

SENATE BILL 44

P1

3lr0414

(PRE-FILED)

By: **Senator Currie**

Requested: September 6, 2012

Introduced and read first time: January 9, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Occupational and Professional Licensing – Military Training and Military**
3 **Spouses**

4 FOR the purpose of requiring an occupational licensing board to issue a license,
5 certificate, permit, or registration to an applicant who is military trained or who
6 is a military spouse if the applicant meets certain requirements; requiring an
7 occupational licensing board to consider certain types of experience for a certain
8 calculation; authorizing an occupational licensing board to issue a temporary
9 license, certificate, permit, or registration under certain circumstances;
10 requiring an occupational licensing board to adopt regulations necessary to
11 carry out this Act; establishing that this Act does not prohibit an applicant from
12 applying for an occupational or professional license, certificate, permit, or
13 registration under any other provision of law; defining certain terms; and
14 generally relating to occupational and professional licenses, certificates,
15 permits, and registrations for military-trained individuals and military
16 spouses.

17 BY adding to

18 Article – State Government

19 Section 10–1301 and 10–1302 to be under the new subtitle “Subtitle 13.
20 Occupational and Professional Licensing for Military Training and
21 Military Spouses”

22 Annotated Code of Maryland

23 (2009 Replacement Volume and 2012 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – State Government**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 13. OCCUPATIONAL AND PROFESSIONAL LICENSING FOR MILITARY**
2 **TRAINING AND MILITARY SPOUSES.**

3 **10-1301.**

4 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
5 **INDICATED.**

6 **(B) “MILITARY SPOUSE” MEANS AN INDIVIDUAL WHOSE SPOUSE IS A**
7 **MEMBER OF THE UNITED STATES ARMED FORCES.**

8 **(C) (1) “OCCUPATIONAL LICENSING BOARD” MEANS A UNIT**
9 **RESPONSIBLE FOR ISSUING AN OCCUPATIONAL OR PROFESSIONAL LICENSE,**
10 **CERTIFICATE, PERMIT, OR REGISTRATION THAT IS REQUIRED FOR AN**
11 **INDIVIDUAL TO PRACTICE AN OCCUPATION OR A PROFESSION IN THE STATE,**
12 **INCLUDING A UNIT AUTHORIZED UNDER THE AGRICULTURE ARTICLE, THE**
13 **BUSINESS REGULATION ARTICLE, THE BUSINESS OCCUPATIONS AND**
14 **PROFESSIONS ARTICLE, THE ENVIRONMENT ARTICLE, THE HEALTH**
15 **OCCUPATIONS ARTICLE, THE PUBLIC SAFETY ARTICLE, OR THE**
16 **TRANSPORTATION ARTICLE.**

17 **(2) “OCCUPATIONAL LICENSING BOARD” DOES NOT INCLUDE THE**
18 **STATE BOARD OF LAW EXAMINERS, AUTHORIZED UNDER TITLE 10 OF THE**
19 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

20 **10-1302.**

21 **(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN**
22 **OCCUPATIONAL LICENSING BOARD SHALL ISSUE A LICENSE, CERTIFICATE,**
23 **PERMIT, OR REGISTRATION, AS APPROPRIATE, TO AN APPLICANT TO PRACTICE**
24 **AN OCCUPATION OR A PROFESSION IN THE STATE IF THE APPLICANT:**

25 **(1) (I) HAS COMPLETED A MILITARY PROGRAM OF TRAINING,**
26 **BEEN AWARDED A MILITARY OCCUPATIONAL SPECIALTY, AND PERFORMED**
27 **THAT SPECIALTY AT A LEVEL THAT IS SUBSTANTIALLY EQUIVALENT TO OR**
28 **EXCEEDS THE REQUIREMENTS OF THE OCCUPATIONAL LICENSING BOARD TO**
29 **WHICH THE APPLICANT HAS APPLIED;**

30 **(II) HAS ENGAGED IN THE ACTIVE PRACTICE OF THE**
31 **OCCUPATION OR PROFESSION FOR WHICH THE INDIVIDUAL IS SEEKING A**
32 **LICENSE, CERTIFICATE, PERMIT, OR REGISTRATION FOR AT LEAST 2 OF THE 5**
33 **YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION;**

1 (III) HAS NOT COMMITTED ANY ACT IN ANY JURISDICTION
2 THAT WOULD HAVE CONSTITUTED GROUNDS FOR DENIAL, SUSPENSION, OR
3 REVOCATION OF THE LICENSE, CERTIFICATE, PERMIT, OR REGISTRATION IN
4 THE STATE AT THE TIME THE ACT WAS COMMITTED; AND

5 (IV) PAYS ANY FEES REQUIRED BY THE OCCUPATIONAL
6 LICENSING BOARD; OR

7 (2) (I) IS A MILITARY SPOUSE;

8 (II) HOLDS A CURRENT LICENSE, CERTIFICATE, PERMIT, OR
9 REGISTRATION FROM ANOTHER JURISDICTION AND THAT JURISDICTION'S
10 REQUIREMENTS FOR THE LICENSE, CERTIFICATE, PERMIT, OR REGISTRATION
11 ARE SUBSTANTIALLY EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF THE
12 OCCUPATIONAL LICENSING BOARD TO WHICH THE APPLICANT HAS APPLIED;

13 (III) CAN DEMONSTRATE COMPETENCY IN THE OCCUPATION
14 OR PROFESSION IN A METHOD DETERMINED BY THE OCCUPATIONAL LICENSING
15 BOARD;

16 (IV) HAS NOT COMMITTED ANY ACT IN ANY JURISDICTION
17 THAT WOULD HAVE CONSTITUTED GROUNDS FOR DENIAL, SUSPENSION, OR
18 REVOCATION OF THE LICENSE, CERTIFICATE, PERMIT, OR REGISTRATION IN
19 THE STATE AT THE TIME THE ACT WAS COMMITTED;

20 (V) IS IN GOOD STANDING WITH AND HAS NOT BEEN
21 DISCIPLINED BY THE UNIT FROM THE JURISDICTION IN WHICH THE APPLICANT
22 HOLDS A CURRENT LICENSE, CERTIFICATE, PERMIT, OR REGISTRATION; AND

23 (VI) PAYS ANY FEES REQUIRED BY THE OCCUPATIONAL
24 LICENSING BOARD.

25 (B) AN OCCUPATIONAL LICENSING BOARD SHALL CONSIDER
26 FULL-TIME AND PART-TIME EXPERIENCE, BOTH PAID AND UNPAID, WHEN
27 CALCULATING YEARS OF EXPERIENCE UNDER SUBSECTION (A)(1)(II) OF THIS
28 SECTION OR WHEN DEMONSTRATING COMPETENCY UNDER SUBSECTION
29 (A)(2)(III) OF THIS SECTION.

30 (C) AN OCCUPATIONAL LICENSING BOARD MAY ISSUE A TEMPORARY
31 LICENSE, CERTIFICATE, PERMIT, OR REGISTRATION TO AN APPLICANT WHO IS
32 LICENSED, CERTIFIED, PERMITTED, OR REGISTERED IN ANOTHER
33 JURISDICTION WHILE THE APPLICANT IS IN THE PROCESS OF SATISFYING THE
34 REQUIREMENTS OF THIS SECTION IF THE OTHER REQUIREMENTS TO OBTAIN A

1 LICENSE, CERTIFICATE, PERMIT, OR REGISTRATION IN THAT JURISDICTION ARE
2 SUBSTANTIALLY EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF THE
3 OCCUPATIONAL LICENSING BOARD TO WHICH THE APPLICANT HAS APPLIED.

4 (D) AN OCCUPATIONAL LICENSING BOARD SHALL ADOPT REGULATIONS
5 NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS SECTION.

6 (E) THIS SECTION DOES NOT PROHIBIT AN APPLICANT WHO MEETS THE
7 REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION FROM APPLYING FOR AN
8 OCCUPATIONAL OR PROFESSIONAL LICENSE, CERTIFICATE, PERMIT, OR
9 REGISTRATION UNDER ANY OTHER PROVISION OF LAW.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2013.