

Regular Session, 2013

HOUSE BILL NO. 312

BY REPRESENTATIVE LORUSSO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MILITARY AFFAIRS: Provides with respect to time limitations for the renewal of licenses under the Military Service Relief Act

1 AN ACT

2 To amend and reenact R.S. 29:418, to enact R.S. 37:3652, and to repeal R.S. 29:419, relative
3 to licensing of military servicemembers and their spouses; to increase the length of
4 time a servicemember has to renew a government-issued or professional license after
5 return from duty; to increase the length of time a servicemember or spouse has to
6 renew a professional license; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:418 is hereby amended and reenacted to read as follows:

9 §418. License validity; renewals; suspension of fees

10 The payment of any reinstatement or licensing fee or the application for
11 renewal of any license imposed by the state or any public or governmental entity
12 which the person who performs service in the uniformed services, as provided in 10
13 U.S.C. 101, or the National Guard, as provided in 10 U.S.C. 311, validly holds at the
14 time he enters service in the uniformed services shall be suspended until ~~ninety one~~
15 hundred eighty days after his release from service in the uniformed services or
16 discharge from hospitalization incidental to his service in the uniformed services,
17 provided that the person complies with all of the licensing requirements including
18 the payment of fees before the expiration of ~~ninety one hundred eighty~~ hundred eighty days after his
19 release from service in the uniformed services or discharge from hospitalization
20 incidental to his service in the uniformed services. Any license covered by this

1 Section which the person validly held at the time he entered service in the uniformed
2 services shall remain in force and effect until ~~ninety~~ one hundred eighty days after
3 his release from service in the uniformed services, provided that the licensing
4 requirements are complied with, including the payment of any licensing and renewal
5 fees owed.

6 Section 2. R.S. 37:3652 is hereby enacted to read as follows:

7 §3652. Professional and occupational licenses; renewal fees waived; educational
8 requirements

9 A. A person who is performing or has performed service in the uniformed
10 services, as provided in 10 U.S.C. 101, or the National Guard, as provided in 10
11 U.S.C. 311, or a military spouse who has relocated with their servicemember spouse
12 assigned or ordered to active duty outside the United States and its territories and
13 who has provided evidence of deployment or relocation to the professional or
14 occupational licensing board prior to expiration of their license may be exempt from
15 both of the following:

16 (1) The payment of any reinstatement or licensing renewal fee required by
17 any profession or occupation governed by this title or by any other provision of law
18 or ordinance during the servicemember's period of service in the uniformed services.

19 (2) Compliance with any continuing educational requirements applicable to
20 such license during the servicemember's period of service in the uniformed services.

21 B. An exemption provided pursuant to Subsection A of this Section shall not
22 apply to licensing or renewal fees or continuing educational requirements applicable
23 to such license for the year in which the servicemember is released or discharged
24 from active duty.

25 C. Any applicable license, which is not subject to minimum licensing
26 standards set forth in federal law or regulation shall continue in force and effect,
27 provided that any applicable renewal fees are paid and any educational requirements
28 are completed within one hundred eighty days of the servicemember's release or
29 discharge from active duty. For occupational licenses or registrations which are

1 subject to minimum standards set forth by federal law or regulation, the professional
 2 or occupational licensing board may take any such action that may be available to
 3 maintain such licenses in an inactive or dormant status so that the servicemember or
 4 spouse may resume the licensed activity promptly upon satisfying applicable
 5 minimums standards.

6 D. For the purposes of this Section, "professional or occupational licensing
 7 board" shall mean any state agency, board, commission, or substantially similar
 8 entity, involved in the licensing, certification, or registration of any regulated
 9 profession or occupation within the state of Louisiana.

10 E. The provisions of this Section shall not apply to any license issued and
 11 regulated under the authority of the judicial branch of government.

12 Section 3. R.S. 29:419 is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Lorusso

HB No. 312

Abstract: Provides a military servicemember 180 days from the day he is released from service to renew a government-issued license or a professional or occupational license. Provides certain military spouses 180 days from the day the military servicemember spouse is released from service to renew a professional or occupational license.

Present law suspends the payment of any governmental licensing renewal or reinstatement fees for a military servicemember, provided that any required renewal fee is paid within 90 days after the servicemember's release from service.

Proposed law retains present law but increases time limitation from 90 days to 180 days.

Proposed law provides for exemptions for a servicemember and a military spouse who has relocated with their servicemember spouse and have been ordered to active duty outside of the U.S. and who has provided evidence of deployment or relocation to the professional or occupational licensing board prior to expiration of the license from paying reinstatement and renewal fees for professional and occupational licenses and from completing continuing educational requirements during the period of time the servicemember is performing services in the uniformed services.

Proposed law requires the servicemember and military spouse to pay reinstatement fees and licensing renewal fees and complete the continuing educational requirements for the professional and occupational license which is not subject to minimum licensing standards set forth in federal law or regulation for the year in which the servicemember is released or discharged from active duty, within 180 days of being discharged or released from duty.

Proposed law authorizes a professional or occupational board to take any action that may be available to maintain occupational licenses or registrations which are subject to minimum standards set forth by federal law or regulation in an inactive or dormant status so that the servicemember or spouse may resume the licensed activity promptly upon satisfying applicable minimum standards.

(Amends R.S. 29:418; Adds R.S. 37:3652; Repeals R.S. 29:419)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added a provision which would require the servicemember and military spouse to provide evidence of deployment or relocation to the professional or occupational licensing board prior to expiration of their license and further changed certain exemptions from mandatory to permissive.
2. Added a provision which prohibits any license that is subject to minimum licensing standards set forth in federal law or regulation from continuing in full force and effect even if certain requirements are satisfied.
3. Authorized the professional or occupational licensing boards to take any available action to maintain the licenses in an inactive or dormant status so that the service member or spouse may resume the licensed activity promptly after satisfying the applicable minimum standards set forth by federal law or regulations.