~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 28, 2019

**H. 3263**

Introduced by Reps. G.M. Smith, Erickson, Bradley, W. Newton, Huggins, Sandifer, Toole, Blackwell and Cogswell

S. Printed 2/28/19--H. [SEC 3/4/19 4:36 PM]

Read the first time January 8, 2019.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3263) to amend the Code of Laws of South Carolina, 1976, to enact the “Armed Service Members and Spouses Professional and Occupational Licensing Act”, 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. This act must be known and may be cited as the “Armed Service Members and Spouses Professional and Occupational Licensing Act”.

SECTION 2. Article 1, Chapter 1, Title 27 of the 1976 Code is amended by adding:

“Section 27‑1‑170. (A) Except as provided in subsection (G), and notwithstanding other provisions of law, this section applies to a board, agency, commission, or other entity providing professional licenses or certificates, or both, for the purpose of employment in the State of South Carolina. A board, commission, or agency providing professional licenses or certificates, or both, may promulgate rules in conformity with this section for the purpose of implementing its requirements.

(B) Except as provided in subsection (G), and notwithstanding another provision of law, this section applies to individuals who:

(1) are married to and living with an active duty member of the United States Armed Forces who is relocated to and stationed in this State under official military orders;

(2) have not committed or participated in an act that would constitute grounds for refusal, suspension, or revocation of a professional license or certificate;

(3) have not been disciplined by an authorized entity or are under investigation, in any jurisdiction, in relation to a professional license or certificate; and

(4) pay any required fee and submit to any required criminal or other background check by an authorized board, commission, or agency in this State.

(C) An eligible individual under subsection (B) who possesses a valid professional or occupational license or certificate in another state, district, or territory of the United States with licensing or certification requirements greater than or substantially similar to the licensing or certification requirements of the appropriate board, commission, or agency in this State must be approved to continue work in that profession or occupation upon relocation to this State for such time as normally allotted with receipt of a license or certificate from the appropriate board, commission, or agency.

(D) Upon completion of an application that documents compliance with the receiving agency’s requirements for a certificate or license, an authorized board, commission, or agency shall process the application and issue a license within fifteen business days after receipt of the application.

(E) In addition to general personal information about the applicant, and other documentation satisfying the receiving agency’s requirements for a certificate or license, the application must include proof that he:

(1) is married to and living with an active duty member of the United States Armed Forces who is relocated to and stationed in this State under official military orders;

(2) possesses a valid license or certificate in another state, district, or territory of the United States; and

(3) holds the license in subsection (B) in ‘good standing’ as evidenced by a certificate of good standing from the state, district, or territory of the United States that issued the license.

(F) A board, commission, or agency in this State may establish reciprocity with other states for military spouse professional licensing and certification.

(G) This section does not apply to:

(1) the practice of law or the regulation of attorneys; and

(2) educators.

(H) A license or certificate issued pursuant to this section is valid for the same period of time as a license or certificate issued pursuant to the requirements of the applicable title for the particular profession or occupation.

(I) Nothing in this section prevents a board, commission, or agency from revoking, penalizing, or suspending a license pursuant to the appropriate code sections regulating the particular profession.”

SECTION 3. Section 40‑1‑640(A) of the 1976 Code is amended to read:

“(A) A professional or occupational board or commission governed by this title ~~may~~ shall accept the education, training, and experience completed by an individual as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state and apply this education, training, and experience in the manner most favorable toward satisfying the qualifications for issuance of the requested license or certification or approval for license examination in this State, subject to the receipt of evidence considered satisfactory by the board or commission.”

SECTION 4. Section 40‑1‑630 of the 1976 Code is repealed.

SECTION 5. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “ARMED SERVICE MEMBERS AND SPOUSES PROFESSIONAL AND OCCUPATIONAL LICENSING ACT” BY ADDING SECTION 37‑1‑110 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE FOR OCCUPATIONS AND PROFESSIONS REGULATED BY THE DEPARTMENT OF CONSUMER AFFAIRS IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38‑43‑85 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS NONRESIDENT INSURANCE LINES PRODUCERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38‑47‑17 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS INSURANCE ADJUSTERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38‑48‑25 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE AS PUBLIC INSURANCE ADJUSTERS BY THE DEPARTMENT OF INSURANCE IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 40‑1‑625 SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM LICENSURE FOR PROFESSIONS AND OCCUPATIONS REGULATED BY BOARDS AND COMMISSIONS ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION IN CERTAIN CIRCUMSTANCES; BY ADDING SECTION 59‑25‑25 SO AS TO PROVIDE SPOUSES OF ARMED SERVICE MEMBERS STATIONED IN THIS STATE MAY WORK AS PUBLIC SCHOOL TEACHERS IN THIS STATE WITHOUT BEING LICENSED OR CERTIFIED BY THE DEPARTMENT OF EDUCATION IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38‑45‑30, RELATING TO LICENSE APPLICATION FEE REQUIREMENTS FOR NONRESIDENT INSURANCE BROKER LICENSURE, SO AS TO EXEMPT CERTAIN ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THE FEES; TO AMEND SECTION 38‑49‑20, RELATING TO LICENSURE REQUIREMENTS FOR MOTOR VEHICLE PHYSICAL DAMAGE INSPECTORS, SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THESE REQUIREMENTS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 38‑53‑80, RELATING TO LICENSURE REQUIREMENTS FOR BAIL BONDSMEN AND RUNNERS, SO AS TO EXEMPT ARMED SERVICE MEMBERS STATIONED IN THIS STATE AND THEIR SPOUSES FROM THESE REQUIREMENTS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION 40‑1‑640, RELATING TO THE AUTHORITY OF CERTAIN PROFESSIONALS AND OCCUPATIONAL LICENSING BOARDS TO ACCEPT AND APPLY EDUCATION, TRAINING, AND EXPERIENCE OF CERTAIN SERVICE MEMBERS, SO AS TO MAKE EXERCISE OF THIS AUTHORITY NONDISCRIMINATORY IF CERTAIN CRITERIA ARE MET; AND TO REPEAL SECTION 40‑1‑630 RELATING TO TEMPORARY OCCUPATIONAL AND PROFESSIONAL LICENSES THAT BOARDS AND COMMISSIONS ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION MAY ISSUE TO SPOUSES OF ACTIVE SERVICE MEMBERS STATIONED IN THIS STATE.

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

SECTION 1. This act must be known and may be cited as the “Armed Service Members and Spouses Professional and Occupational Licensing Act”.

SECTION 2. Part 1, Chapter 1, Title 37 of the 1976 Code is amended by adding:

“Section 37‑1‑110. The following individuals may engage in the practice of an occupation or profession regulated by this title, subject to the stated circumstances and limitations, without being licensed under this title:

(1) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or any other federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and

(2) the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the spouse holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.”

SECTION 3. Article 1, Chapter 43, Title 38 of the 1976 Code is amended by adding:

“Section 38‑43‑85. Notwithstanding the provisions of Section 38‑43‑70(A)(2) and Section 38‑43‑80, the following individuals are exempt from paying a fee for a nonresident insurance lines producer license:

(1) an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the individual holds a valid insurance lines producer license issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the individual is in good standing in the state or jurisdiction of licensure; and

(2) the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the spouse holds a valid insurance lines producer license issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.”

SECTION 4. Chapter 47, Title 38 of the 1976 Code is amended by adding:

“Section 38‑47‑17. Licensure as an insurance adjuster is not required for:

(1) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or another federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license as an insurance adjuster issued by any other state or jurisdiction recognized by the department; and

(2) the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the spouse holds a valid license as an insurance adjuster issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.”

SECTION 5. Chapter 48, Title 38 of the 1976 Code is amended by adding:

“Section 38‑48‑25. Licensure as a public insurance adjuster is not required for:

(1) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or another federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license as a public insurance adjuster issued by any other state or jurisdiction recognized by the department; and

(2) the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the spouse holds a valid license as a public insurance adjuster issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.”

SECTION 6. Article 3, Chapter 1, Title 40 of the 1976 Code is amended by adding:

“Section 40‑1‑625. The following individuals may engage in the practice of an occupation or profession regulated by this title, subject to the stated circumstances and limitations, without being licensed under this title:

(1) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or any other federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if:

(a) the individual holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the individual is in good standing in the state or jurisdiction of licensure; and

(2) the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the spouse holds a valid license to practice the regulated occupation or profession issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.”

SECTION 7. Article 1, Chapter 25, Title 59 of the 1976 Code is amended by adding:

“Section 59‑25‑25. (A) A spouse of an individual serving in the armed forces of the United States while the individual is stationed within this State may work as an educator without being licensed or certified under this title if:

(1) the spouse holds a valid educator license or certificate issued by any other state or jurisdiction recognized by the board for the educator position that he seeks to hold in this State; and

(2) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.”

SECTION 8. Section 38‑45‑30 of the 1976 Code is amended to read:

“Section 38‑45‑30. (A) A nonresident may be licensed as an insurance broker by the director or his designee if the following requirements are met:

(1) filing an application on a form prescribed by the director or his designee;

(2) paying a biennial license fee of two hundred dollars fully earned when received, not refundable;

(3) an aggrieved person may institute an action in the county of his residence against the broker to recover damages. A copy of the summons and complaint in the action must be served on the director, who is not required to be made a party to the action;

(4) paying the department, within thirty days after March thirty‑first, June thirtieth, September thirtieth, and December thirty‑first each year, the broker’s premium tax rate upon premiums for policies of insurers not licensed in this State. In computing total premiums, return premiums on risks and dividends paid or credited to policyholders are excluded. The credit must be refunded to the policyholder.

(B) Notwithstanding the provisions of subsection (A)(2), the following individuals are exempt from paying a fee for nonresident insurance broker licensure:

(1) an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the individual holds a valid insurance broker license issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the individual is in good standing in the state or jurisdiction of licensure; and

(2) the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the spouse holds a valid insurance broker license issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.”

SECTION 9. Section 38‑49‑20 of the 1976 Code is amended to read:

“Section 38‑49‑20. (A) No person may act as an appraiser for motor vehicle physical damage claims on behalf of an insurer or firm or corporation engaged in the adjustment or appraisal of motor vehicle claims unless he has secured first a license from the director or his designee and has paid a biennial license fee of eighty dollars fully earned when received, not refundable, transferable, nor proratable. The department may prescribe reasonable regulations concerning standards for qualification, suspension, or revocation of licenses and the methods by which licensees shall conduct their business.

(B) Notwithstanding the provisions of subsection (A), licensure as a motor vehicle physical damage appraiser is not required for:

(1) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or another federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license as a motor vehicle physical damage appraiser issued by any other state or jurisdiction recognized by the department; and

(2) the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the spouse holds a valid license as a motor vehicle physical damage appraiser issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.”

SECTION 10. Section 38‑53‑80 of the 1976 Code is amended to read:

“Section 38‑53‑80. (A)(1) No person may act in the capacity of a professional bondsman, surety bondsman, or runner or perform any of the functions, duties, or powers prescribed for professional or surety bondsmen or runners under the provisions of this chapter unless that person is qualified, except for an accommodation bondsman, licensed in accordance with the provisions of this chapter. No license may be issued to a professional bondsman, surety bondsman, or runner except as provided in this chapter.

(2) The applicant shall apply for a license or renewal of a license on forms prepared and supplied by the director or his designee. The director or his designee may ask the applicant any questions, written or otherwise, relating to his qualifications, residence, prospective place of business, and any other inquiries which, in the opinion of the director or his designee, are necessary in order to protect the public and ascertain the qualifications of the applicant. The director or his designee shall request that the State Law Enforcement Division conduct any reasonable investigation relative to the determination of the applicant’s fitness to be licensed or to continue to be licensed.

(3) The failure of the applicant to secure approval of the director or his designee does not preclude him from applying as many times as he desires, but no application may be considered by the director or his designee within one year subsequent to the date upon which the director or his designee denied the applicant’s last application.

(B) Notwithstanding the provisions of subsection (A), licensure as a professional bondsman is not required for:

(1) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or another federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license as a professional bondsman issued by any other state or jurisdiction recognized by the department; and

(2) the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the spouse holds a valid license as a professional bondsman issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.

(C) Notwithstanding the provisions of subsection (A), licensure as a surety bondsman is not required for:

(1) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or another federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license as a surety bondsman issued by any other state or jurisdiction recognized by the department; and

(2) the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the spouse holds a valid license as a surety bondsman issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.

(D) Notwithstanding the provisions of subsection (A), licensure as a runner is not required for:

(1) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or another federal agency while engaged in activities regulated under this title as a part of employment with that federal agency if the individual holds a valid license as a runner issued by any other state or jurisdiction recognized by the department; and

(2) the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this State, if:

(a) the spouse holds a valid license as a runner issued by any other state or jurisdiction recognized by the department; and

(b) the license is current and the spouse is in good standing in the state or jurisdiction of licensure.”

SECTION 11. Section 40‑1‑640(A) of the 1976 Code is amended to read:

“(A) A professional or occupational board or commission governed by this title ~~may~~ shall accept the education, training, and experience completed by an individual as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state and apply this education, training, and experience in the manner most favorable toward satisfying the qualifications for issuance of the requested license or certification or approval for license examination in this State, subject to the receipt of evidence considered satisfactory by the board or commission.”

SECTION 12. Section 40‑1‑630 of the 1976 Code is repealed.

SECTION 13. This act takes effect upon approval by the Governor.

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