

5205

2013-2014 Regular Sessions

I N S E N A T E

May 14, 2013

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 article for the particular profession and shall meet the requirements
7 prescribed in section 3-503 of the general obligations law; PROVIDED
8 THAT, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY APPLICANT
9 WHO IS THE SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE UNITED
10 STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT A SIGNED AFFIDAVIT TO
11 ACCOMPANY THE APPLICATION FOR LICENSURE, STATING THAT THE ENTRIES IN THE
12 APPLICATION ARE TRUE AND ACCURATE, AND THAT DOCUMENTATION HAS BEEN
13 REQUESTED PROVIDING SATISFACTORY VERIFYING EVIDENCE OF LICENSURE TO
14 PRACTICE AN EQUIVALENT OCCUPATION ISSUED BY ANY OTHER STATE, TERRITORY,
15 PROTECTORATE OR DEPENDENCY OF THE UNITED STATES IN LIEU OF THE
16 SUBMISSIONS REQUIRED BY THE ARTICLE OF THIS CHAPTER FOR THE PARTICULAR
17 PROFESSION. THE BOARD OF REGENTS SHALL ISSUE A LICENSE BASED ON THE
18 APPLICATION, PROVIDED THAT THE ENTRIES IN SUCH APPLICATION SHOW THAT
19 SUCH LICENSE WAS GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE, IN THE
20 JUDGEMENT OF THE BOARD OF REGENTS, NOT LOWER THAN THOSE OF THIS STATE.
21 IF THE BOARD FINDS REASONABLE CAUSE TO BELIEVE THAT THE APPLICANT FALSELY
22 AFFIRMED OR STATED THAT THE APPLICANT HAS REQUESTED VERIFICATION FROM
23

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 DEFINITE PLACE OF BUSINESS AND IS LICENSED BY ANY OTHER STATE, TERRITORY, PROTECTORATE OR DEPENDENCY OF THE UNITED STATES, SHALL BE REQUIRED TO MAINTAIN A PLACE OF BUSINESS WITHIN THIS STATE. THE COMMISSION SHALL RECOGNIZE THE LICENSE ISSUED BY ANOTHER STATE TO AN APPLICANT WHO IS THE SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD, OR RESERVES AS QUALIFICATION FOR A LICENSE IN NEW YORK, PROVIDED THAT SUCH LICENSE WAS GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE, 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.