

AMENDMENT TO THE REGULATIONS OF THE REGULATIONS OF THE
COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 7203, 7204, 7204 and 7206-a of the Education Law and Chapter 322 of the Laws of 2019

1. The Regulations of the Commissioner of Education is amended by adding a new section 52.49, to read as follows:

Section 52.49 Land Surveyor

In addition to meeting all the applicable provisions of this Part, to be registered as a program recognized as leading to licensure as a land surveyor, which meets the requirements of section 68.4 of this Title, the program shall be:

(a) an approved course of study in land surveying or a substantially equivalent program as determined by the department, which leads to a bachelor's degree or higher; or

(b) an approved course of study in land surveying which leads to an associate's degree; or

(c) an approved course of study which leads to an associate's degree or higher in engineering, math, or a related science or their substantial equivalent and includes a minimum of 15 semester hours that must include one course or its substantial equivalent in each of the following four (4) subject areas:

(1) survey I;

(2) survey II;

(3) boundary/survey law 1; and

(4) boundary/survey law 2.

(d) Notwithstanding subdivision (c) of this section, if after completion of all four courses or their substantial equivalent set forth in paragraphs (1)-(4) of subdivision (c) of this section, the minimum 15 semester hours are not gained, any additional courses or their substantial equivalent from any of the following seven subject areas shall satisfy the 15 semester hour requirements of this subdivision:

(i) cadastral;

(ii) geodesy;

(iii) measurement/analysis;

(iv) remote sensing;

(v) digital surveying methods;

(vi) route surveying; or

(vii) photogrammetry and aerial photo interpretations.

2. Section 68.4 of the Regulations of the Commissioner of Education is amended, to read as follows:

Section 68.4. Professional study of land surveying

(a) [To meet the professional study requirement for licensure, the applicant shall present evidence of:

(1) possession of a bachelor's degree in land surveying or the equivalent from a program approved by the department for professional licensure purposes and four years of land surveying experience acceptable to the State Board; or

(2) completion of an approved secondary course of study; and

(i) for those applying prior to September 1, 1987, the equivalent of six years of land surveying experience acceptable to the board, provided that each complete year of

study in a land surveying program approved by the department for professional licensure purposes may be accepted in lieu of one year of such experience to a maximum of two years; and

(ii) for those applying on or after September 1, 1987, the equivalent of eight years of land surveying experience acceptable to the board, provided that each complete year of study in a land surveying program approved by the department for professional licensure purposes may be accepted in lieu of one year of such experience to a maximum of four years.] As used in this section, acceptable accrediting agency shall mean an organization accepted by the department as a reliable authority for the purpose of accrediting land surveying, engineering or other math and science programs as having reasonable accreditation standards and as an organization that applies its criteria for granting accreditation of programs in a fair, consistent, and nondiscriminatory manner.

(b) To meet the professional study requirement for [certification as an intern land surveyor] licensure, the applicant shall present evidence of:

(1) [possession] completion of a bachelor's degree or higher in land surveying or the equivalent from a program approved by the department for professional licensure purposes and three years of land surveying experience acceptable to the department as recommended by the State Board; or

(2) [completion of an approved secondary course of study; and

(i) for those applying prior to September 1, 1987, the equivalent of six years of land surveying experience acceptable to the board, provided that each complete year of study in a land surveying program approved by the department for professional

licensure purposes may be accepted in lieu of one year of such experience, to a maximum of two years; and

(ii) for those applying on or after September 1, 1987, the equivalent of eight years of land surveying experience acceptable to the board, provided that each complete year of study in a land surveying program approved by the department for professional licensure purposes may be accepted in lieu of one year of such experience, to a maximum of four years.] completion of a bachelor's degree or higher in engineering, math, or related science with 15 credits of surveying course work acceptable to the department as recommended by the State Board as set forth in section 52.49 of this Title and four years of land surveying experience acceptable to the department as recommended by the State Board; or

(3) completion of an associate's degree in land surveying and five-and-a-half years of land surveying experience acceptable to the department as recommended by the State Board; or

(4) completion of an associate's degree in engineering, math, or related science with 15 credits of land surveying course work acceptable to the department as recommended by the State Board as set forth in section 52.49 of this Title and six years of land surveying experience acceptable to the department as recommended by the State Board; or

(5) completion of an approved secondary course of study; and

(i) for those applying for licensure on or after September 1, 1987, the equivalent of eight years of land surveying experience acceptable to the department as recommended by the State Board, provided that all experience is completed prior to

April 3, 2029 and provided that each full year of college study in engineering or land surveying in a program approved by the department for professional licensure purposes or a substantially equivalent program, as determined by the department upon the recommendation of the State Board, may be accepted in lieu of one year of such experience to a maximum of four years.

3. Section 68.6 of the Regulations of the Commissioner of Education is amended, to read as follows:

Section 68.6. Licensing examinations for land surveying

(a) An applicant for admission to the fundamentals of surveying [licensure] examination [in land surveying] shall: [have satisfied the professional study requirements set forth in section 68.4 of this Part, except that an applicant for certification as an intern land surveyor may be admitted to Part 1 of the examination when such applicant is within 20 semester hours of completion of the requirements for a bachelor's degree in land surveying or the equivalent approved by the department for professional licensure purposes.]

(1) be within 20 credits of graduation from a bachelor's degree program registered as leading to licensure in land surveying pursuant to section 52.49 of this Title, or accredited by an acceptable accrediting agency, or a bachelor's degree program that is substantially equivalent to such a registered or accredited program as determined by department as recommended by the State Board; or

(2) hold a bachelor's degree in engineering, math, or a related science or their substantial equivalent with 15 credits of surveying as set forth in section 52.49 of this

Title and have completed one year of experience acceptable to the department as recommended by the State Board; or

(3) hold an associate's degree in surveying accredited by an acceptable accrediting agency, or an associate's degree program that is substantially equivalent to such accredited program as determined by the department and have completed two and a half years of experience acceptable to the department as recommended by the State Board; or

(4) hold an associate's degree in engineering, math, or related science or their substantial equivalent with 15 credits of surveying as set forth in section 52.49 of this Title and have completed three years of experience acceptable to the department as recommended by the State Board; and

(b) An applicant for admission to the principles and practice of surveying and the New York State jurisdictional surveying examinations shall:

(1) have completed the education and experience requirements set forth in section 68.4 of this Title.

[(b)](c) Content. The examination shall consist of:

(1) Part 1 - Fundamentals of [Land] Surveying: mathematics, physics, English, surveying, property surveys and descriptions, vertical curves, state plane coordinate calculations, economic analysis; and

(2) Part 2 - Principles and Practice of [Land] Surveying: principles of profession (legal, technical, standards of professional conduct), property surveys, written instruments, monumentations, real property, field survey procedures, property survey

descriptions, subdivision planning and design, deed descriptions and conveyancing, surveying law, geodetic surveying, hydrographic surveying; and

(3) Part 3 - Jurisdictional Examination, Surveying in New York State: examination in the practical and legal aspects of land surveying pertinent to New York State, the scope and content of which shall be determined by the State Board.

[(c)](d) After February 14, 1975, Fundamentals of Land Surveying, Part 1, replaces Fundamentals of Land Surveying, Mathematics; Principles and Practice of Land Surveying, Part 2, replaces Principles and Practice of Land Surveying, Surveying.

(1) Candidates who have established credit prior to February 14, 1975 for the mathematics part of the examination shall be examined in Part 2 and Part 3.

(2) Candidates who have established credit prior to February 14, 1975 for the surveying part of the examination shall be examined in Part 1 and Part 3.

(3) The grade retention provisions of section 59.5(f) of this Title shall not be applicable to land surveying examinations.

[(d)](e) Passing grade. The passing grade for each of the parts of the surveying examination taken prior to October 1, 1984 is 75.0; for parts taken on or after October 1, 1984, the passing grade shall be 70.0. Except for the Jurisdictional Examination, scores for the licensing examinations shall be reported on a pass/fail basis.

[(e)](f) Review and rescoring of examinations shall be conducted in accordance with section 59.5(g) of this Title.