

STATE OF NEW YORK

3631--A

2017-2018 Regular Sessions

IN SENATE

January 25, 2017

Introduced by Sen. PHILLIPS -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to licensing, certification and registration for veterans and veterans' spouses; to amend the education law, in relation to course credit for veterans, articulation between military and civilian professional careers and application for admission to practice of a profession by a veteran or a veteran's spouse; to amend the vehicle and traffic law, in relation to providing motor vehicle inspector certification and mechanic qualifications; to amend the public health law, in relation to certification of first responder or emergency medical technician; to amend the county law, in relation to licensure of master electricians and plumbers; and to amend the general city law, in relation to plumber certification

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

3 ARTICLE 2-A

4 LICENSING, CERTIFICATION AND REGISTRATION FOR VETERANS AND VETERANS'
5 SPOUSES

6 Section 20-a. Articulation between military and civilian professional
7 careers.

8 20-b. Application for licensing, certification or registration
9 to practice a profession by a veteran or a spouse of a
10 veteran.

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

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1 § 20-a. Articulation between military and civilian professional
2 careers. 1. The secretary of state shall develop, jointly with the
3 director of the division of veterans' affairs, a program to facilitate
4 articulation between participation in the armed forces of the United
5 States or the military service of the state and the licensing, certifi-
6 cation and registration for veterans to practice any profession
7 licensed, certified or registered pursuant to this chapter. The secre-
8 tary and the director shall identify, review and evaluate professional
9 training programs offered through either the armed forces of the United
10 States or the military service of the state which may, where applicable,
11 be accepted by the department as equivalent education and training in
12 lieu of all or part of an approved program. Particular emphasis shall be
13 placed on the identification of military programs which have previously
14 been deemed acceptable by the department of state as equivalent educa-
15 tion and training, programs which may provide, where applicable, equiv-
16 alent education and training for those professions which are critical to
17 public health and safety and programs which may provide, where applica-
18 ble, equivalent education and training for those professions for which
19 shortages exist in the state and programs which may provide, where
20 applicable, equivalent education and training for those professions
21 which would promote the economic development of business and job
22 creation in the state of New York.

23 2. The secretary and the director shall prepare a list of those mili-
24 tary programs which have previously been deemed acceptable by the
25 department of state as equivalent education and training in lieu of all
26 or part of an approved program no later than January first, two thousand
27 nineteen. On and after such date, such list shall be made available to
28 the public and applicants for admission to practice of a profession.

29 3. The secretary and the director shall prepare a list of those mili-
30 tary programs which may provide, where applicable, equivalent education
31 and training for those professions which are critical to public health
32 and safety, programs which may provide, where applicable, equivalent
33 education and training for those professions for which shortages exist
34 in the state, programs which may provide, where applicable, equivalent
35 education and training for those professions which would promote the
36 economic development of business and job creation in the state of New
37 York and any other military programs which may, where applicable, be
38 accepted by the department of state as equivalent education and training
39 in lieu of all or part of an approved program no later than October
40 thirty-first, two thousand twenty. On and after such date, such list
41 shall be made available to the public and applicants for the licensing,
42 certification and registration to the practice of a profession.

43 4. Such lists shall be prepared annually no later than the thirtieth
44 of June thereafter with additions and deletions made jointly by the
45 secretary and the director and made available to the public and appli-
46 cants for the licensing, certification and registration to the practice
47 of a profession on such date.

48 5. In their determination pursuant to this section of which military
49 programs provide equivalent education and training, so as to be accepted
50 by the department as equivalent education and training in lieu of all or
51 part of an approved program, the secretary and the director shall
52 consider the standards of the American council on education.

53 § 20-b. Application for licensing, certification or registration to
54 practice a profession by a veteran or a spouse of a veteran. The secre-
55 tary of state shall provide for an expedited application for licensing,
56 certification or registration to the practice of a profession by a

1 veteran or a spouse of a veteran. Such application shall be determined
2 by the secretary within thirty days of the filing of the application
3 with the secretary by the veteran or spouse of a veteran. In making the
4 determination for the veteran, the secretary shall, in addition to the
5 education and training of the veteran, also consider the equivalent
6 education and training of the veteran, in accordance with section twen-
7 ty-a of this article. In making the determination for the veteran's
8 spouse, the secretary shall consider the education and training of the
9 veteran's spouse, together with any equivalent education, training, past
10 licensing, certification or registration or past practice of such spouse
11 of such profession in another jurisdiction, together with the standards
12 of the American council on education. If the secretary determines that
13 the education and training of the veteran or the veteran's spouse,
14 and/or their past licensing, certification or registration or past prac-
15 tice in another jurisdiction, is essentially equivalent to the require-
16 ments necessary for licensing, certification or registration to practice
17 the profession in the state, then the secretary shall grant such veteran
18 or veteran's spouse licensing, certification or registration to practice
19 such profession.

20 § 2. The education law is amended by adding a new section 669-i to
21 read as follows:

22 § 669-i. Course credit for veterans. 1. For purposes of this section,
23 the term "veteran" shall mean a legal resident of this state, who served
24 on active duty in the United States army, navy, marine corps, air force,
25 coast guard or the reserves component, or who served in active military
26 service of the United States as a member of the army national guard, air
27 national guard, New York guard or New York naval militia, and who has
28 been released from such service by honorable or general discharge, or
29 who has been furloughed to the reserve.

30 2. Every veteran who is enrolled on a full-time basis as an undergrad-
31 uate student in good standing, at an institution within the state
32 university system, shall upon application and approval of the chancel-
33 lor, or his or her designee, be granted up to six academic credits per
34 semester based upon such veteran's military training or service in simi-
35 lar or equivalent subject matter. In determining the approval of such
36 veteran's application, the chancellor, or his or her designee, shall
37 consider the standards of the American council on education. No fee,
38 tuition or other charge shall be assessed for such qualifying credits
39 under this section.

40 3. The chancellor of the state university of New York may promulgate
41 rules and regulations as are necessary to fully implement the provisions
42 of this section.

43 § 3. Section 6505-c of the education law, as added by chapter 106 of
44 the laws of 2003, is amended to read as follows:

45 § 6505-c. Articulation between military and civilian professional
46 careers. 1. The commissioner shall develop, jointly with the director of
47 the division of veterans' affairs, a program to facilitate articulation
48 between participation in the military service of the United States or
49 the military service of the state and admission to practice of a profes-
50 sion. The commissioner and the director shall identify, review and eval-
51 uate professional training programs offered through either the military
52 service of the United States or the military service of the state which
53 may, where applicable, be accepted by the department as equivalent
54 education and training in lieu of all or part of an approved program.
55 Particular emphasis shall be placed on the identification of military
56 programs which have previously been deemed acceptable by the department

1 as equivalent education and training, programs which may provide, where
2 applicable, equivalent education and training for those professions
3 which are critical to public health and safety and programs which may
4 provide, where applicable, equivalent education and training for those
5 professions for which shortages exist in the state of New York, and
6 programs which may provide, where applicable, equivalent education and
7 training for those professions which would promote the economic develop-
8 ment of business and job creation in the state of New York.

9 2. The commissioner and the director shall prepare a list of those
10 military programs which have previously been deemed acceptable by the
11 department as equivalent education and training in lieu of all or part
12 of an approved program no later than the thirtieth of August, two thou-
13 sand three. On and after such date, such list shall be made available to
14 the public and applicants for admission to practice of a profession.

15 3. The commissioner and the director shall prepare a list of those
16 military programs which may provide, where applicable, equivalent educa-
17 tion and training for those professions which are critical to public
18 health and safety, programs which may provide, where applicable, equiv-
19 alent education and training for those professions for which shortages
20 exist in the state of New York, programs which may provide, where appli-
21 cable, equivalent education and training for those professions which
22 would promote the economic development of business and job creation in
23 the state of New York and any other military programs which may, where
24 applicable, be accepted by the department as equivalent education and
25 training in lieu of all or part of an approved program no later than the
26 thirty-first of October, two thousand three. On and after such date,
27 such list shall be made available to the public and applicants for
28 admission to practice of a profession.

29 4. Such lists shall be prepared annually no later than the thirtieth
30 of June thereafter with additions and deletions made jointly by the
31 commissioner and the director and made available to the public and
32 applicants for admission to practice of a profession on such date.

33 5. In their determination pursuant to this section of which military
34 programs provide equivalent education and training, so as to be accepted
35 by the department as equivalent education and training in lieu of all or
36 part of an approved program, the commissioner and the director shall
37 consider the standards of the American council on education.

38 § 4. The education law is amended by adding a new section 6505-d to
39 read as follows:

40 § 6505-d. Application for admission to the practice of a profession by
41 a veteran or a spouse of a veteran. For purposes of this section, the
42 term "veteran" shall mean a legal resident of this state, who served on
43 active duty in the United States army, navy, marine corps, air force,
44 coast guard or the reserves component, or who served in active military
45 service of the United States as a member of the army national guard, air
46 national guard, New York guard or New York naval militia, and who has
47 been released from such service by honorable or general discharge, or
48 who has been furloughed to the reserve. The commissioner shall provide
49 for an expedited application for admission to the practice of a profes-
50 sion by a veteran or a spouse of a veteran. Such application shall be
51 determined by the commissioner within thirty days of the filing of the
52 application with the commissioner by the veteran or spouse of a veteran.
53 In making the determination for the veteran, the commissioner shall, in
54 addition to the education and training of the veteran, also consider the
55 equivalent education and training of the veteran, in accordance with
56 section sixty-five hundred five-c of this subarticle. In making the

1 determination for the veteran's spouse, the commissioner shall consider
2 the education and training of the veteran's spouse, together with any
3 equivalent education, training, past admission or past practice of such
4 spouse of such profession in another jurisdiction, together with the
5 standards of the American council on education. If the commissioner
6 determines that the education and training of the veteran or the veter-
7 an's spouse, and/or their past admission or past practice in another
8 jurisdiction, is essentially equivalent to the requirements necessary
9 for admission to practice the profession in New York state, then the
10 commissioner shall grant such veteran or veteran's spouse admission to
11 practice the profession in New York state.

12 § 5. Subdivision (c) of section 304-a of the vehicle and traffic law,
13 as added by chapter 61 of the laws of 1989, is amended to read as
14 follows:

15 (c) The commissioner may, by regulation, establish standards of compe-
16 tency and fitness for certification as an inspector; provided, however,
17 that any person who was a member of the armed forces of the United
18 States, national guard or reserves and who by military training and
19 practice acquired the skills of a motor vehicle inspector shall be
20 certified by the commissioner as an inspector.

21 § 6. Section 398-d of the vehicle and traffic law is amended by adding
22 a new subdivision 8 to read as follows:

23 8. Any person who was a member of the armed forces of the United
24 States, national guard or reserves, and who by military training and
25 practice acquired the skills of a motor vehicle mechanic, shall be
26 deemed to be qualified to perform work upon motor vehicles at motor
27 vehicle repair shops.

28 § 7. Subdivision 2 of section 3002 of the public health law, as
29 amended by chapter 580 of the laws of 2007, is amended to read as
30 follows:

31 2. The state council shall have the power, by an affirmative vote of a
32 majority of those present, subject to approval by the commissioner, to
33 enact, and from time to time, amend and repeal, rules and regulations
34 establishing minimum standards for ambulance services, ambulance service
35 certification, advanced life support first response services, the
36 provision of prehospital emergency medical care, public education, the
37 development of a statewide emergency medical services system, the
38 provision of ambulance services outside the primary territory specified
39 in the ambulance services' certificate and the training, examination,
40 and certification of certified first responders, emergency medical tech-
41 nicians, and advanced emergency medical technicians; provided, however,
42 that such minimum standards must be consistent with the staffing stand-
43 ards established by section three thousand five-a of this article. Such
44 training shall be made available by video or computer to the maximum
45 extent possible. [~~Until January first, nineteen hundred ninety seven, no~~
46 ~~minimum standards shall be established for services provided by a volun-~~
47 ~~tary ambulance service operating solely pursuant to a statement of~~
48 ~~registration issued under section three thousand four.~~] The curriculum
49 for certified first responder training shall not exceed fifty-one hours
50 including prerequisites. Notwithstanding any other provision of this
51 article to the contrary, any person who was a member of the armed forces
52 of the United States, national guard or reserves, and who by military
53 training and practice was a medic or corpsman, shall be certified, with-
54 out examination, by the state council and regional councils as a first
55 responder or emergency medical technician. The state council shall have
56 the same powers granted to regional councils by this article in any

1 region of the state in which a regional council has not been estab-
2 lished.

3 § 8. Subdivision 1 of section 236-a of the county law, as amended by
4 chapter 257 of the laws of 2014, is amended to read as follows:

5 1. Notwithstanding the provisions of the general city law or any other
6 law to the contrary, the counties of Dutchess, Suffolk and Westchester
7 are each hereby authorized to establish a county board of examiners for
8 master electricians and to empower such board to assume all licensing
9 duties within each such county with respect to the licensure of master
10 electricians. Provided, that such counties shall provide for the
11 licensing, without examination, as a master electrician of any person
12 who was a member of the United States army, navy, marine corps, air
13 force, coast guard or the reserves component, or who served in active
14 military service of the United States as a member of the army national
15 guard, air national guard, New York guard or New York naval militia, and
16 who has been released from such service by honorable or general
17 discharge, or who has been furloughed to the reserve, and who by mili-
18 tary training and practice acquired the skills of an electrician. The
19 counties of Dutchess, Suffolk and Westchester shall provide for master
20 electrician's duties and responsibilities in accordance with the local
21 law of each such county.

22 § 9. Section 45 of the general city law is amended to read as follows:

23 § 45. Examinations; conducting business without certificate prohibit-
24 ed. A person desiring or intending to conduct the trade, business or
25 calling of a plumber or of plumbing in a city of this state as employing
26 or master plumber, shall be required to submit to an examination before
27 such examining board of plumbers as to his experience and qualifications
28 for such trade, business or calling, and it shall not be lawful in any
29 city of this state for a person to conduct such trade, business or call-
30 ing, unless he shall have first obtained a certificate of competency
31 from such board of the city in which he conducts or proposes to conduct
32 such business. Provided, however, that any person who served on active
33 duty in the United States army, navy, marine corps, air force, coast
34 guard or the reserves component, or who served in active military
35 service of the United States as a member of the army national guard, air
36 national guard, New York guard or New York naval militia, and who has
37 been released from such service by honorable or general discharge, or
38 who has been furloughed to the reserve, and who by military training and
39 practice acquired the skills of a plumber, shall be certified as compe-
40 tent without examination.

41 § 10. Subdivision 1 of section 236 of the county law, as added by
42 chapter 563 of the laws of 1993, is amended to read as follows:

43 1. Notwithstanding the provisions of the general city law or any other
44 law to the contrary, the county of Westchester is hereby authorized to
45 establish a Westchester county board of plumbing examiners and to
46 empower such board to assume all licensing duties within the county of
47 Westchester with respect to the licensure of plumbers. Provided, that
48 such county shall provide for the licensing, without examination, as a
49 licensed plumber of any person who was a member of the United States
50 army, navy, marine corps, air force, coast guard or the reserves compo-
51 nent, or who served in active military service of the United States as a
52 member of the army national guard, air national guard, New York guard or
53 New York naval militia, and who has been released from such service by
54 honorable or general discharge, or who has been furloughed to the
55 reserve, and who by military training and practice acquired the skills
56 of a plumber. The county of Westchester shall provide for plumbers'

1 duties and responsibilities in accordance with the local law of such
2 county.

3 § 11. This act shall take effect on the first of January next succeed-
4 ing the date on which it shall have become a law, provided, however,
5 that section two of this act shall take effect on the first of July next
6 succeeding the date on which it shall have become a law; provided, that,
7 effective immediately, any rules and regulations necessary to implement
8 the provisions of this act on its effective date are authorized and
9 directed to be amended, added and/or repealed on or before such date.