

4914--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to granting academic credit at state operated institutions of the state university of New York and the senior colleges of the city university of New York to veterans; and 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. The education law is amended by adding a new section 669-e
2 to read as follows:
3 S 669-E. COURSE CREDIT FOR VETERANS. 1. FOR PURPOSES OF THIS SECTION,
4 THE TERM "VETERAN" MEANS A PERSON, MALE OR FEMALE, RESIDENT OF THIS
5 STATE, WHO HAS SERVED IN THE ACTIVE MILITARY OR NAVAL SERVICE OF THE
6 UNITED STATES DURING A WAR IN WHICH THE UNITED STATES ENGAGED AND WHO
7 HAS BEEN RELEASED FROM SUCH SERVICE BY ANY MEANS OTHER THAN BY DISHONOR-
8 ABLE DISCHARGE, OR WHO HAS BEEN FURLOUGHED TO THE RESERVE.
9 2. EVERY VETERAN WHO IS ENROLLED ON A FULL-TIME BASIS AS AN UNDERGRAD-
10 UATE STUDENT IN GOOD STANDING, AT AN INSTITUTION WITHIN THE STATE
11 UNIVERSITY SYSTEM, SHALL UPON APPLICATION BE GRANTED UP TO SIX ACADEMIC
12 CREDITS PER YEAR AND SIXTY CREDITS IN THE AGGREGATE TOWARDS HIS OR HER
13 DEGREE FOR COMPLETION OF COURSES THAT WERE PART OF SUCH VETERAN'S MILI-
14 TARY TRAINING OR SERVICE IF THE COMPLETED COURSES MEET THE STANDARDS OF
15 THE AMERICAN COUNCIL ON EDUCATION OR ITS EQUIVALENT FOR THE AWARDING OF
16 ACADEMIC CREDITS. NO FEE, TUITION OR OTHER CHARGE SHALL BE ASSESSED
17 AGAINST A VETERAN WHO QUALIFIES FOR SUCH CREDIT PURSUANT TO THIS
18 SECTION.

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

LBD10497-02-3

1 3. THE BOARDS OF TRUSTEES OF THE STATE UNIVERSITY AND THE CITY UNIVER-
2 SITY OF NEW YORK SHALL ADOPT SUCH PROCEDURES AS ARE NECESSARY TO FULLY
3 IMPLEMENT THE PROVISIONS OF THIS SECTION.

4 S 2. Section 6505-c of the education law is amended by adding three
5 new subdivisions 5, 6 and 7 to read as follows:

6 5. NOTWITHSTANDING ANY PROVISION OF LAW OR REGULATION TO THE CONTRARY,
7 A COLLEGE, VOCATIONAL INSTITUTION OR OTHER APPROVED PROGRAM THAT ISSUES
8 LICENSES OR CERTIFICATES FOR WHICH PROFESSIONAL TRAINING, SCHOOLING OR
9 APPRENTICESHIP IS REQUIRED SHALL PROVIDE CREDITS OR EXEMPTIONS FROM
10 REQUIREMENTS TOWARD LICENSURE OR CERTIFICATION FOR ANY APPLICANT TO AN
11 APPROVED PROGRAM WHO HAS RECEIVED TRAINING WHICH APPEARS ON SUCH LISTS.

12 6. AN APPLICANT TO A COLLEGE, VOCATIONAL INSTITUTION OR OTHER APPROVED
13 PROGRAM SHALL NOT BE REQUIRED TO REPEAT ANY TRAINING WHICH APPEARS ON
14 SUCH LISTS IN ORDER TO MEET THE REQUIREMENTS FOR LICENSURE OR CERTIF-
15 ICATION. CREDITS OR EXEMPTIONS FROM REQUIREMENTS TOWARD LICENSES OR
16 CERTIFICATES AWARDED BY A COLLEGE SHALL BE GRANTED IN A MANNER CONSIST-
17 ENT WITH (A) GUIDELINES ESTABLISHED BY THE AMERICAN COUNCIL ON EDUCA-
18 TION, (B) THE CONSTITUENT UNITS' TRANSFER CREDIT POLICIES, AND (C)
19 SECTIONS 21.4253 AND 21.4254 OF TITLE THIRTY-EIGHT OF THE CODE OF FEDER-
20 AL REGULATIONS.

21 7. FOR PURPOSES OF THIS SECTION, "COLLEGE", "VOCATIONAL INSTITUTION"
22 AND "APPROVED PROGRAM" SHALL HAVE THE SAME MEANINGS AS SET FORTH IN
23 SUBDIVISIONS TWO, THREE AND FOUR OF SECTION SIX HUNDRED ONE OF THIS
24 CHAPTER, RESPECTIVELY.

25 S 3. Section 6501 of the education law, as amended by chapter 81 of
26 the laws of 1995, is amended to read as follows:

27 S 6501. Admission to a profession (licensing). Admission to practice
28 of a profession in this state is accomplished by a license being issued
29 to a qualified applicant by the education department. To qualify for a
30 license an applicant shall meet the requirements prescribed in the arti-
31 cle for the particular profession and shall meet the requirements
32 prescribed in section 3-503 of the general obligations law; PROVIDED
33 THAT, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY APPLI-
34 CANT WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL
35 GUARD OR RESERVES MAY SUBMIT SATISFACTORY EVIDENCE OF LICENSURE TO PRAC-
36 TICE AN EQUIVALENT OCCUPATION ISSUED BY ANY OTHER STATE, TERRITORY,
37 PROTECTORATE OR DEPENDENCY OF THE UNITED STATES, OR OF PROFESSIONAL
38 TRAINING AND PRACTICE IN THE ARMED FORCES OF THE UNITED STATES IN LIEU
39 OF THE SUBMISSIONS REQUIRED BY THE ARTICLE OF THIS CHAPTER FOR THE
40 PARTICULAR PROFESSION, PROVIDED THAT SUCH LICENSE WAS GRANTED OR TRAIN-
41 ING AND PRACTICE CONDUCTED IN COMPLIANCE WITH STANDARDS WHICH WERE, IN
42 THE JUDGMENT OF THE BOARD OF REGENTS, NOT LOWER THAN THOSE OF THIS
43 STATE.

44 S 4. The judiciary law is amended by adding a new section 464-a to
45 read as follows:

46 S 464-A. ADMISSION ON MOTION; MILITARY TRAINING. NOTWITHSTANDING ANY
47 PROVISION OF LAW TO THE CONTRARY, ANY APPLICANT FOR ADMISSION ON MOTION
48 WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL
49 GUARD OR RESERVES MAY SUBMIT SATISFACTORY EVIDENCE OF LICENSURE TO PRAC-
50 TICE AS AN ATTORNEY IN ANY OTHER STATE, TERRITORY, PROTECTORATE OR
51 DEPENDENCY OF THE UNITED STATES, OR OF PROFESSIONAL TRAINING AND PRAC-
52 TICE, IN THE ARMED FORCES OF THE UNITED STATES IN LIEU OF ANY OTHER
53 SUBMISSIONS REQUIRED BY THE RULES OF THE COURT, PROVIDED THAT SUCH
54 LICENSE OR TRAINING AND PRACTICE WAS CONDUCTED IN COMPLIANCE WITH STAND-
55 ARDS WHICH WERE IN THE JUDGMENT OF THE COURT OF APPEALS, NOT LOWER THAN
56 THOSE OF THIS STATE.

1 S 5. The general business law is amended by adding a new article 2-A
2 to read as follows:

3 ARTICLE 2-A

4 ADMISSION TO A PROFESSION

5 SECTION 20. ADMISSION TO A PROFESSION; LICENSING, CERTIFICATION OR
6 REGISTRATION.

7 S 20. ADMISSION TO A PROFESSION; LICENSING, CERTIFICATION OR REGISTRA-
8 TION. ADMISSION TO PRACTICE OF A PROFESSION GOVERNED BY THIS CHAPTER IN
9 THIS STATE IS ACCOMPLISHED, WHERE REQUIRED, BY A LICENSE, CERTIFICATION
10 OR CERTIFICATE OF REGISTRATION BEING ISSUED TO A QUALIFIED APPLICANT BY
11 THE SECRETARY OF STATE. TO QUALIFY FOR A LICENSE, CERTIFICATION OR
12 CERTIFICATE OF REGISTRATION AN APPLICANT SHALL MEET THE REQUIREMENTS
13 PRESCRIBED IN THE ARTICLE FOR THE PARTICULAR PROFESSION AND SHALL MEET
14 THE REQUIREMENTS PRESCRIBED IN SECTION 3-503 OF THE GENERAL OBLIGATIONS
15 LAW; PROVIDED THAT, NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE
16 CONTRARY, ANY APPLICANT WHO WAS A MEMBER OF THE ARMED FORCES OF THE
17 UNITED STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT SATISFACTORY
18 EVIDENCE OF LICENSURE, CERTIFICATION OR REGISTRATION TO PRACTICE AN
19 EQUIVALENT OCCUPATION ISSUED BY ANY OTHER STATE, TERRITORY, PROTECTORATE
20 OR DEPENDENCY OF THE UNITED STATES, OR OF PROFESSIONAL TRAINING AND
21 PRACTICE IN THE ARMED FORCES OF THE UNITED STATES IN LIEU OF THE
22 SUBMISSIONS REQUIRED BY THE ARTICLE OF THIS CHAPTER FOR THE PARTICULAR
23 PROFESSION, PROVIDED THAT SUCH LICENSE, CERTIFICATION OR CERTIFICATE OF
24 REGISTRATION WAS GRANTED OR TRAINING AND PRACTICE CONDUCTED IN COMPLI-
25 ANCE WITH STANDARDS WHICH WERE, IN THE JUDGMENT OF THE SECRETARY, NOT
26 LOWER THAN THOSE OF THIS STATE.

27 S 6. Subdivision (c) of section 304-a of the vehicle and traffic law,
28 as added by chapter 61 of the laws of 1989, is amended to read as
29 follows:

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

36 S 7. Section 398-d of the vehicle and traffic law is amended by adding
37 a new subdivision 8 to read as follows:

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

43 S 8. Subdivision 2 of section 3002 of the public health law, as
44 amended by chapter 580 of the laws of 2007, is amended to read as
45 follows:

46 2. The state council shall have the power, by an affirmative vote of a
47 majority of those present, subject to approval by the commissioner, to
48 enact, and from time to time, amend and repeal, rules and regulations
49 establishing minimum standards for ambulance services, ambulance service
50 certification, advanced life support first response services, the
51 provision of prehospital emergency medical care, public education, the
52 development of a statewide emergency medical services system, the
53 provision of ambulance services outside the primary territory specified
54 in the ambulance services' certificate and the training, examination,
55 and certification of certified first responders, emergency medical tech-
56 nicians, and advanced emergency medical technicians; provided, however,

1 that such minimum standards must be consistent with the staffing stand-
2 ards established by section three thousand five-a of this article. Such
3 training shall be made available by video or computer to the maximum
4 extent possible. [Until January first, nineteen hundred ninety-seven, no
5 minimum standards shall be established for services provided by a volun-
6 tary ambulance service operating solely pursuant to a statement of
7 registration issued under section three thousand four.] The curriculum
8 for certified first responder training shall not exceed fifty-one hours
9 including prerequisites. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
10 ARTICLE TO THE CONTRARY, ANY PERSON WHO WAS A MEMBER OF THE ARMED FORCES
11 OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND WHO BY MILITARY
12 TRAINING AND PRACTICE WAS A MEDIC OR CORPSMAN SHALL BE CERTIFIED, WITH-
13 OUT EXAMINATION, BY THE STATE COUNCIL AND REGIONAL COUNCILS AS A FIRST
14 RESPONDER OR EMERGENCY MEDICAL TECHNICIAN. The state council shall have
15 the same powers granted to regional councils by this article in any
16 region of the state in which a regional council has not been estab-
17 lished.

18 S 9. Subdivision 1 of section 236-a of the county law, as amended by
19 chapter 343 of the laws of 2008, is amended to read as follows:

20 1. Notwithstanding the provisions of the general city law or any other
21 law to the contrary, the counties of Dutchess and Westchester are each
22 hereby authorized to establish a county board of examiners for master
23 electricians and to empower such board to assume all licensing duties
24 within each such county with respect to the licensure of master electri-
25 cians. PROVIDED, THAT SUCH COUNTIES SHALL PROVIDE FOR THE LICENSING,
26 WITHOUT EXAMINATION, AS A MASTER ELECTRICIAN OF ANY PERSON WHO WAS A
27 MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR
28 RESERVES AND WHO BY MILITARY TRAINING AND PRACTICE ACQUIRED THE SKILLS
29 OF AN ELECTRICIAN. The counties of Dutchess and Westchester shall
30 provide for master electrician's duties and responsibilities in accord-
31 ance with the local law of each such county.

32 S 10. Section 45 of the general city law is amended to read as
33 follows:

34 S 45. Examinations; conducting business without certificate prohibit-
35 ed. A person desiring or intending to conduct the trade, business or
36 calling of a plumber or of plumbing in a city of this state as employing
37 or master plumber, shall be required to submit to an examination before
38 such examining board of plumbers as to his experience and qualifications
39 for such trade, business or calling, and it shall not be lawful in any
40 city of this state for a person to conduct such trade, business or call-
41 ing, unless he shall have first obtained a certificate of competency
42 from such board of the city in which he conducts or proposes to conduct
43 such business. PROVIDED, HOWEVER, THAT ANY PERSON WHO WAS A MEMBER OF
44 THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND
45 WHO BY MILITARY TRAINING AND PRACTICE ACQUIRED THE SKILLS OF A PLUMBER
46 SHALL BE CERTIFIED AS COMPETENT WITHOUT EXAMINATION.

47 S 11. This act shall take effect on the first of January next succeed-
48 ing the date on which it shall have become a law, except that section
49 one of this act shall take effect on the first of July next succeeding
50 the date on which it shall have become a law; provided, that, effective
51 immediately, any rules and regulations necessary to implement the
52 provisions of this act on its effective date are authorized and directed
53 to be amended, added and/or repealed on or before such date.