

4914--A

2013-2014 Regular Sessions

I N   S E N A T E

May 1, 2013

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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.

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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.