~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 25, 2019

**H. 3263**

Introduced by Reps. G.M. Smith, Erickson, Bradley, W. Newton, Huggins, Sandifer, Toole, Blackwell, Cogswell, Caskey, Atkinson, Hixon, Taylor, Fry, Weeks and Bales

S. Printed 4/25/19--S.

Read the first time March 7, 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 striking all after the enacting words and inserting:

/SECTION 1. Section 40-1-630(A) of the 1976 Code is amended to read:

“Section 40-1-630. (A) A board or commission that regulates the licensure of a profession or occupation under Title 40 ~~may~~ shall 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. Nothing in this section should be construed as requiring a board or commission to grant licensure to the spouse of an active duty member of the United States Armed Forces absent evidence that all state law requirements for licensure have been met.”

SECTION 2. Section 40-1-640(A) of the 1976 Code is amended to read:

“Section 40-1-640. (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 3. Section 40-33-20(19)(a) of the 1976 Code is amended to read:

“(a) has successfully completed an advanced, organized formal CRNA education program at a minimum of the master’s level accredited by the national accrediting organization of this specialty area and that is recognized by the board;”

SECTION 4. Section 40-33-34(A)(3)(b) of the 1976 Code is amended to read:

“(b) graduated before December 31, 2003, from an advanced, organized formal education program for nurse anesthetists accredited by the national accrediting organization of that specialty. CRNAs who graduate after December 31, 2003, must graduate with a minimum of a master’s degree from a formal CRNA education program for nurse anesthetists accredited by the national accreditation organization of the CRNA specialty. An advanced practice registered nurse must achieve and maintain national certification, as recognized by the board, in an advanced practice registered nursing specialty;”

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

Renumber sections to conform.

Amend title to conform.

THOMAS C. ALEXANDER 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. 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.

‑‑‑‑XX‑‑‑‑