WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014

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.
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-
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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That §30-1-6a and §30-1-6b of the Code of West Virginia, 1931, as amended, be repealed; and that said code be further amended by adding thereto a new article, designated §30-1B-1, §30-1B-2, §30-1B-3, §30-1B-4, §30-1B-5, §30-1B-6, §30-1B-7,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 members of the Armed Forces of the United States of America and their families in voluntary service to this state and our nation, the citizens of West Virginia must endeavor to find new and innovative ways to improve the lives of military families and support their personal and professional growth;

3 (2) Many current and former members of the United States Armed Forces have acquired extensive academic, professional and occupational training and experience in various professions and occupations while serving in the Armed Forces, comparable to or exceeding that required in this state to register for examination or qualify for licensure, certification or registration for similar or related occupations and professions;

4 (3) Military families are ten times more likely to move from one state to another than their civilian counterparts, and 35% of
military spouses work in professions that require state licenses, certifications or registrations;

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

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

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

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

(a) During periods when the licensee, certificate holder or registrant is on active duty as a member of the Armed Forces of
the United States and deployed outside of this state, and for six
months after discharge from active duty, his or her license,
certification or registration shall continue in good standing and
shall be renewed, upon receipt of a waiver request pursuant to
subsection (b) of this section:

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

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

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

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

(b) The licensee, certificate holder or registrant shall submit
a waiver request to the appropriate board, informing the board of
circumstances which include, but are not limited to, being
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.

(a) During periods when the licensee, certificate holder or
registrant is accompanying his or her spouse who is on active
duty as a member of the Armed Forces of the United States and
deployed outside of this state, and for six months after his or her
spouse is discharged from active duty, his or her license,
certification or registration shall continue in good standing and
shall be renewed, upon receipt of a waiver request pursuant to subsection (b) of this section:

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

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

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

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

(b) The licensee, certificate holder or registrant shall submit a waiver request to the appropriate board informing the board of circumstances which include, but are not limited to, accompanying 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.

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

(1) A completed application for temporary license, certification or registration, as developed by the board;

(2) The required application fee;

(3) Proof that the applicant is married to a member of the Armed Forces of the United States who is on active duty; and
(4) Proof that the applicant holds a valid license, certification or registration for the profession issued by another state, the District of Columbia, or a possession or territory of the United States, and whose license, certification or registration is not and has not been the subject of disciplinary action in that jurisdiction.

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

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

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

§30-1B-6. Rule-making authority.

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

(1) Establish criteria or requirements for military education, training and experience that qualify the applicant to take an examination for licensure, certification or registration or for a
waiver of any examination requirement to be licensed, certified
or registered; and

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

§30-1B-7. Data collection.

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

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

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

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

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

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

§30-1B-8. Applicability.

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

§30-1B-9. Liberality of construction.

This article shall be liberally construed and applied to
promote the public interest.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Danny Wells
Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Gregory M. Barz
Clerk of the House of Delegates

Joseph W. Minner
Clerk of the Senate

Speaker of the House of Delegates

Jeffrey C. Kivi
President of the Senate

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

Earl Ray Tomblin
Governor
PRESENTED TO THE GOVERNOR

MAR 17 2014

Time 3:25 pm