

STATE OF NEW YORK

8732

IN SENATE

May 10, 2018

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, the general business law, the executive law, and the arts and cultural affairs law, in relation to expedited licensing or certification for certain professions by military spouses

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

1 Section 1. Section 446-b of the real property law is amended by adding
2 a new subdivision 8 to read as follows:

3 8. (a) Notwithstanding any provision of law to the contrary, any
4 applicant seeking to qualify for a license pursuant to this article who
5 is the spouse of an active duty member of the armed forces of the United
6 States, national guard or reserves as defined in 10 U.S.C. sections
7 1209 and 1211, and such spouse is transferred by the military to this
8 state shall be afforded an expedited review of his or her application
9 for licensure. Such application shall be on a form prescribed by the
10 department of state and shall include an attestation by the applicant of
11 the military status of his or her spouse and any other such supporting
12 documentation that such department may require. Upon review of such
13 application, the department of state shall issue a license to the appli-
14 cant if the applicant holds a license in good standing in another state
15 and in the opinion of such department, the requirements for licensure of
16 such other state are substantially equivalent to the requirements for
17 licensure in this state.

18 (b) In addition to the expedited review granted in paragraph (a) of
19 this subdivision, an applicant who provides satisfactory documentation
20 that he or she holds a license in good standing from another state, may
21 request the issuance of a temporary practice permit, which, if granted
22 will permit the applicant to work under the supervision of a New York
23 state licensee in accordance with regulations of the secretary of state.
24 The department of state may grant such temporary practice permit when it
25 appears based on the application and supporting documentation received
26 that the applicant will meet the requirements for licensure in this

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

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1 state because he or she holds a license in good standing from another
2 state with significantly comparable licensure requirements to those of
3 this state, except the department of state has not been able to secure
4 direct source verification of the applicant's underlying credentials
5 (e.g., receipt of original transcript, experience verification). Such
6 permit shall be valid for six months or until ten days after notifica-
7 tion that the applicant does not meet the qualifications for licensure.
8 An additional six months may be granted upon a determination by the
9 department of state that the applicant is expected to qualify for the
10 full license upon receipt of the remaining direct source verification
11 documents requested by the department of state in such time period and
12 that the delay in providing the necessary documentation for full licen-
13 sure was due to extenuating circumstances which the military spouse
14 could not avoid.

15 (c) A temporary practice permit issued under paragraph (b) of this
16 subdivision shall be subject to the full disciplinary and regulatory
17 authority of the department of state, pursuant to this article, as if
18 such authorization were a license issued under this article.

19 (d) The department of state shall reduce the initial licensure appli-
20 cation fee by one-half for any application submitted by a military
21 spouse under this subdivision.

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

24 5. (a) Notwithstanding any provision of law to the contrary, any
25 applicant seeking to qualify for a license pursuant to this article who
26 is the spouse of an active duty member of the armed forces of the United
27 States, national guard or reserves as defined in 10 U.S.C. sections
28 1209 and 1211, and such spouse is transferred by the military to this
29 state shall be afforded an expedited review of his or her application
30 for licensure. Such application shall be on a form prescribed by the
31 department and shall include an attestation by the applicant of the
32 military status of his or her spouse and any other such supporting
33 documentation that such department may require. Upon review of such
34 application, the department shall issue a license to the applicant if
35 the applicant holds a license in good standing in another state and in
36 the opinion of such department, the requirements for licensure of such
37 other state are substantially equivalent to the requirements for licen-
38 sure in this state.

39 (b) In addition to the expedited review granted in paragraph (a) of
40 this subdivision, an applicant who provides satisfactory documentation
41 that he or she holds a license in good standing from another state, may
42 request the issuance of a temporary practice permit, which, if granted
43 will permit the applicant to work under the supervision of a New York
44 state licensee in accordance with regulations of the secretary. The
45 department may grant such temporary practice permit when it appears
46 based on the application and supporting documentation received that the
47 applicant will meet the requirements for licensure in this state because
48 he or she holds a license in good standing from another state with
49 significantly comparable licensure requirements to those of this state,
50 except the department has not been able to secure direct source verifi-
51 cation of the applicant's underlying credentials (e.g., receipt of
52 original transcript, experience verification). Such permit shall be
53 valid for six months or until ten days after notification that the
54 applicant does not meet the qualifications for licensure. An additional
55 six months may be granted upon a determination by the department that
56 the applicant is expected to qualify for the full license upon receipt

1 of the remaining direct source verification documents requested by the
2 department in such time period and that the delay in providing the
3 necessary documentation for full licensure was due to extenuating
4 circumstances which the military spouse could not avoid.

5 (c) A temporary practice permit issued under paragraph (b) of this
6 subdivision shall be subject to the full disciplinary and regulatory
7 authority of the department, pursuant to this article, as if such
8 authorization were a license issued under this article.

9 (d) The department shall reduce the initial licensure application fee
10 by one-half for any application submitted by a military spouse under
11 this subdivision.

12 § 3. Section 69-p of the general business law is amended by adding a
13 new subdivision 4 to read as follows:

14 4. (a) Notwithstanding any provision of law to the contrary, any
15 applicant seeking to qualify for a license pursuant to this article who
16 is the spouse of an active duty member of the armed forces of the United
17 States, national guard or reserves as defined in 10 U.S.C. sections
18 1209 and 1211, and such spouse is transferred by the military to this
19 state shall be afforded an expedited review of his or her application
20 for licensure. Such application shall be on a form prescribed by the
21 department of state and shall include an attestation by the applicant of
22 the military status of his or her spouse and any other such supporting
23 documentation that such department may require. Upon review of such
24 application, the department of state shall issue a license to the appli-
25 cant if the applicant holds a license in good standing in another state
26 and in the opinion of such department, the requirements for licensure of
27 such other state are substantially equivalent to the requirements for
28 licensure in this state.

29 (b) In addition to the expedited review granted in paragraph (a) of
30 this subdivision, an applicant who provides satisfactory documentation
31 that he or she holds a license in good standing from another state, may
32 request the issuance of a temporary practice permit, which, if granted
33 will permit the applicant to work under the supervision of a New York
34 state licensee in accordance with regulations of the secretary of state.
35 The department of state may grant such temporary practice permit when it
36 appears based on the application and supporting documentation received
37 that the applicant will meet the requirements for licensure in this
38 state because he or she holds a license in good standing from another
39 state with significantly comparable licensure requirements to those of
40 this state, except the department of state has not been able to secure
41 direct source verification of the applicant's underlying credentials
42 (e.g., receipt of original transcript, experience verification). Such
43 permit shall be valid for six months or until ten days after notifica-
44 tion that the applicant does not meet the qualifications for licensure.
45 An additional six months may be granted upon a determination by the
46 department of state that the applicant is expected to qualify for the
47 full license upon receipt of the remaining direct source verification
48 documents requested by the department of state in such time period and
49 that the delay in providing the necessary documentation for full licen-
50 sure was due to extenuating circumstances which the military spouse
51 could not avoid.

52 (c) A temporary practice permit issued under paragraph (b) of this
53 subdivision shall be subject to the full disciplinary and regulatory
54 authority of the department of state, pursuant to this article, as if
55 such authorization were a license issued under this article.

1 (d) The department of state shall reduce the initial licensure appli-
2 cation fee by one-half for any application submitted by a military
3 spouse under this subdivision.

4 § 4. Section 72 of the general business law is amended by adding a new
5 subdivision 5 to read as follows:

6 5. (a) Notwithstanding any provision of law to the contrary, any
7 applicant seeking to qualify for a license pursuant to this section who
8 is the spouse of an active duty member of the armed forces of the United
9 States, national guard or reserves as defined in 10 U.S.C. sections
10 1209 and 1211, and such spouse is transferred by the military to this
11 state shall be afforded an expedited review of his or her application
12 for licensure. Such application shall be on a form prescribed by the
13 department of state and shall include an attestation by the applicant of
14 the military status of his or her spouse and any other such supporting
15 documentation that such department may require. Upon review of such
16 application, the department of state shall issue a license to the appli-
17 cant if the applicant holds a license in good standing in another state
18 and in the opinion of such department, the requirements for licensure of
19 such other state are substantially equivalent to the requirements for
20 licensure in this state.

21 (b) In addition to the expedited review granted in paragraph (a) of
22 this subdivision, an applicant who provides satisfactory documentation
23 that he or she holds a license in good standing from another state, may
24 request the issuance of a temporary practice permit, which, if granted
25 will permit the applicant to work under the supervision of a New York
26 state licensee in accordance with regulations of the secretary of state.
27 The department of state may grant such temporary practice permit when it
28 appears based on the application and supporting documentation received
29 that the applicant will meet the requirements for licensure in this
30 state because he or she holds a license in good standing from another
31 state with significantly comparable licensure requirements to those of
32 this state, except the department of state has not been able to secure
33 direct source verification of the applicant's underlying credentials
34 (e.g., receipt of original transcript, experience verification). Such
35 permit shall be valid for six months or until ten days after notifica-
36 tion that the applicant does not meet the qualifications for licensure.
37 An additional six months may be granted upon a determination by the
38 department of state that the applicant is expected to qualify for the
39 full license upon receipt of the remaining direct source verification
40 documents requested by the department of state in such time period and
41 that the delay in providing the necessary documentation for full licen-
42 sure was due to extenuating circumstances which the military spouse
43 could not avoid.

44 (c) A temporary practice permit issued under paragraph (b) of this
45 subdivision shall be subject to the full disciplinary and regulatory
46 authority of the department of state, pursuant to this article, as if
47 such authorization were a license issued under this article.

48 (d) The department of state shall reduce the initial licensure appli-
49 cation fee by one-half for any application submitted by a military
50 spouse under this subdivision.

51 § 5. Section 89-h of the general business law is amended by adding a
52 new subdivision 12 to read as follows:

53 12. (a) Notwithstanding any provision of law to the contrary, any
54 applicant seeking to qualify for a registration card pursuant to this
55 section who is the spouse of an active duty member of the armed forces
56 of the United States, national guard or reserves as defined in 10 U.S.C.

sections 1209 and 1211, and such spouse is transferred by the military to this state shall be afforded an expedited review of his or her application for registration. Such application shall be on a form prescribed by the department and shall include an attestation by the applicant of the military status of his or her spouse and any other such supporting documentation that such department may require. Upon review of such application, the department shall issue a registration card to the applicant if the applicant holds a registration card in good standing in another state and in the opinion of such department, the requirements for registration of such other state are substantially equivalent to the requirements for registration in this state.

(b) In addition to the expedited review granted in paragraph (a) of this subdivision, an applicant who provides satisfactory documentation that he or she holds a registration card in good standing from another state, may request the issuance of a temporary practice permit, which, if granted will permit the applicant to work under the supervision of a New York state registrant in accordance with regulations of the secretary. The department may grant such temporary practice permit when it appears based on the application and supporting documentation received that the applicant will meet the requirements for registration in this state because he or she holds a registration card in good standing from another state with significantly comparable registration requirements to those of this state, except the department has not been able to secure direct source verification of the applicant's underlying credentials (e.g., receipt of original transcript, experience verification). Such permit shall be valid for six months or until ten days after notification that the applicant does not meet the qualifications for registration. An additional six months may be granted upon a determination by the department that the applicant is expected to qualify for the full registration card upon receipt of the remaining direct source verification documents requested by the department in such time period and that the delay in providing the necessary documentation for full registration was due to extenuating circumstances which the military spouse could not avoid.

(c) A temporary practice permit issued under paragraph (b) of this subdivision shall be subject to the full disciplinary and regulatory authority of the department, pursuant to this article, as if such authorization were a registration card issued under this article.

(d) The department shall reduce the initial registration application fee by one-half for any application submitted by a military spouse under this subdivision.

§ 6. Section 406 of the general business law is amended by adding a new subdivision 5 to read as follows:

5. (a) Notwithstanding any provision of law to the contrary, any applicant seeking to qualify for a license pursuant to this article who is the spouse of an active duty member of the armed forces of the United States, national guard or reserves as defined in 10 U.S.C. sections 1209 and 1211, and such spouse is transferred by the military to this state shall be afforded an expedited review of his or her application for licensure. Such application shall be on a form prescribed by the department and shall include an attestation by the applicant of the military status of his or her spouse and any other such supporting documentation that such department may require. Upon review of such application, the department shall issue a license to the applicant if the applicant holds a license in good standing in another state and in the opinion of such department, the requirements for licensure of such

1 other state are substantially equivalent to the requirements for licensure in this state.

2
3 (b) In addition to the expedited review granted in paragraph (a) of
4 this subdivision, an applicant who provides satisfactory documentation
5 that he or she holds a license in good standing from another state, may
6 request the issuance of a temporary practice permit, which, if granted
7 will permit the applicant to work under the supervision of a New York
8 state licensee in accordance with regulations of the secretary. The
9 department may grant such temporary practice permit when it appears
10 based on the application and supporting documentation received that the
11 applicant will meet the requirements for licensure in this state because
12 he or she holds a license in good standing from another state with
13 significantly comparable licensure requirements to those of this state,
14 except the department has not been able to secure direct source verifi-
15 cation of the applicant's underlying credentials (e.g., receipt of
16 original transcript, experience verification). Such permit shall be
17 valid for six months or until ten days after notification that the
18 applicant does not meet the qualifications for licensure. An additional
19 six months may be granted upon a determination by the department that
20 the applicant is expected to qualify for the full license upon receipt
21 of the remaining direct source verification documents requested by the
22 department in such time period and that the delay in providing the
23 necessary documentation for full licensure was due to extenuating
24 circumstances which the military spouse could not avoid.

25 (c) A temporary practice permit issued under paragraph (b) of this
26 subdivision shall be subject to the full disciplinary and regulatory
27 authority of the department, pursuant to this article, as if such
28 authorization were a license issued under this article.

29 (d) The department shall reduce the initial licensure application fee
30 by one-half for any application submitted by a military spouse under
31 this subdivision.

32 § 7. Section 899-e of the general business law is amended by adding a
33 new subdivision 7 to read as follows:

34 7. (a) Notwithstanding any provision of law to the contrary, any
35 applicant seeking to qualify for a certificate of registration pursuant
36 to this section who is the spouse of an active duty member of the armed
37 forces of the United States, national guard or reserves as defined in 10
38 U.S.C. sections 1209 and 1211, and such spouse is transferred by the
39 military to this state shall be afforded an expedited review of his or
40 her application for a certificate of registration. Such application
41 shall be on a form prescribed by the department of state and shall
42 include an attestation by the applicant of the military status of his or
43 her spouse and any other such supporting documentation that such depart-
44 ment may require. Upon review of such application, the department of
45 state shall issue a certificate of registration to the applicant if the
46 applicant holds a certificate of registration in good standing in another
47 state and in the opinion of such department, the requirements for
48 registration of such other state are substantially equivalent to the
49 requirements for registration in this state.

50 (b) In addition to the expedited review granted in paragraph (a) of
51 this subdivision, an applicant who provides satisfactory documentation
52 that he or she holds a certificate of registration in good standing from
53 another state, may request the issuance of a temporary practice permit,
54 which, if granted will permit the applicant to work under the super-
55 vision of a New York state registrant in accordance with regulations of
56 the secretary of state. The department of state may grant such temporary

1 practice permit when it appears based on the application and supporting
2 documentation received that the applicant will meet the requirements for
3 registration in this state because he or she holds a license in good
4 standing from another state with significantly comparable registration
5 requirements to those of this state, except the department of state has
6 not been able to secure direct source verification of the applicant's
7 underlying credentials (e.g., receipt of original transcript, experience
8 verification). Such permit shall be valid for six months or until ten
9 days after notification that the applicant does not meet the qualifica-
10 tions for registration. An additional six months may be granted upon a
11 determination by the department of state that the applicant is expected
12 to qualify for the full certificate of registration upon receipt of the
13 remaining direct source verification documents requested by the depart-
14 ment of state in such time period and that the delay in providing the
15 necessary documentation for full registration was due to extenuating
16 circumstances which the military spouse could not avoid.

17 (c) A temporary practice permit issued under paragraph (b) of this
18 subdivision shall be subject to the full disciplinary and regulatory
19 authority of the department of state, pursuant to this section, as if
20 such authorization were a certificate of registration issued under this
21 section.

22 (d) The department of state shall reduce the initial certificate of
23 registration application fee by one-half for any application submitted
24 by a military spouse under this subdivision.

25 § 8. Section 160-n of the executive law, as amended by chapter 397 of
26 the laws of 1991, is amended to read as follows:

27 § 160-n. Nonresident certification and licensing by reciprocity. 1.
28 If, in the determination of the board, the certification or licensing
29 process has not been disapproved by the appraisal subcommittee of the
30 federal financial institutions examination council, an applicant who is
31 certified under the laws of such other state may obtain a certificate as
32 a state certified real estate appraiser or a license as a state licensed
33 real estate appraiser in this state upon such terms and conditions as
34 may be determined by the department.

35 2. (a) Notwithstanding any provision of law to the contrary, any
36 applicant seeking to qualify for a license pursuant to this section who
37 is the spouse of an active duty member of the armed forces of the United
38 States, national guard or reserves as defined in 10 U.S.C. sections
39 1209 and 1211, and such spouse is transferred by the military to this
40 state shall be afforded an expedited review of his or her application
41 for licensure. Such application shall be on a form prescribed by the
42 department and shall include an attestation by the applicant of the
43 military status of his or her spouse and any other such supporting
44 documentation that such department may require. Upon review of such
45 application, the department shall issue a license to the applicant if
46 the applicant holds a license in good standing in another state and in
47 the opinion of such department, the requirements for licensure of such
48 other state are substantially equivalent to the requirements for licen-
49 sure in this state, including those described in subdivision one of this
50 section.

51 (b) In addition to the expedited review granted in paragraph (a) of
52 this subdivision, an applicant who provides satisfactory documentation
53 that he or she holds a license in good standing from another state, may
54 request the issuance of a temporary practice permit, which, if granted
55 will permit the applicant to work under the supervision of a New York
56 state licensee in accordance with regulations of the secretary of state.

The department may grant such temporary practice permit when it appears based on the application and supporting documentation received that the applicant will meet the requirements for licensure in this state because he or she holds a license in good standing from another state with significantly comparable licensure requirements to those of this state, except the department has not been able to secure direct source verification of the applicant's underlying credentials (e.g., receipt of original transcript, experience verification). Such permit shall be valid for six months or until ten days after notification that the applicant does not meet the qualifications for licensure. An additional six months may be granted upon a determination by the department that the applicant is expected to qualify for the full license upon receipt of the remaining direct source verification documents requested by the department in such time period and that the delay in providing the necessary documentation for full licensure was due to extenuating circumstances which the military spouse could not avoid.

(c) A temporary practice permit issued under paragraph (b) of this subdivision shall be subject to the full disciplinary and regulatory authority of the department, pursuant to this section, as if such authorization were a license issued under this section.

(d) The department shall reduce the initial licensure application fee by one-half for any application submitted by a military spouse under this section.

§ 9. Subdivision 1 of section 25.13 of the arts and cultural affairs law, as amended by chapter 374 of the laws of 2007, is amended to read as follows:

1. (a) No person, firm or corporation shall resell or engage in the business of reselling any tickets to a place of entertainment or operate an internet website or any other electronic service that provides a mechanism for two or more parties to participate in a resale transaction or that facilitates resale transactions by the means of an auction, or own, conduct or maintain any office, branch office, bureau, agency or sub-agency for such business without having first procured a license or certificate for each location at which business will be conducted from the secretary of state. Any operator or manager of a website that serves as a platform to facilitate resale, or resale by way of a competitive bidding process, solely between third parties and does not in any other manner engage in resales of tickets to places of entertainment shall be exempt from the licensing requirements of this section. The department of state shall issue and deliver to such applicant a certificate or license to conduct such business and to own, conduct or maintain a bureau, agency, sub-agency, office or branch office for the conduct of such business on the premises stated in such application upon the payment by or on behalf of the applicant of a fee of five thousand dollars and shall be renewed upon the payment of a like fee annually. Such license or certificate shall not be transferred or assigned, except by permission of the secretary of state. Such license or certificate shall run to the first day of January next ensuing the date thereof, unless sooner revoked by the secretary of state. Such license or certificate shall be granted upon a written application setting forth such information as the secretary of state may require in order to enable him or her to carry into effect the provisions of this article and shall be accompanied by proof satisfactory to the secretary of state of the moral character of the applicant.

(b) (i) Notwithstanding any provision of law to the contrary, any applicant seeking to qualify for a license or certificate pursuant to

1 this section who is the spouse of an active duty member of the armed
2 forces of the United States, national guard or reserves as defined in 10
3 U.S.C. sections 1209 and 1211, and such spouse is transferred by the
4 military to this state shall be afforded an expedited review of his or
5 her application for licensure or certification. Such application shall
6 be on a form prescribed by the department of state and shall include an
7 attestation by the applicant of the military status of his or her spouse
8 and any other such supporting documentation that such department may
9 require. Upon review of such application, the department of state shall
10 issue a license or certificate to the applicant if the applicant holds a
11 license or certificate in good standing in another state and in the
12 opinion of such department, the requirements for licensure or certif-
13 ication of such other state are substantially equivalent to the require-
14 ments for licensure or certification in this state.

15 (ii) In addition to the expedited review granted in subparagraph (i)
16 of this paragraph, an applicant who provides satisfactory documentation
17 that he or she holds a license or certificate in good standing from
18 another state, may request the issuance of a temporary practice permit,
19 which, if granted will permit the applicant to work under the super-
20 vision of a New York state licensee or individual who is certified in
21 accordance with regulations of the secretary of state. The department of
22 state may grant such temporary practice permit when it appears based on
23 the application and supporting documentation received that the applicant
24 will meet the requirements for licensure or certification in this state
25 because he or she holds a license or certificate in good standing from
26 another state with significantly comparable licensure requirements to
27 those of this state, except the department of state has not been able to
28 secure direct source verification of the applicant's underlying creden-
29 tials (e.g., receipt of original transcript, experience verification).
30 Such permit shall be valid for six months or until ten days after
31 notification that the applicant does not meet the qualifications for
32 licensure or certification. An additional six months may be granted upon
33 a determination by the department of state that the applicant is
34 expected to qualify for the full license or certification upon receipt
35 of the remaining direct source verification documents requested by the
36 department of state in such time period and that the delay in providing
37 the necessary documentation for full licensure or certification was due
38 to extenuating circumstances which the military spouse could not avoid.

39 (iii) A temporary practice permit issued under subparagraph (ii) of
40 this paragraph shall be subject to the full disciplinary and regulatory
41 authority of the department of state, pursuant to this article, as if
42 such authorization were a license or certificate issued under this arti-
43 cle.

44 (iv) The department of state shall reduce the initial licensure or
45 certification application fee by one-half for any application submitted
46 by a military spouse under this subdivision.

47 § 10. This act shall take effect immediately; provided, however, that
48 the amendments made by section nine of this act shall not affect the
49 repeal and reversion of such article and shall be deemed repealed there-
50 with.