

subsection (a) [amending this section] shall take effect on the date that is 90 days after the date of the enactment of this Act [Dec. 31, 2018].”

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-97, §2(c), Nov. 11, 2009, 123 Stat. 3007, provided that: “Subsection (b) of section 705 of such Act [Servicemembers Civil Relief Act] (50 U.S.C. App. 595) [now 50 U.S.C. 4025], as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act [Nov. 11, 2009], regardless of the date of the military or naval order concerned.”

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.

§ 4025a. Portability of professional licenses of servicemembers and their spouses

(a) In general

If a servicemember or the spouse of a servicemember has a covered license and relocates residence because such servicemember receives military orders for military service in a State other than the State of the licensing authority that issued the covered license, such covered license shall be considered valid for the scope of practice in the State of the new residence if such servicemember or spouse submits to the licensing authority of such State an application described in subsection (c).

(b) Temporary licenses

If a licensing authority is required to consider a covered license valid under subsection (a) but cannot carry out such requirement during the 30 days after receiving an application described in subsection (c), the licensing authority may issue to the applicant a temporary license that confers the same rights, privileges, and responsibilities as a permanent license.

(c) Application

An application described in this subsection includes the following:

- (1) Proof of military orders described in subsection (a).
- (2) If the applicant is the spouse of a servicemember, a copy of the marriage certificate.
- (3) A notarized affidavit affirming, under the penalty of law, that—
 - (A) the applicant is the person described and identified in the application;
 - (B) all statements made in the application are true and correct and complete;
 - (C) the applicant has read and understands the requirements to receive a license, and the scope of practice, of the State of the licensing authority;
 - (D) the applicant certifies that the applicant meets and shall comply with requirements described in subparagraph (C); and
 - (E) the applicant is in good standing in all States in which the applicant holds or has held a license.

(d) Background checks

A licensing authority that receives an application described in subsection (b) may conduct a

background check of the applicant before carrying out subsection (a) or (b).

(e) Interstate compacts

If a servicemember or spouse of a servicemember has a covered license to operate in multiple States pursuant to an interstate compact described in section 1784 of title 10—

- (1) the servicemember or spouse of a servicemember shall be subject to the requirements of such compact or the applicable provisions of law of the applicable State; and
- (2) this section shall not apply to such servicemember or spouse of a servicemember.

(f) Definitions

In this section:

(1) The term “covered license” means a professional license that, with respect to a scope of practice—

- (A) is in good standing with the licensing authority that issued such license;
- (B) has not been revoked or had discipline imposed by any State;
- (C) does not have an investigation relating to unprofessional conduct pending in any State relating to it; and
- (D) has not been voluntarily surrendered while under investigation for unprofessional conduct in any State.

(2) The term “license” means any license, certificate, or other evidence of qualification that an individual is required to obtain before the individual may engage in, or represent himself or herself to be a member of, a particular profession.

(3) The term “licensing authority” means any State board, commission, department, or agency that—

- (A) is established in the State for the primary purpose of regulating the entry of persons into or the conduct of persons within, a particular profession; and
- (B) is authorized to issue licenses.

(4) The term “military orders” has the meaning given such term in section 3955 of this title.

(5) The term “scope of practice” means the defined parameters of various duties or services that may be provided by an individual under a license.

(Oct. 17, 1940, ch. 888, title VII, §705A, as added Pub. L. 117-333, §19(a), Jan. 5, 2023, 136 Stat. 6137; amended Pub. L. 118-159, div. A, title V, §587, Dec. 23, 2024, 138 Stat. 1912.)

Editorial Notes

AMENDMENTS

2024—Pub. L. 118-159 amended section generally. Prior to amendment, section related to portability of professional licenses of servicemembers and their spouses.

§ 4026. Business or trade obligations

(a) Availability of non-business assets to satisfy obligations

If the trade or business (without regard to the form in which such trade or business is carried out) of a servicemember has an obligation or liability for which the servicemember is person-