

VETERANS.GOV

Military Spouse License Transfer Options

NORTH DAKOTA LAW

NDCC, 43-51-01

As used in this chapter, unless the context indicates otherwise:

1. “Board” means a board, commission, or other agency of state government created or identified in this title to regulate a particular occupation or profession and the education standards and practices board.

a. The term does not include the:

- (1) State board of accountancy;
- (2) State electrical board;
- (3) North Dakota real estate appraiser qualifications and ethics board;
- (4) State real estate commission;
- (5) Secretary of state with respect to contractor licensing;
- (6) North Dakota board of medicine; and
- (7) State board of dental examiners.

b. The term includes any other agency of state government which is created or identified outside this title to regulate a particular occupation or profession if the agency elects, by administrative rule, to invoke the authority in this chapter.

2. “Foreign practitioner” means an individual who currently holds and maintains a license in good standing to engage in an occupation or profession in a state or jurisdiction other than this state and who is not the subject of a pending disciplinary action in any state or jurisdiction.



3. “Good standing” means a foreign practitioner holds a current license that is not issued on a temporary or restricted basis, is not encumbered or on probation, and is not suspended or revoked.

4. “License” means a license, certificate, permit, or similar authorization to practice an occupation or profession which is issued by a government agency in another state or jurisdiction that imposes requirements for obtaining and maintaining a license which are comparable to the requirements imposed in this state to obtain and maintain a license to practice the same profession or occupation.

5. “Military spouse” means a foreign practitioner who is the spouse of a member of the armed forces of the United States or a reserve component of the armed forces of the United States stationed in this state in accordance with military orders or stationed in this state before a temporary assignment to duties outside of this state.

6. “Occupation or profession” means activity for which a license is required from a board or similar activity for which a license is required in another state or jurisdiction.

NDCC, 43-51-11.1

1. A board shall adopt rules regarding licensure of a military spouse or shall grant on a case-by-case basis exceptions to the board’s licensing standards to allow a military spouse to practice the occupation or profession in the state if upon application to the board:

a. The military spouse demonstrates competency in the occupation or profession through methods or standards determined by the board which must include experience in the occupation or profession for at least two of the four years preceding the date of application under this section; and

b. The board determines the issuance of the license will not substantially increase the risk of harm to the public. A board with authority to require an applicant to submit to a statewide and national criminal history record check under section 12-60-24 may order such a record check under this subdivision.

2. A board shall issue a provisional license or temporary permit to a military spouse for which the licensure requirements under subsection 1 have been substantially met. A board may not charge a military spouse any fees for a provisional license or temporary permit under this subsection. A provisional license or temporary permit issued under this subsection may not exceed two years and remains valid while the military spouse is making progress toward satisfying the unmet licensure requirements. A military spouse may practice under a provisional license or temporary permit issued under this subsection until any of the following occurs:



- a. The board grants or denies the military spouse a North Dakota license under subsection 1 or grants a North Dakota license under the traditional licensure method;
 - b. The provisional license or temporary permit expires;
 - c. The military spouse fails to comply with the terms of the provisional license or temporary permit; or
 - d. The board revokes the provisional license or temporary permit based on a determination revocation is necessary to protect the health and safety of the residents of the state.
3. A board that may elect to subject the board to this chapter under subsection 1 of section 43-51-01 may issue a license, provisional license, or temporary permit to a military spouse in the same manner as provided under subsections 1 and 2 regardless of whether the board has adopted rules to subject the board to this chapter.
4. A military spouse issued a license under this section has the same rights and duties as a licensee issued a license under the traditional licensure method.
5. If within thirty days of receipt of a completed application under subsection 1 the board does not grant or deny a license under subsection 1 or does not issue a provisional license or temporary permit under subsection 2, the board automatically shall issue a provisional license or temporary permit. A provisional license or temporary permit issued under this subsection remains valid until the board grants or denies the application for licensure under subsection 1 or issues a provisional license or temporary permit under subsection 2.
6. For purposes of this section, the term “board” includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.

NDCC, 43-51-11.2

1. On each licensure application and renewal form, a board shall inquire and maintain a record of whether an applicant or licensee is a member of the military or military spouse. If an applicant self-identifies as and provides the board with satisfactory proof of being a military spouse, the board immediately shall commence the process to issue a license, provisional license, or temporary permit under section 43-51-11.1.



2. For purposes of this section, the term “board” includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.



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