STATE OF NEW YORK

1207

2019-2020 Regular Sessions

IN SENATE

January 11, 2019

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:

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

8. (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 of state 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 of state 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 other state are substantially equivalent to the requirements for licensure 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 license 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 licensee in accordance with regulations of the secretary of state.

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

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The department of state 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 of state 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 of state that the applicant is expected to qualify for the full license upon receipt of the remaining direct source verification documents requested by the department of state 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 of state, pursuant to this article, as if such authorization were a license issued under this article.

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

§ 2. Section 444-e of the real property 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 other state are substantially equivalent to the requirements for licensure 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 license 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 licensee 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 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 article, as if such authorization were a license issued under this article.

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

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

4. (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 of state 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 of state 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 other state are substantially equivalent to the requirements for licensure 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 license 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 licensee in accordance with regulations of the secretary of state. The department of state 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 of state 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 of state that the applicant is expected to qualify for the full license upon receipt of the remaining direct source verification documents requested by the department of state 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 of state, pursuant to this article, as if such authorization were a license issued under this article.

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

§ 4. Section 72 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 section 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 of state 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 of state 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 other state are substantially equivalent to the requirements for licensure 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 license 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 licensee in accordance with regulations of the secretary of state. The department of state 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 of state 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 of state that the applicant is expected to qualify for the full license upon receipt of the remaining direct source verification documents requested by the department of state 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 of state, pursuant to this article, as if such authorization were a license issued under this article.

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

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

12. (a) Notwithstanding any provision of law to the contrary, any applicant seeking to qualify for a registration card pursuant to this

section 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 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 other state are substantially equivalent to the requirements for licensure 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 license 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 licensee 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 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 article, as if such authorization were a license issued under this article.

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

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

7. (a) Notwithstanding any provision of law to the contrary, any applicant seeking to qualify for a certificate of registration pursuant to this section 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 a certificate of registration. Such application shall be on a form prescribed by the department of state 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 of state shall issue a certificate of registration to the applicant if the applicant holds a certificate of registration 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 certificate of registration 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 super-

vision of a New York state registrant in accordance with regulations of the secretary of state. The department of state 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 license in good standing from another state with significantly comparable registration requirements to those of this state, except the department of state 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 of state that the applicant is expected to qualify for the full certificate of registration upon receipt of the remaining direct source verification documents requested by the department of state 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 of state, pursuant to this section, as if such authorization were a certificate of registration issued under this section.

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

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

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

2. (a) Notwithstanding any provision of law to the contrary, any applicant seeking to qualify for a license pursuant to this section 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 other state are substantially equivalent to the requirements for licensure in this state, including those described in subdivision one of this section.

(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 license 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 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 this section 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 or certification. Such application shall be on a form prescribed by the department of state 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 of state shall issue a license or certificate to the applicant if the applicant holds a license or certificate in good standing in another state and in the opinion of such department, the requirements for licensure or certification of such other state are substantially equivalent to the requirements for licensure or certification in this state.

(ii) In addition to the expedited review granted in subparagraph (i) of this paragraph, an applicant who provides satisfactory documentation that he or she holds a license or certificate 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 licensee or individual who is certified in accordance with regulations of the secretary of state. The department of state 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 or certification in this state because he or she holds a license or certificate in good standing from another state with significantly comparable licensure requirements to those of this state, except the department of state 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 or certification. An additional six months may be granted upon a determination by the department of state that the applicant is expected to qualify for the full license or certification upon receipt of the remaining direct source verification documents requested by the department of state in such time period and that the delay in providing the necessary documentation for full licensure or certification was due to extenuating circumstances which the military spouse could not avoid.

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

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

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