

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-

ally liable, the assets of the servicemember not held in connection with the trade or business may not be available for satisfaction of the obligation or liability during the servicemember's military service.

**(b) Relief to obligors**

Upon application to a court by the holder of an obligation or liability covered by this section, relief granted by this section to a servicemember may be modified as justice and equity require.

(Oct. 17, 1940, ch. 888, title VII, §706, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2865.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 596 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**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.

**§ 4027. Guarantee of residency for spouses of servicemembers**

For the purposes of establishing the residency of a spouse of a servicemember for any purpose (including the registration of a business), 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, §707, as added Pub. L. 116-92, div. A, title XVII, §1739(a), Dec. 20, 2019, 133 Stat. 1820; amended Pub. L. 117-81, div. A, title X, §1081(c), Dec. 27, 2021, 135 Stat. 1922.)

**Editorial Notes**

AMENDMENTS

2021—Pub. L. 117-81 made technical amendment to directory language of Pub. L. 116-92, §1739(a).

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF OF 2021 AMENDMENT

Pub. L. 117-81, div. A, title X, §1081(c), Dec. 27, 2021, 135 Stat. 1922, provided that the amendment made by section 1081(c) is effective Dec. 20, 2019.

SUBCHAPTER VIII—CIVIL LIABILITY

**§ 4041. Enforcement by the Attorney General**

**(a) Civil action**

The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—

- (1) engages in a pattern or practice of violating this chapter; or
- (2) engages in a violation of this chapter that raises an issue of significant public importance.

**(b) Relief**

In a civil action commenced under subsection (a), the court may—

(1) grant any appropriate equitable or declaratory relief with respect to the violation of this chapter;

(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

(3) may, to vindicate the public interest, assess a civil penalty—

(A) in an amount not exceeding \$55,000 for a first violation; and

(B) in an amount not exceeding \$110,000 for any subsequent violation.

**(c) Intervention**

Upon timely application, a person aggrieved by a violation of this chapter with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under section 4042 of this title with respect to that violation, along with costs and a reasonable attorney fee.

(Oct. 17, 1940, ch. 888, title VIII, §801, as added Pub. L. 111-275, title III, §303(a), Oct. 13, 2010, 124 Stat. 2877.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 597 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**§ 4042. Private right of action**

**(a) In general**

Any person aggrieved by a violation of this chapter may in a civil action—

(1) obtain any appropriate equitable or declaratory relief with respect to the violation;

(2) recover all other appropriate relief, including monetary damages; and

(3) be a representative party on behalf of members of a class or be a member of a class, in accordance with the Federal Rules of Civil Procedure, notwithstanding any previous agreement to the contrary.

**(b) Costs and attorney fees**

The court may award to a person aggrieved by a violation of this chapter who prevails in an action brought under subsection (a) the costs of the action, including a reasonable attorney fee.

(Oct. 17, 1940, ch. 888, title VIII, §802, as added Pub. L. 111-275, title III, §303(a), Oct. 13, 2010, 124 Stat. 2877; amended Pub. L. 116-92, div. A, title V, §547(a), Dec. 20, 2019, 133 Stat. 1378.)

**Editorial Notes**

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (a)(3), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

CODIFICATION

Section was formerly classified to section 597a of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Subsec. (a)(3). Pub. L. 116-92 added par. (3).