

ASSEMBLY, No. 5158

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 16, 2020

Sponsored by:
Assemblyman WILLIAM F. MOEN, JR.
District 5 (Camden and Gloucester)

SYNOPSIS

Concerns certain requirements regarding experience and examination for nonresident military spouses seeking professional or occupational licensure.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning professional and occupational licensure for
2 nonresident military spouses, and amending P.L.2013, c.264.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 1 of P.L.2013, c.264 (C.45:1-15.5) is amended to
8 read as follows:

9 1. a. As used in this section:

10 "Another jurisdiction" means the District of Columbia, a territory
11 of the United States, or a state other than New Jersey.

12 "Board" means a professional or occupational board designated
13 in section 2 of P.L.1978, c.73 (C.45:1-15) that issues a professional
14 or occupational license, certificate of registration, or certification.

15 "Nonresident military spouse" means a person who is not
16 domiciled in this State who is the spouse of an active duty member
17 of the Armed Forces of the United States who has been transferred
18 to this State in the course of the member's service, is legally
19 domiciled in this State, or has moved to this State on a permanent
20 change-of-station basis.

21 b. Notwithstanding the provisions of any law, rule or regulation
22 to the contrary, each board shall issue, upon application, a license to
23 a nonresident military spouse who meets the requirements of this
24 section, so that the nonresident military spouse may practice
25 lawfully the person's profession or occupation. At the discretion of
26 the board, a nonresident military spouse shall receive a license
27 under this subsection:

28 (1) pursuant to any law, rule, or regulation providing for
29 licensure by endorsement or reciprocity in the profession or
30 occupation regulated by the board; or

31 (2) pursuant to an application for a temporary courtesy license
32 pursuant to subsection d. of this section.

33 c. Notwithstanding the provisions of any other law, rule, or
34 regulation to the contrary, each board shall establish criteria for the
35 issuance of a temporary courtesy license to a nonresident military
36 spouse so that the nonresident military spouse may lawfully practice
37 the profession or occupation regulated by that board in this State on
38 a temporary basis, subject to the requirements of subsection d. of
39 this section when applicable.

40 d. A nonresident military spouse who applies for a temporary
41 courtesy license pursuant to paragraph (2) of subsection b. of this
42 section shall be entitled to receive that license if that person:

43 (1) holds a current license to practice the profession or
44 occupation in another jurisdiction that the board determines has
45 licensure requirements to practice the profession or occupation that
46 are equivalent to those adopted by the board;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (2) was engaged in the active practice of the profession or
2 occupation in another jurisdiction for at least two of the **【five】**
3 seven years immediately preceding the date of application for the
4 temporary courtesy license, for which purpose relevant full-time
5 experience in the discharge of official duties in the Armed Forces of
6 the United States or an agency of the federal government shall be
7 credited in the counting of years of service;

8 (3) has not committed an act in another jurisdiction that would
9 have constituted grounds for the denial, suspension, or revocation
10 of a license to practice the profession or occupation in this State;

11 (4) has not been disciplined, and is not the subject of an
12 investigation of an unresolved complaint, or a review procedure or
13 disciplinary proceeding, which was conducted by, or is pending
14 before, a professional or occupational licensing or credentialing
15 entity in another jurisdiction;

16 (5) pays for, and authorizes the board to conduct, a criminal
17 history record background check of that person pursuant to
18 P.L.2002, c.104 (C.45:1-28 et seq.) if such check is required to
19 practice the occupation or practice regulated by that board;

20 (6) pays any fee the board reasonably requires for the issuance
21 of the temporary courtesy license;

22 (7) has satisfied any continuing education requirements in the
23 jurisdiction where that person holds a current license to practice the
24 profession or occupation, and, at the discretion of the board,
25 completes such continuing education hours or credits as may be
26 required by the board within the time frame the board may
27 establish;

28 (8) at the discretion of the board and if applicable, successfully
29 completes a New Jersey jurisprudence examination required of
30 resident applicants or any other examination specifically predicated
31 on New Jersey law required for practice in the profession or
32 occupation. If a board concludes an applicant is to sit for an
33 examination, the applicant shall be issued a temporary license that
34 expires after 30 days, during which time the applicable board shall
35 make its best efforts to provide the opportunity for the applicant to
36 sit for the required examination. At the discretion of the board, a
37 30-day temporary license may limit an applicant to performing only
38 certain services; and

39 (9) complies with any other requirements the board may
40 reasonably determine are necessary to effectuate the purposes of
41 this section.

42 e. A nonresident military spouse who holds a temporary license
43 pursuant to paragraph (2) of subsection b. of this section shall be
44 entitled to the same rights and be subject to the same obligations as
45 provided by the respective board for New Jersey residents, except
46 that revocation or suspension of a nonresident military spouse's

1 license in the nonresident military spouse's state of residence or any
2 jurisdiction in which the nonresident military spouse held licensure
3 shall automatically cause the same revocation or suspension of the
4 person's temporary courtesy license in New Jersey if that revocation
5 or suspension was on the basis of a charge or commission of a
6 criminal offense, competency, or harmful or inappropriate behavior.

7 f. A board may require a nonresident military spouse who has
8 not been engaged in the active practice of the profession or
9 occupation in another jurisdiction during the two years immediately
10 preceding the application to undergo additional training, testing,
11 mentoring, monitoring or education should the board deem it
12 necessary.

13 g. A temporary courtesy license issued pursuant to this section
14 shall be valid for [a period of one year and may be extended at the
15 discretion of the board for an additional one year upon application
16 of the holder of the temporary courtesy license] the period of time
17 until the next renewal period. An applicant shall be allowed to
18 apply for licensure renewal, if applicable.

19 h. Each board shall adopt rules and regulations pursuant to the
20 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
21 seq.), to carry out the purposes of this section, except that,
22 notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et
23 seq.) to the contrary, each board may adopt, immediately upon
24 filing with the Office of Administrative Law, regulations the board
25 deems necessary to implement the provisions of this section, which
26 shall be effective for a period not to exceed six months and may
27 thereafter be amended, adopted, or re-adopted by the board in
28 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
29 et seq.).

30 (cf: P.L.2013, c.264, s.1)

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32 2. This act shall take effect immediately.
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35 STATEMENT

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37 This bill addresses the ability of nonresident military spouses of
38 active duty members of the Armed Forces of the United States to
39 apply for a professional or occupational license. Under the bill, a
40 nonresident military spouse is to demonstrate two years experience
41 in the past seven years in the profession or occupation in which
42 licensure is sought instead of the past five years. Additionally, if a
43 board concludes that an applicant is to sit for an examination, the
44 applicant is to be issued a temporary license that would expire after
45 30 days, during which time the applicable board is to make its best
46 efforts to provide the opportunity for the applicant to sit for the

1 required examination. At the discretion of the board, a 30-day
2 temporary license may limit an applicant to only performing
3 specific services. Additionally, any courtesy license granted a
4 nonresident military spouse is to be valid for the period of time
5 until the next renewal period. The nonresident military spouse is
6 allowed to apply for licensure renewal, if applicable.