

4914

2013-2014 Regular Sessions

I N S E N A T E

May 1, 2013

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the education law, the judiciary law, the general business law, the vehicle and traffic law, the public health law, the county law and the general city law, in relation to licensure and certification for military training

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 6505-c of the education law is amended by adding
2 three new subdivisions 5, 6 and 7 to read as follows:
3 5. NOTWITHSTANDING ANY PROVISION OF LAW OR REGULATION TO THE CONTRARY,
4 A COLLEGE, VOCATIONAL INSTITUTION OR OTHER APPROVED PROGRAM THAT ISSUES
5 LICENSES OR CERTIFICATES FOR WHICH PROFESSIONAL TRAINING, SCHOOLING OR
6 APPRENTICESHIP IS REQUIRED SHALL PROVIDE CREDITS OR EXEMPTIONS FROM
7 REQUIREMENTS TOWARD LICENSURE OR CERTIFICATION FOR ANY APPLICANT TO AN
8 APPROVED PROGRAM WHO HAS RECEIVED TRAINING WHICH APPEARS ON SUCH LISTS.
9 6. AN APPLICANT TO A COLLEGE, VOCATIONAL INSTITUTION OR OTHER APPROVED
10 PROGRAM SHALL NOT BE REQUIRED TO REPEAT ANY TRAINING WHICH APPEARS ON
11 SUCH LISTS IN ORDER TO MEET THE REQUIREMENTS FOR LICENSURE OR CERTIF-
12 ICATION. CREDITS OR EXEMPTIONS FROM REQUIREMENTS TOWARD LICENSES OR
13 CERTIFICATES AWARDED BY A COLLEGE SHALL BE GRANTED IN A MANNER CONSIST-
14 ENT WITH (A) GUIDELINES ESTABLISHED BY THE AMERICAN COUNCIL ON EDUCA-
15 TION, (B) THE CONSTITUENT UNITS' TRANSFER CREDIT POLICIES, AND (C)
16 SECTIONS 21.4253 AND 21.4254 OF TITLE THIRTY-EIGHT OF THE CODE OF FEDER-
17 AL REGULATIONS.
18 7. FOR PURPOSES OF THIS SECTION, "COLLEGE", "VOCATIONAL INSTITUTION"
19 AND "APPROVED PROGRAM" SHALL HAVE THE SAME MEANINGS AS SET FORTH IN
20 SUBDIVISIONS TWO, THREE AND FOUR OF SECTION SIX HUNDRED ONE OF THIS
21 CHAPTER, RESPECTIVELY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 S 2. Section 6501 of the education law, as amended by chapter 81 of
2 the laws of 1995, is amended to read as follows:

3 S 6501. Admission to a profession (licensing). Admission to practice
4 of a profession in this state is accomplished by a license being issued
5 to a qualified applicant by the education department. To qualify for a
6 license an applicant shall meet the requirements prescribed in the arti-
7 cle for the particular profession and shall meet the requirements
8 prescribed in section 3-503 of the general obligations law; PROVIDED
9 THAT, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY APPLI-
10 CANT WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL
11 GUARD OR RESERVES MAY SUBMIT SATISFACTORY EVIDENCE OF LICENSURE TO PRAC-
12 TICE AN EQUIVALENT OCCUPATION ISSUED BY ANY OTHER STATE, TERRITORY,
13 PROTECTORATE OR DEPENDENCY OF THE UNITED STATES, OR OF PROFESSIONAL
14 TRAINING AND PRACTICE IN THE ARMED FORCES OF THE UNITED STATES IN LIEU
15 OF THE SUBMISSIONS REQUIRED BY THE ARTICLE OF THIS CHAPTER FOR THE
16 PARTICULAR PROFESSION, PROVIDED THAT SUCH LICENSE WAS GRANTED OR TRAIN-
17 ING AND PRACTICE CONDUCTED IN COMPLIANCE WITH STANDARDS WHICH WERE, IN
18 THE JUDGMENT OF THE BOARD OF REGENTS, NOT LOWER THAN THOSE OF THIS
19 STATE.

20 S 3. The judiciary law is amended by adding a new section 464-a to
21 read as follows:

22 S 464-A. ADMISSION ON MOTION; MILITARY TRAINING. NOTWITHSTANDING ANY
23 PROVISION OF LAW TO THE CONTRARY, ANY APPLICANT FOR ADMISSION ON MOTION
24 WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL
25 GUARD OR RESERVES MAY SUBMIT SATISFACTORY EVIDENCE OF LICENSURE TO PRAC-
26 TICE AS AN ATTORNEY IN ANY OTHER STATE, TERRITORY, PROTECTORATE OR
27 DEPENDENCY OF THE UNITED STATES, OR OF PROFESSIONAL TRAINING AND PRAC-
28 TICE, IN THE ARMED FORCES OF THE UNITED STATES IN LIEU OF ANY OTHER
29 SUBMISSIONS REQUIRED BY THE RULES OF THE COURT, PROVIDED THAT SUCH
30 LICENSE OR TRAINING AND PRACTICE WAS CONDUCTED IN COMPLIANCE WITH STAND-
31 ARDS WHICH WERE IN THE JUDGMENT OF THE COURT OF APPEALS, NOT LOWER THAN
32 THOSE OF THIS STATE.

33 S 4. The general business law is amended by adding a new article 2-A
34 to read as follows:

35 ARTICLE 2-A

36 ADMISSION TO A PROFESSION

37 SECTION 20. ADMISSION TO A PROFESSION; LICENSING, CERTIFICATION OR
38 REGISTRATION.

39 S 20. ADMISSION TO A PROFESSION; LICENSING, CERTIFICATION OR REGISTRA-
40 TION. ADMISSION TO PRACTICE OF A PROFESSION GOVERNED BY THIS CHAPTER IN
41 THIS STATE IS ACCOMPLISHED, WHERE REQUIRED, BY A LICENSE, CERTIFICATION
42 OR CERTIFICATE OF REGISTRATION BEING ISSUED TO A QUALIFIED APPLICANT BY
43 THE SECRETARY OF STATE. TO QUALIFY FOR A LICENSE, CERTIFICATION OR
44 CERTIFICATE OF REGISTRATION AN APPLICANT SHALL MEET THE REQUIREMENTS
45 PRESCRIBED IN THE ARTICLE FOR THE PARTICULAR PROFESSION AND SHALL MEET
46 THE REQUIREMENTS PRESCRIBED IN SECTION 3-503 OF THE GENERAL OBLIGATIONS
47 LAW; PROVIDED THAT, NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE
48 CONTRARY, ANY APPLICANT WHO WAS A MEMBER OF THE ARMED FORCES OF THE
49 UNITED STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT SATISFACTORY
50 EVIDENCE OF LICENSURE, CERTIFICATION OR REGISTRATION TO PRACTICE AN
51 EQUIVALENT OCCUPATION ISSUED BY ANY OTHER STATE, TERRITORY, PROTECTORATE
52 OR DEPENDENCY OF THE UNITED STATES, OR OF PROFESSIONAL TRAINING AND
53 PRACTICE IN THE ARMED FORCES OF THE UNITED STATES IN LIEU OF THE
54 SUBMISSIONS REQUIRED BY THE ARTICLE OF THIS CHAPTER FOR THE PARTICULAR
55 PROFESSION, PROVIDED THAT SUCH LICENSE, CERTIFICATION OR CERTIFICATE OF
56 REGISTRATION WAS GRANTED OR TRAINING AND PRACTICE CONDUCTED IN COMPLI-

ANCE WITH STANDARDS WHICH WERE, IN THE JUDGMENT OF THE SECRETARY, NOT LOWER THAN THOSE OF THIS STATE.

S 5. Subdivision (c) of section 304-a of the vehicle and traffic law, as added by chapter 61 of the laws of 1989, is amended to read as follows:

(c) The commissioner may, by regulation, establish standards of competency and fitness for certification as an inspector; PROVIDED, HOWEVER, THAT ANY PERSON WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND WHO BY MILITARY TRAINING AND PRACTICE ACQUIRED THE SKILLS OF A MOTOR VEHICLE INSPECTOR SHALL BE CERTIFIED BY THE COMMISSIONER AS AN INSPECTOR.

S 6. Section 398-d of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

8. EVERY PERSON WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND WHO BY MILITARY TRAINING AND PRACTICE ACQUIRES THE SKILLS OF A MOTOR VEHICLE MECHANIC SHALL BE DEEMED TO BE QUALIFIED TO PERFORM WORK UPON MOTOR VEHICLES AT MOTOR VEHICLE REPAIR SHOPS.

S 7. Subdivision 2 of section 3002 of the public health law, as amended by chapter 580 of the laws of 2007, is amended to read as follows:

2. The state council shall have the power, by an affirmative vote of a majority of those present, subject to approval by the commissioner, to enact, and from time to time, amend and repeal, rules and regulations establishing minimum standards for ambulance services, ambulance service certification, advanced life support first response services, the provision of prehospital emergency medical care, public education, the development of a statewide emergency medical services system, the provision of ambulance services outside the primary territory specified in the ambulance services' certificate and the training, examination, and certification of certified first responders, emergency medical technicians, and advanced emergency medical technicians; provided, however, that such minimum standards must be consistent with the staffing standards established by section three thousand five-a of this article. Such training shall be made available by video or computer to the maximum extent possible. [Until January first, nineteen hundred ninety-seven, no minimum standards shall be established for services provided by a voluntary ambulance service operating solely pursuant to a statement of registration issued under section three thousand four.] The curriculum for certified first responder training shall not exceed fifty-one hours including prerequisites. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE CONTRARY, ANY PERSON WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND WHO BY MILITARY TRAINING AND PRACTICE WAS A MEDIC OR CORPSMAN SHALL BE CERTIFIED, WITHOUT EXAMINATION, BY THE STATE COUNCIL AND REGIONAL COUNCILS AS A FIRST RESPONDER OR EMERGENCY MEDICAL TECHNICIAN. The state council shall have the same powers granted to regional councils by this article in any region of the state in which a regional council has not been established.

S 8. Subdivision 1 of section 236-a of the county law, as amended by chapter 343 of the laws of 2008, is amended to read as follows:

1. Notwithstanding the provisions of the general city law or any other law to the contrary, the counties of Dutchess and Westchester are each hereby authorized to establish a county board of examiners for master electricians and to empower such board to assume all licensing duties within each such county with respect to the licensure of master electri-

1 cians. PROVIDED, THAT SUCH COUNTIES SHALL PROVIDE FOR THE LICENSING,
2 WITHOUT EXAMINATION, AS A MASTER ELECTRICIAN OF ANY PERSON WHO WAS A
3 MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR
4 RESERVES AND WHO BY MILITARY TRAINING AND PRACTICE ACQUIRED THE SKILLS
5 OF AN ELECTRICIAN. The counties of Dutchess and Westchester shall
6 provide for master electrician's duties and responsibilities in accord-
7 ance with the local law of each such county.

8 S 9. Section 45 of the general city law is amended to read as follows:

9 S 45. Examinations; conducting business without certificate prohibit-
10 ed. A person desiring or intending to conduct the trade, business or
11 calling of a plumber or of plumbing in a city of this state as employing
12 or master plumber, shall be required to submit to an examination before
13 such examining board of plumbers as to his experience and qualifications
14 for such trade, business or calling, and it shall not be lawful in any
15 city of this state for a person to conduct such trade, business or call-
16 ing, unless he shall have first obtained a certificate of competency
17 from such board of the city in which he conducts or proposes to conduct
18 such business. PROVIDED, HOWEVER, THAT ANY PERSON WHO WAS A MEMBER OF
19 THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND
20 WHO BY MILITARY TRAINING AND PRACTICE ACQUIRED THE SKILLS OF A PLUMBER
21 SHALL BE CERTIFIED AS COMPETENT WITHOUT EXAMINATION.

22 S 10. This act shall take effect on the first of January next succeed-
23 ing the date on which it shall have become a law; provided, that, effec-
24 tive immediately, any rules and regulations necessary to implement the
25 provisions of this act on its effective date are authorized and directed
26 to be amended, added and/or repealed on or before such date.