STATE OF NEW YORK

1273

2023-2024 Regular Sessions

IN SENATE

January 11, 2023

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

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:

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

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

ARTICLE 2-A
ADMISSION TO A PROFESSION

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

§ 20. Admission to a profession; licensing, certification or registration. Admission to practice of a profession governed by this chapter in this state is accomplished, where required, by a license, certification or certificate of registration being issued to a qualified applicant by the secretary of state. To qualify for a license, certification or certificate of registration an applicant shall meet the requirements prescribed in the article for the particular profession and shall meet the requirements prescribed in section 3-503 of the general obligations law; provided that, notwithstanding any provision of the law to the contrary, any applicant who is the spouse of a member of the armed forces of the United States, national guard or reserves may submit satisfactory evidence of licensure, certification or registration to practice an equivalent occupation issued by any other state, territory, protectorate

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

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or dependency of the United States in lieu of the submissions required by the article of this chapter for the particular profession, provided that such license, certification or certificate of registration was granted in compliance with standards which were, in the judgment of the secretary, not lower than those of this state.

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

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

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

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

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

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

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

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

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