

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:

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.

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

LBD05036-01-9

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

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

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

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

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

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

1 applicant does not meet the qualifications for licensure. An additional
2 six months may be granted upon a determination by the department that
3 the applicant is expected to qualify for the full license upon receipt
4 of the remaining direct source verification documents requested by the
5 department in such time period and that the delay in providing the
6 necessary documentation for full licensure was due to extenuating
7 circumstances which the military spouse could not avoid.

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

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

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

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

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

55 (c) A temporary practice permit issued under paragraph (b) of this
56 subdivision shall be subject to the full disciplinary and regulatory

1 authority of the department of state, pursuant to this article, as if
2 such authorization were a license issued under this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

46 5. (a) Notwithstanding any provision of law to the contrary, any
47 applicant seeking to qualify for a license pursuant to this article who
48 is the spouse of an active duty member of the armed forces of the United
49 States, national guard or reserves as defined in 10 U.S.C. sections
50 1209 and 1211, and such spouse is transferred by the military to this
51 state shall be afforded an expedited review of his or her application
52 for licensure. Such application shall be on a form prescribed by the
53 department and shall include an attestation by the applicant of the
54 military status of his or her spouse and any other such supporting
55 documentation that such department may require. Upon review of such
56 application, the department shall issue a license to the applicant if

1 the applicant holds a license in good standing in another state and in
2 the opinion of such department, the requirements for licensure of such
3 other state are substantially equivalent to the requirements for licen-
4 sure in this state.

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

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

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

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

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

52 (b) In addition to the expedited review granted in paragraph (a) of
53 this subdivision, an applicant who provides satisfactory documentation
54 that he or she holds a certificate of registration in good standing from
55 another state, may request the issuance of a temporary practice permit,
56 which, if granted will permit the applicant to work under the super-

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

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

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

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

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

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

53 (b) In addition to the expedited review granted in paragraph (a) of
54 this subdivision, an applicant who provides satisfactory documentation
55 that he or she holds a license in good standing from another state, may
56 request the issuance of a temporary practice permit, which, if granted

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

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

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

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

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

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

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

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

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

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