

2022 -- H 7158

LC004124

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- MILITARY SPOUSE LICENSURE

Introduced By: Representatives Place, and Chippendale

Date Introduced: January 26, 2022

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 5-88 of the General Laws entitled "Military Spouse
2 Licensure" is hereby amended to read as follows:

3 ~~CHAPTER 5-88~~

4 ~~Military Spouse Licensure~~

5 CHAPTER 5-88

6 MILITARY MEMBER AND SPOUSE LICENSE ISSUANCE

7 SECTION 2. Section 5-88-1 of the General Laws in Chapter 5-88 entitled "Military Spouse
8 Licensure" is hereby amended to read as follows:

9 ~~5-88-1. Military spouse licensure~~ Issuance of professional service license.

10 (a) Except as provided in § 5-88-2, notwithstanding ~~Notwithstanding~~ any other law to the
11 contrary, each business/profession-related board shall ~~establish a procedure to expedite the issuance~~
12 ~~of issue~~ issue a license, certification, or permit to perform professional services regulated by each such
13 board to a person:

14 (1) Who is certified or licensed in another state for at least one year to perform professional
15 services in a state other than Rhode Island;

16 (2) Who is a member of the armed forces of the United States, or whose ~~Whose~~ spouse is
17 a member of the armed forces of the United States;

18 (3) Who is subject to military orders for a change of station to a duty station in Rhode
19 Island, or in the process, or has been honorably discharged and is relocated to the state of Rhode

1 Island or, whose ~~Whose~~ spouse is the subject of a military transfer to Rhode Island; and

2 (4) In the situation of a military member's spouse, the spouse ~~Who~~ left employment to
3 accompany the ~~person's spouse~~ military member to Rhode Island.

4 (b) The procedure shall include:

5 (1) Issuing the person a license, certificate, or permit, if, in the opinion of the board, the
6 requirements for certification or licensure of such other state are substantially equivalent to that
7 required in this state; ~~or~~

8 (2) ~~Developing a method to authorize the person to perform professional services regulated~~
9 ~~by the board in this state~~ Upon submission of an affidavit, under penalties of perjury, affirming that
10 a person satisfies the provisions of subsection (a)(1) of this section, by issuing the person a
11 temporary license, certificate or permit for a limited period of time to allow the person to perform
12 professional services while completing any specific requirements that may be required in this state
13 that were not required in the state in which the person was licensed or certified; ~~;~~ or

14 (3) Establishing that the person is not subject to a disqualification pursuant to the provisions
15 of § 5-88-2.

16 SECTION 3. Chapter 5-88 of the General Laws entitled "Military Spouse Licensure" is
17 hereby amended by adding thereto the following sections:

18 **5-88-2. Disqualification for license issuance.**

19 The provisions of § 5-88-1 shall not apply unless all the following apply:

20 (1) The board in the other state holds the person in good standing;

21 (2) The person does not have a disqualifying criminal record as determined by the board;

22 (3) No board in any other state has revoked the person's occupational license, certificate or
23 permit as a result of negligence or intentional misconduct;

24 (4) The person did not surrender an occupational license, certificate or permit because of
25 negligence or intentional misconduct;

26 (5) The person does not have a complaint, allegation or investigation currently pending
27 before a board in another state which relates to unprofessional conduct or an alleged crime; and

28 (6) The person pays all applicable fees in this state.

29 **5-88-3. Decision.**

30 The board shall provide the person with a written decision regarding the application for an
31 occupational license, certificate or permit pursuant to the provisions of § 5-88-1 within thirty (30)
32 days after receiving an application.

33 **5-88-4. Appeal.**

34 An appeal of an adverse determination or denial of a license, certificate or permit

1 application under the terms of this chapter shall be pursuant to the provisions of chapter 35 of title
2 42, the "administrative procedures act".

3 **5-88-5. Limitations.**

4 (a) An occupational license, certificate or permit issued pursuant to this chapter is valid
5 only in this state. It shall not make the person eligible to work in another state under an interstate
6 compact or reciprocity agreement unless otherwise provided by law.

7 (b) Nothing in this chapter shall be construed to prevent this state from entering into a
8 licensing compact or reciprocity agreement with another state, foreign province or foreign country.

9 (c) Nothing in this chapter shall be construed to prevent this state from recognizing
10 occupational credentials issued by a private certification organization, foreign province, foreign
11 country, international organization or other entity.

12 (d) Nothing in this chapter shall be construed to require a private certification organization
13 to grant or deny private certification to any individual.

14 **5-88-6. Military education, training and experience.**

15 Notwithstanding any other law to the contrary, the education, training or experience
16 requirements for an occupational license, certificate or permit issued pursuant to this chapter are
17 completely or partially satisfied, as determined by the regulating occupational licensing board, on
18 presentation of satisfactory evidence that the applicant received substantially equivalent education,
19 training or experience as a member of the United States armed forces or any national guard or other
20 reserve component.

21 **5-88-7. Public notice.**

22 An occupational licensing board shall prominently print the following on all license,
23 certificate or permit applications, and any communication denying a license, certificate or permit,
24 and on the board's website: "Pursuant to § 5-88-1 et seq., upon application, this state may recognize
25 occupational licenses, certificates or permits obtained from other states for military members and
26 their spouses who relocate to this state pursuant to military orders."

27 **5-88-8. Preemption.**

28 This chapter preempts rules, regulations and ordinances of any city, town, municipality,
29 and other subdivisions of the state which regulate occupational licenses, certificates or permits.

30 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO BUSINESSES AND PROFESSIONS -- MILITARY SPOUSE LICENSURE

1 This act would provide issuance of an occupational license, certificate and permit for
2 military service members and their spouses licensed in other states and relocated to Rhode Island
3 pursuant to military change of station orders or is in the process, or has been honorably discharged.
4 Qualifications for issuance include having been issued the out-of-state license at least one year
5 previously and holding the license in good standing with no pending complaints or investigations
6 for misconduct.

7 This act would take effect upon passage.

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