COMMITTEE REPORT

May 9, 2012

**S. 1107**

Introduced by Senators Leventis, Hayes, Rose and Knotts

S. Printed 5/9/12--H.

Read the first time April 25, 2012.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 1107) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑1‑77 so as to provide a board or commission that regulates the licensure of a profession, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Article 1, Chapter 1, Title 40 of the 1976 Code is amended by adding:

“Section 40‑1‑77. (A) A board or commission that regulates the licensure of a profession or occupation under Title 40 may issue a temporary professional license for a profession or occupation it regulates to the spouse of an active duty member of the United States Armed Forces if the member is assigned to a duty station in this State pursuant to the official active duty military orders of the member.

(B)(1) A person seeking a temporary professional license under subsection (A) shall submit an application to the board or commission from which it is seeking the temporary license on forms the board or commission shall create and provide. In addition to general personal information about the applicant, the application must include proof that the:

(a) applicant is married to a member of the United States Armed Forces who is on active duty;

(b) applicant holds a valid license issued by another state, the District of Columbia, a possession or territory of the United States, or a foreign jurisdiction for the profession for which temporary licensure is sought;

(c) applicant holds the license in subitem (b) in ‘good standing’ as evidenced by a certificate of good standing from the state, possession or territory of the United States, or foreign jurisdiction that issued the license;

(d) applicant is not the subject of any pending actions concerning his license in the state, possession or territory of the United States, or foreign jurisdiction that issued the license;

(e)(i) applicant submitted at his expense to a fingerprint‑based background check conducted by the State Law Enforcement Division to determine if the applicant has a criminal history in this State and a fingerprint‑based background check conducted by the Federal Bureau of Investigation to determine if the person has other criminal history, and the official results of these checks must be provided to the board or commission to which application for temporary licensure is made; and

(ii) the provisions of this subitem only apply if a similar background check is required to obtain ordinary licensure in the profession or occupation for which temporary licensure is sought by the applicant; and

(f) spouse of the applicant is assigned to a duty station in this State pursuant to the official active duty military orders of the member.

(C) A temporary license issued under this section expires six months from the date of issue and may not be renewed.

(D) To be eligible for a temporary license under subsection (A), an applicant must speak the English language as a native language or demonstrate an effective proficiency of the English language in the manner prescribed by and to the satisfaction of the board.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑1‑77 SO AS TO PROVIDE A BOARD OR COMMISSION THAT REGULATES THE LICENSURE OF A PROFESSION OR OCCUPATION UNDER TITLE 40 MAY ISSUE A TEMPORARY LICENSE FOR A PROFESSION OR OCCUPATION IT REGULATES TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES IN CERTAIN CIRCUMSTANCES, TO PROVIDE REQUIREMENTS FOR OBTAINING THIS LICENSE, AND TO PROVIDE TIME LIMITS ON THE VALIDITY OF THIS LICENSE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 1, Title 40 of the 1976 Code is amended by adding:

“Section 40-1-77. (A) A board or commission that regulates the licensure of a profession or occupation under Title 40 may issue a temporary professional license, notwithstanding any language to the contrary in the board or commission’s licensing act, for a profession or occupation it regulates, to the spouse of an active duty member of the United States Armed Forces if the member is assigned to a duty station in this State pursuant to the official active duty military orders of the member.

(B)(1) A person seeking a temporary professional license under subsection (A) shall submit an application to the board or commission from which it is seeking the temporary license on forms the board or commission shall create and provide. In addition to general personal information about the applicant, the application must include proof that:

(a) the applicant is married to a member of the United States Armed Forces who is on active duty;

(b) the applicant holds a valid license in good standing issued by another state, the District of Columbia, a possession or territory of the United States, or a foreign jurisdiction for the profession for which temporary licensure is sought; and

(c) the spouse of the applicant is assigned to a duty station in this State pursuant to the official active duty military orders of the member.

(2) If a board or commission’s licensing act to which the application for a temporary licensure is made requires a fingerprint-base background check, the applicant must submit the results of a recent fingerprint‑based background check, taken at the applicant’s expense.

(3) The board or commission may charge a fee for the processing of this application as provided by regulation.

(4) Persons licensed pursuant to this section must comply with the continuing education requirements as otherwise set forth by statute.

(C) A temporary license issued under this section expires one year from the date of issue and may be renewed by the board or commission.”

SECTION 2. This act takes effect upon approval by the Governor.

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