

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014

HB 4151



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4151

(By Mr. Speaker, (Mr. Miley)
and Delegate Armstead)
(By Request of the Executive)



Passed March 4, 2014

In effect ninety days from passage.

E N R O L L E D

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H. B. 4151

(BY MR. SPEAKER, (MR. MILEY)

AND DELEGATE ARMSTEAD)

[By Request of the Executive]

[Passed March 4, 2014; in effect ninety days from passage.]

AN ACT to repeal §30-1-6a and §30-1-6b of the Code of West Virginia, 1931, as amended; and to further amend said code by adding thereto a new article, designated §30-1B-1, §30-1B-2, §30-1B-3, §30-1B-4, §30-1B-5, §30-1B-6, §30-1B-7, §30-1B-8 and §30-1B-9, all relating to professional licensing requirements for certain military members and their spouses; making legislative findings; requiring certain boards to consider military education, training and experience upon application for licensure, certification or registration; providing for licensure renewal during active duty and for six months thereafter for service members and their spouses without meeting requirements of continuing education in certain circumstances and without payment of fees; requiring licensees, certificate holders and registrants to submit waiver requests to the boards; providing for expedited temporary licenses for spouses of active duty service members in certain circum-

stances; providing for waiver of temporary license application fees in certain circumstances; providing boards with rule-making authority; requiring boards to collect certain data on applications for licensure; requiring boards to report data on waivers and temporary licenses in their annual reports; applicability; and providing for liberal construction of article.

Be it enacted by the Legislature of West Virginia:

That §30-1-6a and §30-1-6b of the Code of West Virginia, 1931, as amended, be repealed; and that said code be further amended by adding thereto a new article, designated §30-1B-1, §30-1B-2, §30-1B-3, §30-1B-4, §30-1B-5, §30-1B-6, §30-1B-7, §30-1B-8 and §30-1B-9, all to read as follows:

ARTICLE 1B. PROVISIONS APPLICABLE TO MILITARY MEMBERS AND THEIR SPOUSES.

§30-1B-1. Legislative findings and declarations.

1 The Legislature finds that:

2 (1) In recognition of the enormous sacrifices made by
3 members of the Armed Forces of the United States of America
4 and their families in voluntary service to this state and our
5 nation, the citizens of West Virginia must endeavor to find new
6 and innovative ways to improve the lives of military families and
7 support their personal and professional growth;

8 (2) Many current and former members of the United States
9 Armed Forces have acquired extensive academic, professional
10 and occupational training and experience in various professions
11 and occupations while serving in the Armed Forces, comparable
12 to or exceeding that required in this state to register for examina-
13 tion or qualify for licensure, certification or registration for
14 similar or related occupations and professions;

15 (3) Military families are ten times more likely to move from
16 one state to another than their civilian counterparts, and 35% of

17 military spouses work in professions that require state licenses,
18 certifications or registrations;

19 (4) Armed forces members who return to this state after
20 being called to active duty service, and spouses accompanying
21 armed forces members outside of this state or to this state for
22 active duty, are frequently delayed in beginning employment as
23 professionals because of issues with obtaining licenses, certifica-
24 tions or registrations upon arrival or return to West Virginia;

25 (5) The boards in this chapter have the particular expertise
26 necessary to evaluate and determine the adequacy of military
27 education, training and experience for licensure, certification or
28 registration and to adopt procedures that ease the burden of
29 transition for military families through waivers, temporary
30 licensing, or otherwise, while ensuring competency of profes-
31 sionals and protecting the citizens of the state from harm.

**§30-1B-2. Consideration of military education, training and
experience for licensure or registration, generally.**

1 Except as provided in section eight of this article, and
2 notwithstanding any law to the contrary, all boards referred to in
3 this chapter shall, upon presentation of satisfactory evidence by
4 an applicant for licensure, certification or registration, consider
5 the individual's education, training or experience as a member
6 of the Armed Forces or Reserves of the United States, the
7 National Guard of any state, or the military reserves of any state,
8 as part of the evaluation process toward the qualifications to
9 receive, or take examination for, that respective professional
10 license, certification or registration.

**§30-1B-3. Licensure, certification or registration of persons on
military active duty outside this state; extension of
licenses or registration; waiver of certain license,
certification or registration requirements.**

1 (a) During periods when the licensee, certificate holder or
2 registrant is on active duty as a member of the Armed Forces of

3 the United States and deployed outside of this state, and for six
4 months after discharge from active duty, his or her license,
5 certification or registration shall continue in good standing and
6 shall be renewed, upon receipt of a waiver request pursuant to
7 subsection (b) of this section:

8 (1) Without meeting continuing education requirements for
9 the license, certification or registration when:

10 (A) Circumstances associated with the military duty prevent
11 the obtaining of continuing education, or

12 (B) The licensee, certificate holder or registrant performs the
13 profession or occupation as part of his or her military duties, as
14 may be evidenced by annotation on Defense Department Form
15 214 (DD214), National Guard Bureau Form 22 (NGB22) or
16 other official record; and

17 (2) Without payment of fees for the renewal of the license,
18 certification or registration.

19 (b) The licensee, certificate holder or registrant shall submit
20 a waiver request to the appropriate board, informing the board of
21 circumstances which include, but are not limited to, being
22 deployed outside of this state.

**§30-1B-4. Licensure, certification or registration of spouses of
persons on military active duty outside this state;
extension of licenses or registration; waiver of
certain license, certification or registration require-
ments.**

1 (a) During periods when the licensee, certificate holder or
2 registrant is accompanying his or her spouse who is on active
3 duty as a member of the Armed Forces of the United States and
4 deployed outside of this state, and for six months after his or her
5 spouse is discharged from active duty, his or her license,
6 certification or registration shall continue in good standing and

7 shall be renewed, upon receipt of a waiver request pursuant to
8 subsection (b) of this section:

9 (1) Without meeting continuing education requirements for
10 the license, certification or registration when:

11 (A) Circumstances associated with accompanying his or her
12 spouse who is on active duty prevent the obtaining of continuing
13 education, or

14 (B) The licensee, certificate holder or registrant presents
15 evidence that he or she performs or performed the profession or
16 occupation while accompanying his or her spouse on active duty;
17 and

18 (2) Without payment of fees for the maintenance or renewal
19 of the license, certification or registration.

20 (b) The licensee, certificate holder or registrant shall submit
21 a waiver request to the appropriate board informing the board of
22 circumstances which include, but are not limited to, accompany-
23 ing a spouse who is deployed outside of this state.

**§30-1B-5. Temporary licensure, certification or registration of
spouses of persons on military active duty; waiver of
certain license, certification or registration fees.**

1 (a) Notwithstanding any law to the contrary, the spouse of a
2 person who is on active duty as a member of the Armed Forces
3 of the United States shall be issued a temporary license, certifi-
4 cation or registration by a board referred to in this chapter within
5 thirty days of submitting the following to the board:

6 (1) A completed application for temporary license, certifica-
7 tion or registration, as developed by the board;

8 (2) The required application fee;

9 (3) Proof that the applicant is married to a member of the
10 Armed Forces of the United States who is on active duty; and

11 (4) Proof that the applicant holds a valid license, certification
12 or registration for the profession issued by another state, the
13 District of Columbia, or a possession or territory of the United
14 States, and whose license, certification or registration is not and
15 has not been the subject of disciplinary action in that jurisdic-
16 tion.

17 (b) Notwithstanding subsection (a), a board may require the
18 applicant to submit to a criminal history records check, to be
19 paid for by the applicant, and the board may deny a request for
20 a temporary license, certification or registration if the criminal
21 history records check provides reason to believe that the
22 applicant does not meet the requirements of the board or presents
23 a safety risk to the public.

24 (c) A temporary license expires six months after the date of
25 issuance and is not renewable.

26 (d) An applicant under this section may submit an applica-
27 tion for waiver of the temporary license application fee, and the
28 board shall grant the waiver if the applicant has paid a fee for his
29 or her previous license, certification, or registration in another
30 state, the District of Columbia, or a possession or territory of the
31 United States, within six months immediately prior to submitting
32 an application for temporary license, certification or registration.
33 The applicant shall provide proof of the date and amount of the
34 previous payment.

§30-1B-6. Rule-making authority.

1 The Boards referred to in this chapter may propose rules for
2 legislative approval in accordance with the provisions of article
3 three, chapter twenty-nine-a of this code to implement the
4 provisions of this article. Proposed rules may:

5 (1) Establish criteria or requirements for military education,
6 training and experience that qualify the applicant to take an
7 examination for licensure, certification or registration or for a

8 waiver of any examination requirement to be licensed, certified
9 or registered; and

10 (2) Implement the provisions of this article while ensuring
11 competency, protecting the citizens of this state from harm, and
12 addressing issues specific to each profession.

§30-1B-7. Data collection.

1 (a) The boards referred to in this chapter shall require an
2 applicant to state on the application form that he or she is an
3 active duty member of the armed forces of the United States or
4 is a spouse of an active duty member of the armed forces of the
5 United States.

6 (b) The boards referred to in this chapter shall include the
7 following information in their annual reports, as required in
8 section seventeen, article one of this chapter:

9 (1) The number of licenses, certificates and/or registrations
10 issued pursuant to this article;

11 (2) The amount of fees waived pursuant to this article;

12 (3) The number of persons who had continuing education
13 requirements waived pursuant to this article; and

14 (4) The number of temporary licenses issued pursuant to this
15 article.

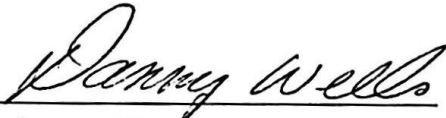
§30-1B-8. Applicability.

1 The provisions of this article do not apply to the boards
2 referred to in this chapter whose license, certification, or
3 registration requirements are subject to the provisions of article
4 twenty-four of this chapter.

§30-1B-9. Liberality of construction.

1 This article shall be liberally construed and applied to
2 promote the public interest.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



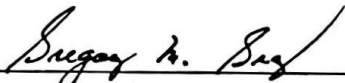
Chairman, House Committee



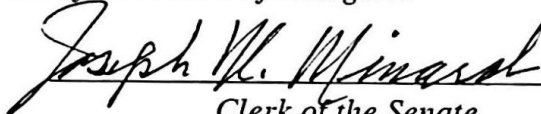
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.



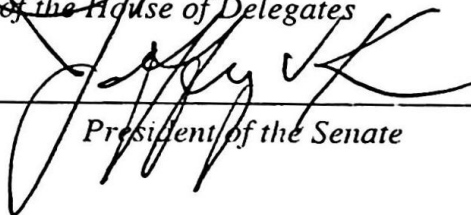
Clerk of the House of Delegates



Clerk of the Senate



Speaker of the House of Delegates



President of the Senate

The within is approved this the 1st
day of April, 2014.


Governor

PRESENTED TO THE GOVERNOR

MAR 17 2014

Time 3:25 pm