

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2321 Session of 2012

INTRODUCED BY HEFFLEY, GABLER, AUMENT, BOBACK, BROOKS, CREIGHTON, EMRICK, FARRY, GEORGE, GILLEN, GROVE, HESS, HORNAMAN, KAUFFMAN, KILLION, MAJOR, MILLARD, MILLER, MURT, PASHINSKI, PICKETT, READSHAW, ROCK, TOEPEL, TRUITT, VULAKOVICH, GEIST AND KORTZ, APRIL 18, 2012

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 22, 2012

AN ACT

1 Amending ~~Titles~~ TITLE 51 (Military Affairs) ~~and 53-~~ ←
2 ~~(Municipalities Generally)~~ of the Pennsylvania Consolidated
3 Statutes, in professional and occupational licenses,
4 ~~expanding the scope of licensure and further providing for~~ ←
5 definitions and for retention and certification, ~~and making~~ ←
6 ~~an editorial change.~~

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. The heading of Chapter 75 of Title 51 of the~~ ←
10 ~~Pennsylvania Consolidated Statutes is amended to read:~~

11 CHAPTER 75
12 PROFESSIONAL AND OCCUPATIONAL LICENSES AND CERTIFICATES

13 ~~Section 2. Sections 7501 and 7502 of Title 51 are amended to~~
14 ~~read:~~

15 SECTION 1. SECTION 7501 OF TITLE 51 OF THE PENNSYLVANIA ←
16 CONSOLIDATED STATUTES IS AMENDED TO READ:

17 § 7501. [Definition] Definitions.

18 [As used in this chapter, the word "person" means any] The

1 following words and phrases when used in this chapter shall have
2 the meanings given to them in this section unless the context
3 clearly indicates otherwise:

4 "Active duty." Full time duty for a period of more than 30 ←
5 days by a member of the armed forces. The term does not include
6 active duty for training.

7 "Armed forces." The Army, Navy, Air Force, Marines and Coast
8 Guard of the United States, including the reserve components of
9 those entities and the Pennsylvania National Guard.

10 "Person." An individual,†, whether male or female,† who may, ←
11 have been, is now or may hereafter become engaged in the service
12 of the ~~armed forces of the~~ United States †of America or its ←
13 allies as a member of the armed forces, or of the merchant
14 marine thereof, or of any auxiliary thereof subject to military
15 discipline†. ←

16 "Service Member." An individual currently serving on active ←
17 duty in the armed forces.

18 "Veteran." An individual who served on active duty in the
19 armed forces and who has been discharged or released from the
20 service under conditions other than dishonorable.

21 SECTION 2. SECTION 7502 OF TITLE 51 IS AMENDED BY ADDING A ←
22 SUBSECTION TO READ:

23 § 7502. Retention of licenses and certifications of persons
24 entering military service.

25 ~~(a) General rule. [Any person] A veteran or service member~~ ←
26 ~~licensed or certified by [the Department of State, Department of~~
27 ~~Labor and Industry, Department of Education, Insurance~~
28 ~~Department, Department of Banking or the Municipal Police~~
29 ~~Officers' Education and Training Commission or pursuant to the~~
30 ~~act of October 10, 1974 (P.L.705, No.235), known as the Lethal~~

1 ~~Weapons Training Act,] a Commonwealth agency to practice any~~
2 ~~profession or to work at any trade or occupation[, who~~
3 ~~heretofore has or shall thereafter enlist or be inducted or~~
4 ~~drafted into the military or naval service of the United States~~
5 ~~in time of war or preparation for national defense during a~~
6 ~~national emergency,] shall not thereby forfeit his or her~~
7 ~~current license or registration and shall be exempt from any~~
8 ~~continuing educational requirements or in service training~~
9 ~~requirements.~~

10 ~~(b) Renewal of license or certification following discharge~~
11 ~~or release. [Any such person] A veteran or service member, upon~~
12 ~~presentation of a discharge from such service within one year~~
13 ~~from date thereof, and upon payment of the fee prescribed by law~~
14 ~~for the current renewal period only, shall be entitled to a~~
15 ~~renewal of his or her license, certification or registration in~~
16 ~~the same manner as though such renewal had been made prior to~~
17 ~~the expiration of his or her last preceding renewal, as though~~
18 ~~all intermediate renewal fees had been paid and as though all~~
19 ~~continuing education or in service training requirements have~~
20 ~~been satisfied.~~

21 * * *

22 ~~(c) Exemptions.--A veteran's military service, education,~~
23 ~~training and service experience shall be taken into~~
24 ~~consideration by all Commonwealth agencies to determine whether~~
25 ~~a licensing or certification requirement can be exempted. If the~~
26 ~~veteran is lacking in a requirement, the veteran shall only be~~
27 ~~responsible for that requirement.~~

28 ~~Section 3. Section 2167(d) of Title 53 is amended to read:~~
29 ~~§ 2167. Police training.~~

30 * * *

1 ~~(d) Mandatory waiver request. If a police officer is unable to~~
2 ~~attend in service training due to service in the military or~~
3 ~~National Guard or as a result of injury sustained in service as~~
4 ~~a police officer, the officer's employer shall request a waiver~~
5 ~~under section 2164(6) (relating to powers and duties of~~
6 ~~commission). A police officer whose employer fails to request a~~
7 ~~waiver as required under this subsection shall not be~~
8 ~~decertified unless, upon return to service, the officer fails to~~
9 ~~participate in such in service training as the commission deems~~
10 ~~appropriate in accordance with this chapter and 51 Pa.C.S. Ch.~~
11 ~~75 (relating to professional and occupational licenses and~~
12 ~~certificates). CONSIDERATION BY THE ENTITIES LISTED IN~~ ←
13 SUBSECTION (A) TO DETERMINE WHETHER A LICENSING OR CERTIFICATION
14 REQUIREMENT HAS BEEN MET BY OR CAN OTHERWISE BE WAIVED BY REASON
15 OF THAT MILITARY SERVICE, EDUCATION, TRAINING OR EXPERIENCE. THE
16 VETERAN SHALL ONLY BE REQUIRED TO MEET A LICENSING OR
17 CERTIFICATION REQUIREMENT WHICH HAS NOT BEEN MET BY OR WAIVED
18 UNDER THIS SUBSECTION.

19 Section 4 3. This act shall take effect in 60 days. ←