

crease in the premiums charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

(e) Continuation of coverage of unaffected persons

This section does not—

(1) require a suspension of professional liability insurance protection for any person who is not a person referred to in subsection (a) and who is covered by the same professional liability insurance as a person referred to in such subsection; or

(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

(f) Stay of civil or administrative actions

(1) Stay of actions

A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a servicemember whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

(A) the action was commenced during the period of the suspension;

(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

(C) the suspended professional liability insurance would, except for the suspension, on its face cover the alleged professional negligence or other professional liability of the servicemember.

(2) Date of commencement of action

Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any servicemember, the action shall have been deemed to have been filed on the date on which the professional liability insurance coverage of the servicemember is reinstated under subsection (c).

(g) Effect of suspension upon limitations period

In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

(h) Death during period of suspension

If a servicemember whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such servicemember under subsection (f)(1) shall terminate on the date of the death of such servicemember; and

(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased

servicemember in the same manner and to the same extent as such carrier would be liable if the servicemember had died while covered by such insurance but before the claim was filed.

(i) Definitions

For purposes of this section:

(1) Active duty

The term “active duty” has the meaning given that term in section 101(d)(1) of title 10.

(2) Profession

The term “profession” includes occupation.

(3) Professional

The term “professional” includes occupational.

(Oct. 17, 1940, ch. 888, title VII, §703, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2862.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 593 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 703 of act Oct. 17, 1940, ch. 888, art. VII, as added Pub. L. 102-12, §5(b), Mar. 18, 1991, 105 Stat. 37, related to reinstatement of health coverage upon release from service, prior to the general amendment of this Act by Pub. L. 108-189. See section 4024 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

§ 4024. Health insurance reinstatement

(a) Reinstatement of health insurance

A servicemember who, by reason of military service as defined in section 4023(a)(1) of this title, is entitled to the rights and protections of this chapter shall also be entitled upon termination or release from such service to reinstatement of any health insurance that—

(1) was in effect on the day before such service commenced; and

(2) was terminated effective on a date during the period of such service.

(b) No exclusion or waiting period

The reinstatement of health care insurance coverage for the health or physical condition of a servicemember described in subsection (a), or any other person who is covered by the insurance by reason of the coverage of the servicemember, shall not be subject to an exclusion or a waiting period, if—

(1) the condition arose before or during the period of such service;

(2) an exclusion or a waiting period would not have been imposed for the condition during the period of coverage; and

(3) in a case in which the condition relates to the servicemember, the condition has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggra-

vated in the line of duty (within the meaning of section 105 of title 38).

(c) Exceptions

Subsection (a) does not apply to a servicemember entitled to participate in employer-offered insurance benefits pursuant to the provisions of chapter 43 of title 38.

(d) Time for applying for reinstatement

An application under this section must be filed not later than 120 days after the date of the termination of or release from military service.

(e) Limitation on premium increases

(1) Premium protection

The amount of the premium for health insurance coverage that was terminated by a servicemember and required to be reinstated under subsection (a) may not be increased, for the balance of the period for which coverage would have been continued had the coverage not been terminated, to an amount greater than the amount chargeable for such coverage before the termination.

(2) Increases of general applicability not precluded

Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by the carrier of the health care insurance for the same health insurance coverage for persons similarly covered by such insurance during the period between the termination and the reinstatement.

(Oct. 17, 1940, ch. 888, title VII, §704, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2864; amended Pub. L. 109-233, title III, §302, June 15, 2006, 120 Stat. 406.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 594 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 704 of act Oct. 17, 1940, ch. 888, art. VII, as added Pub. L. 107-107, div. A, title XVI, §1603, Dec. 28, 2001, 115 Stat. 1276, related to guarantee of residency for military personnel, prior to the general amendment of this Act by Pub. L. 108-189. See section 4025 of this title.

AMENDMENTS

2006—Subsec. (b)(3). Pub. L. 109-233, §302(b), substituted “in a case in which the” for “if the”.

Subsec. (e). Pub. L. 109-233, §302(a), added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

§ 4025. Guarantee of residency for military personnel and spouses of military personnel

(a) In general

For the purposes of voting for any Federal office (as defined in section 30101 of title 52) or a

State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

(2) be deemed to have acquired a residence or domicile in any other State; or

(3) be deemed to have become a resident in or a resident of any other State.

(b) Spouses

For the purposes of voting for any Federal office (as defined in section 30101 of title 52) or a State or local office—

(1) a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

(A) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

(B) be deemed to have acquired a residence or domicile in any other State; or

(C) be deemed to have become a resident in or a resident of any other State; and

(2) the spouse of a servicemember may elect to use the same residence as the servicemember regardless of the date on which the marriage of the spouse and the servicemember occurred.

(Oct. 17, 1940, ch. 888, title VII, §705, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2865; amended Pub. L. 111-97, §2(a), Nov. 11, 2009, 123 Stat. 3007; Pub. L. 115-407, title III, §303(a), Dec. 31, 2018, 132 Stat. 5373.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 595 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-407 substituted “State or local office—” for “State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—” in introductory provisions, added pars. (1) and (2), and struck out former pars. (1) to (3) which read as follows:

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”

2009—Pub. L. 111-97 inserted “and spouses of military personnel” after “military personnel” in section catchline, designated existing provisions as subsec.(a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-407, title III, §303(b), Dec. 31, 2018, 132 Stat. 5374, provided that: “The amendments made by