S T A T E O F N E W Y O R K

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:

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

S 6501. Admission to a profession (licensing). Admission to practice of a profession in this state is accomplished by a license being issued to a qualified applicant by the education department. To qualify for a license an applicant shall meet the requirements prescribed in the article for the particular profession and shall meet the requirements prescribed in section 3-503 of the general obligations law; PROVIDED THAT, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY APPLICANT WHO IS THE SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT A SIGNED AFFIDAVIT TO ACCOMPANY THE APPLICATION FOR LICENSURE, STATING THAT THE ENTRIES IN THE APPLICATION ARE TRUE AND ACCURATE, AND THAT DOCUMENTATION HAS BEEN REQUESTED PROVIDING SATISFACTORY VERIFYING EVIDENCE OF LICENSURE TO PRACTICE AN EQUIVALENT OCCUPATION ISSUED BY ANY OTHER STATE, TERRITORY, PROTECTORATE OR DEPENDENCY OF THE UNITED STATES IN LIEU OF THE SUBMISSIONS REQUIRED BY THE ARTICLE OF THIS CHAPTER FOR THE PARTICULAR PROFESSION. THE BOARD OF REGENTS SHALL ISSUE A LICENSE BASED ON THE APPLICATION, PROVIDED THAT THE ENTRIES IN SUCH APPLICATION SHOW THAT SUCH LICENSE WAS GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE, IN THE JUDGEMENT OF THE BOARD OF REGENTS, NOT LOWER THAN THOSE OF THIS STATE. IF THE BOARD FINDS REASONABLE CAUSE TO BELIEVE THAT THE APPLICANT FALSELY 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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ANOTHER STATE OR STATES, THE BOARD MAY SUMMARILY SUSPEND THE LICENSE PENDING FURTHER ACTION TO DISCIPLINE OR REVOCATION OF THE LICENSE.

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

ARTICLE 2-A

ADMISSION TO A PROFESSION

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

S 20. ADMISSION TO A PROFESSION; LICENSING, CERTIFICATION OR REGISTRATION. ADMISSION TO PRACTICE OF A PROFESSION GOVERNED BY THIS CHAPTER IN THIS STATE IS ACCOMPLISHED, WHERE REQUIRED, BY A LICENSE, CERTIFICATION OR CERTIFICATE OF REGISTRATION BEING ISSUED TO A QUALIFIED APPLICANT BY THE SECRETARY OF STATE. TO QUALIFY FOR A LICENSE, CERTIFICATION OR CERTIFICATE OF REGISTRATION AN APPLICANT SHALL MEET THE REQUIREMENTS PRESCRIBED IN THE ARTICLE FOR THE PARTICULAR PROFESSION AND SHALL MEET THE REQUIREMENTS PRESCRIBED IN SECTION 3-503 OF THE GENERAL OBLIGATIONS LAW; PROVIDED THAT, NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE CONTRARY, ANY APPLICANT WHO IS THE SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES MAY SUBMIT A SIGNED AFFIDAVIT TO ACCOMPANY THE APPLICATION FOR LICENSURE, CERTIFICATION OR REGISTRATION, STATING THAT THE ENTRIES IN THE APPLICATION ARE TRUE AND ACCURATE, AND THAT DOCUMENTATION HAS BEEN REQUESTED PROVIDING SATISFACTORY VERIFYING EVIDENCE OF LICENSURE, CERTIFICATION OR REGISTRATION TO PRACTICE AN EQUIVALENT OCCUPATION ISSUED BY ANY OTHER STATE, TERRITORY, PROTECTORATE OR DEPENDENCY OF THE UNITED STATES IN LIEU OF THE SUBMISSIONS REQUIRED BY THE ARTICLE OF THIS CHAPTER FOR THE PARTICULAR PROFESSION. THE SECRETARY SHALL ISSUE A LICENSE, CERTIFICATE OR REGISTRATION BASED ON THE APPLICATION, PROVIDED THE ENTRIES IN SUCH APPLICATION SHOW THAT SUCH LICENSE, CERTIFICATION OR CERTIFICATE OF REGISTRATION WAS GRANTED IN COMPLIANCE WITH STANDARDS WHICH WERE, IN THE JUDGMENT OF THE SECRETARY, NOT LOWER THAN THOSE OF THIS STATE. IF THE SECRETARY OF STATE FINDS REASONABLE CAUSE TO BELIEVE THAT THE APPLICANT FALSELY AFFIRMED OR STATED THAT THE APPLICANT HAS REQUESTED VERIFICATION FROM ANOTHER STATE OR STATES, THE SECRETARY MAY SUMMARILY SUSPEND THE LICENSE, CERTIFICATE OR REGISTRATION PENDING FURTHER ACTION TO DISCIPLINE OR REVOCATION OF THE LICENSE, CERTIFICATE OR REGISTRATION.

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

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

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

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

1-A. NO NONRESIDENT APPLICANT WHO IS THE SPOUSE OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD, OR RESERVES REGULARLY 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.

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

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

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

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