

STATE OF NEW YORK

4569

2023-2024 Regular Sessions

IN ASSEMBLY

February 16, 2023

Introduced by M. of A. MILLER -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, the insurance law and the real property law, in relation to licensing of military spouses with out-of-state licenses in equivalent occupations

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

1 Section 1. This act enacts into law components of legislation relating
2 to the "Military Spouse Act of 2023".

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

ARTICLE 2-A

ADMISSION TO A PROFESSION

7 Section 20. Admission to a profession; licensing, certification or
8 registration.

9 § 20. Admission to a profession; licensing, certification or registra-
10 tion. Admission to practice of a profession governed by this chapter in
11 this state is accomplished, where required, by a license, certification
12 or certificate of registration being issued to a qualified applicant by
13 the secretary of state. To qualify for a license, certification or
14 certificate of registration an applicant shall meet the requirements
15 prescribed in the article for the particular profession and shall meet
16 the requirements prescribed in section 3-503 of the general obligations
17 law; provided that, notwithstanding any provision of the law to the
18 contrary, any applicant who is the spouse of a member of the armed forc-
19 es of the United States, national guard or reserves may submit satisfac-
20 tory evidence of licensure, certification or registration to practice an
21 equivalent occupation issued by any other state, territory, protectorate
22 or dependency of the United States in lieu of the submissions required

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

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1 by the article of this chapter for the particular profession, provided
2 that such license, certification or certificate of registration was
3 granted in compliance with standards which were, in the judgment of the
4 secretary, not lower than those of this state.

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

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

10 (2) the applicant is the spouse of a member of the armed forces of the
11 United States, national guard or reserves.

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

14 1-a. No nonresident applicant who is the spouse of a member of the
15 armed forces of the United States, national guard, or reserves regularly
16 engaged in the real estate business as a vocation, who maintains a defi-
17 nite place of business and is licensed by any other state, territory,
18 protectorate or dependency of the United States, shall be required to
19 maintain a place of business within this state. The commission shall
20 recognize the license issued by another state to an applicant who is the
21 spouse of a member of the armed forces of the United States, national
22 guard, or reserves as qualification for a license in New York, provided
23 that such license was granted in compliance with standards which were,
24 in the judgment of the secretary, not lower than those of this state.

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

27 2-a. Any applicant for a license who is a spouse of a member of the
28 armed forces of the United States, national guard or reserves may submit
29 satisfactory evidence of licensure to practice an equivalent occupation
30 issued by any other state, territory, protectorate or dependency of the
31 United States in lieu of the evidence of education, experience and exam-
32 ination required by subdivision one of this section, provided that such
33 license was granted in compliance with standards which were, in the
34 judgment of the secretary, not lower than those of this state.

35 § 6. Severability clause. If any clause, sentence, paragraph, subdivi-
36 sion, section or part of this act shall be adjudged by any court of
37 competent jurisdiction to be invalid, such judgment shall not affect,
38 impair, or invalidate the remainder thereof, but shall be confined in
39 its operation to the clause, sentence, paragraph, subdivision, section
40 or part thereof directly involved in the controversy in which such judg-
41 ment shall have been rendered. It is hereby declared to be the intent of
42 the legislature that this act would have been enacted even if such
43 invalid provisions had not been included herein.

44 § 7. This act shall take effect on the ninetieth day after it shall
45 have become a law. Effective immediately, the addition, amendment and/or
46 repeal of any rule or regulation necessary for the implementation of
47 this act on its effective date are authorized to be made and completed
48 on or before such effective date.