

5205

2013-2014 Regular Sessions

I N   S E N A T E

May 14, 2013

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Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, the general business law, the insurance law and the real property law, in relation to licensing of military spouses with out-of-state licenses in equivalent occupations

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

1     Section 1. Section 6501 of the education law, as amended by chapter 81  
2     of 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 IS THE SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE UNITED  
11    STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT A SIGNED AFFIDAVIT TO  
12    ACCOMPANY THE APPLICATION FOR LICENSURE, STATING THAT THE ENTRIES IN THE  
13    APPLICATION ARE TRUE AND ACCURATE, AND THAT DOCUMENTATION HAS BEEN  
14    REQUESTED PROVIDING SATISFACTORY VERIFYING EVIDENCE OF LICENSURE TO  
15    PRACTICE AN EQUIVALENT OCCUPATION ISSUED BY ANY OTHER STATE, TERRITORY,  
16    PROTECTORATE OR DEPENDENCY OF THE UNITED STATES IN LIEU OF THE  
17    SUBMISSIONS REQUIRED BY THE ARTICLE OF THIS CHAPTER FOR THE PARTICULAR  
18    PROFESSION. THE BOARD OF REGENTS SHALL ISSUE A LICENSE BASED ON THE  
19    APPLICATION, PROVIDED THAT THE ENTRIES IN SUCH APPLICATION SHOW THAT  
20    SUCH LICENSE WAS GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE, IN THE  
21    JUDGEMENT OF THE BOARD OF REGENTS, NOT LOWER THAN THOSE OF THIS STATE.  
22    IF THE BOARD FINDS REASONABLE CAUSE TO BELIEVE THAT THE APPLICANT FALSE-  
23    LY AFFIRMED OR STATED THAT THE APPLICANT HAS REQUESTED VERIFICATION FROM

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

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1 ANOTHER STATE OR STATES, THE BOARD MAY SUMMARILY SUSPEND THE LICENSE  
2 PENDING FURTHER ACTION TO DISCIPLINE OR REVOCATION OF THE LICENSE.

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

5 ARTICLE 2-A

6 ADMISSION TO A PROFESSION

7 SECTION 20. ADMISSION TO A PROFESSION; LICENSING, CERTIFICATION OR  
8 REGISTRATION.

9 S 20. ADMISSION TO A PROFESSION; LICENSING, CERTIFICATION OR REGISTRA-  
10 TION. ADMISSION TO PRACTICE OF A PROFESSION GOVERNED BY THIS CHAPTER IN  
11 THIS STATE IS ACCOMPLISHED, WHERE REQUIRED, BY A LICENSE, CERTIFICATION  
12 OR CERTIFICATE OF REGISTRATION BEING ISSUED TO A QUALIFIED APPLICANT BY  
13 THE SECRETARY OF STATE. TO QUALIFY FOR A LICENSE, CERTIFICATION OR  
14 CERTIFICATE OF REGISTRATION AN APPLICANT SHALL MEET THE REQUIREMENTS  
15 PRESCRIBED IN THE ARTICLE FOR THE PARTICULAR PROFESSION AND SHALL MEET  
16 THE REQUIREMENTS PRESCRIBED IN SECTION 3-503 OF THE GENERAL OBLIGATIONS  
17 LAW; PROVIDED THAT, NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE  
18 CONTRARY, ANY APPLICANT WHO IS THE SPOUSE OF A MEMBER OF THE ARMED FORC-  
19 ES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT A SIGNED  
20 AFFIDAVIT TO ACCOMPANY THE APPLICATION FOR LICENSURE, CERTIFICATION OR  
21 REGISTRATION, STATING THAT THE ENTRIES IN THE APPLICATION ARE TRUE AND  
22 ACCURATE, AND THAT DOCUMENTATION HAS BEEN REQUESTED PROVIDING SATISFAC-  
23 TORY VERIFYING EVIDENCE OF LICENSURE, CERTIFICATION OR REGISTRATION TO  
24 PRACTICE AN EQUIVALENT OCCUPATION ISSUED BY ANY OTHER STATE, TERRITORY,  
25 PROTECTORATE OR DEPENDENCY OF THE UNITED STATES IN LIEU OF THE  
26 SUBMISSIONS REQUIRED BY THE ARTICLE OF THIS CHAPTER FOR THE PARTICULAR  
27 PROFESSION. THE SECRETARY SHALL ISSUE A LICENSE, CERTIFICATE OR REGIS-  
28 TRATION BASED ON THE APPLICATION, PROVIDED THE ENTRIES IN SUCH APPLICA-  
29 TION SHOW THAT SUCH LICENSE, CERTIFICATION OR CERTIFICATE OF REGISTRA-  
30 TION WAS GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE, IN THE  
31 JUDGMENT OF THE SECRETARY, NOT LOWER THAN THOSE OF THIS STATE. IF THE  
32 SECRETARY OF STATE FINDS REASONABLE CAUSE TO BELIEVE THAT THE APPLICANT  
33 FALSELY AFFIRMED OR STATED THAT THE APPLICANT HAS REQUESTED VERIFICATION  
34 FROM ANOTHER STATE OR STATES, THE SECRETARY MAY SUMMARILY SUSPEND THE  
35 LICENSE, CERTIFICATE OR REGISTRATION PENDING FURTHER ACTION TO DISCI-  
36 PLINE OR REVOCATION OF THE LICENSE, CERTIFICATE OR REGISTRATION.

37 S 3. Subsection (d) of section 2136 of the insurance law, as added by  
38 chapter 687 of the laws of 2003, is amended to read as follows:

39 (d) (1) the applicant's home state awards nonresident insurance  
40 producer licenses to residents of this state on the same basis as  
41 provided in this subsection; OR

42 (2) THE APPLICANT IS THE SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE  
43 UNITED STATES, NATIONAL GUARD OR RESERVES.

44 S 4. Section 442-g of the real property law is amended by adding a new  
45 subdivision 1-a to read as follows:

46 1-A. NO NONRESIDENT APPLICANT WHO IS THE SPOUSE OF A MEMBER OF THE  
47 ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD, OR RESERVES REGULARLY  
48 ENGAGED IN THE REAL ESTATE BUSINESS AS A VOCATION, WHO MAINTAINS A DEFI-  
49 NITE PLACE OF BUSINESS AND IS LICENSED BY ANY OTHER STATE, TERRITORY,  
50 PROTECTORATE OR DEPENDENCY OF THE UNITED STATES, SHALL BE REQUIRED TO  
51 MAINTAIN A PLACE OF BUSINESS WITHIN THIS STATE. THE COMMISSION SHALL  
52 RECOGNIZE THE LICENSE ISSUED BY ANOTHER STATE TO AN APPLICANT WHO IS THE  
53 SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL  
54 GUARD, OR RESERVES AS QUALIFICATION FOR A LICENSE IN NEW YORK, PROVIDED  
55 THAT SUCH LICENSE WAS GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE,  
56 IN THE JUDGMENT OF THE SECRETARY, NOT LOWER THAN THOSE OF THIS STATE.

1 S 5. Section 444-e of the real property law is amended by adding a new  
2 subdivision 2-a to read as follows:

3 2-A. ANY APPLICANT FOR A LICENSE WHO IS A SPOUSE OF A MEMBER OF THE  
4 ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT  
5 A SIGNED AFFIDAVIT TO ACCOMPANY THE APPLICATION FOR LICENSURE, STATING  
6 THAT THE ENTRIES IN THE APPLICATION ARE TRUE AND ACCURATE, AND THAT  
7 DOCUMENTATION HAS BEEN REQUESTED PROVIDING SATISFACTORY VERIFYING  
8 EVIDENCE OF LICENSURE TO PRACTICE AN EQUIVALENT OCCUPATION ISSUED BY ANY  
9 OTHER STATE, TERRITORY, PROTECTORATE OR DEPENDENCY OF THE UNITED STATES  
10 IN LIEU OF THE EVIDENCE OF EDUCATION, EXPERIENCE AND EXAMINATION  
11 REQUIRED BY SUBDIVISION ONE OF THIS SECTION. THE SECRETARY SHALL ISSUE  
12 A LICENSE BASED ON THE APPLICATION PROVIDED THE ENTRIES IN THE APPLICA-  
13 TION SHOW THAT SUCH LICENSE WAS GRANTED IN COMPLIANCE WITH STANDARDS  
14 WHICH WERE, IN THE JUDGMENT OF THE SECRETARY, NOT LOWER THAN THOSE OF  
15 THIS STATE. IF THE SECRETARY FINDS REASONABLE CAUSE TO BELIEVE THAT THE  
16 APPLICANT FALSELY AFFIRMED OR STATED THAT THE APPLICANT HAS REQUESTED  
17 VERIFICATION FROM ANOTHER STATE OR STATES, THE SECRETARY MAY SUMMARILY  
18 SUSPEND THE LICENSE PENDING FURTHER ACTION TO DISCIPLINE OR REVOCATION  
19 OF THE LICENSE.

20 S 6. Severability clause. If any clause, sentence, paragraph, subdivi-  
21 sion, section or part of this act shall be adjudged by any court of  
22 competent jurisdiction to be invalid, such judgment shall not affect,  
23 impair, or invalidate the remainder thereof, but shall be confined in  
24 its operation to the clause, sentence, paragraph, subdivision, section  
25 or part thereof directly involved in the controversy in which such judg-  
26 ment shall have been rendered. It is hereby declared to be the intent of  
27 the legislature that this act would have been enacted even if such  
28 invalid provisions had not been included herein.

29 S 7. This act shall take effect on the ninetieth day after it shall  
30 have become a law; provided, however, that effective immediately, the  
31 addition, amendment and/or repeal of any rule or regulation necessary  
32 for the implementation of this act on its effective date are authorized  
33 and directed to be made and completed on or before such effective date.