engineer is able to provide. Two scenarios to consider are noted as a guide:

- Where the engineer is responsible for the observation of construction activities, the engineer might state that "Record Drawings" or "As-Builts" prepared by the engineer are representative of the project as constructed and sign and seal as might be required.
- Where the engineer is not responsible for the observation of construction activities, but is nonetheless asked to produce "As-Builts" or "Record Drawings" based on information provided by others, the engineer may sign and seal these documents as requested with the addition of a statement which qualifies the information, such as - the "Record Drawings" or "As-Builts" prepared and submitted are a product of or compilation of information and /or documentation provided by others. The engineer should specify the origin of the information/documentation provided by others.

Notwithstanding the above, "As-Builts" or "Record Drawings" are a tool which the engineer might use in approaching a project. The accuracy of "As-Builts" or "Record Drawings" varies among projects, disciplines, field conditions and other factors. It is the responsibility of the engineer to perform appropriate due diligence to confirm and verify information provided in "As-Builts" or "Record Drawings" in the performance of his work.



New York Laws and Rules for Engineers  
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**Helpful References**

New York State Board for Engineering and Land Surveying

General website:	<a href="https://www.op.nysed.gov/engineering">https://www.op.nysed.gov/engineering</a>
Update contact info.:	<a href="https://www.op.nysed.gov/updating-personal-information-office-professions">https://www.op.nysed.gov/updating-personal-information-office-professions</a>
License renewal:	<a href="https://www.op.nysed.gov/registration-renewal/online-registration-renewal">https://www.op.nysed.gov/registration-renewal/online-registration-renewal</a>
Cont. Education:	<a href="https://www.op.nysed.gov/continuing-education-engineering">https://www.op.nysed.gov/continuing-education-engineering</a>
Guidance Docs:	<a href="https://www.op.nysed.gov/professions/engineering/professional-practice">https://www.op.nysed.gov/professions/engineering/professional-practice</a>
Laws & Rules:	<a href="https://www.op.nysed.gov/professions/engineering/laws-rules-regulations">https://www.op.nysed.gov/professions/engineering/laws-rules-regulations</a>
Edu. Article 145	<a href="https://www.op.nysed.gov/professions/engineering/laws-rules-regulations/article-145">https://www.op.nysed.gov/professions/engineering/laws-rules-regulations/article-145</a>
8 NYCRR 68	<a href="https://www.op.nysed.gov/professions/engineering/laws-rules-regulations/part-68">https://www.op.nysed.gov/professions/engineering/laws-rules-regulations/part-68</a>

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