

vated in the line of duty (within the meaning of section 105 of title 38).

**(c) Exceptions**

Subsection (a) does not apply to a servicemember entitled to participate in employer-offered insurance benefits pursuant to the provisions of chapter 43 of title 38.

**(d) Time for applying for reinstatement**

An application under this section must be filed not later than 120 days after the date of the termination of or release from military service.

**(e) Limitation on premium increases**

**(1) Premium protection**

The amount of the premium for health insurance coverage that was terminated by a servicemember and required to be reinstated under subsection (a) may not be increased, for the balance of the period for which coverage would have been continued had the coverage not been terminated, to an amount greater than the amount chargeable for such coverage before the termination.

**(2) Increases of general applicability not precluded**

Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by the carrier of the health care insurance for the same health insurance coverage for persons similarly covered by such insurance during the period between the termination and the reinstatement.

(Oct. 17, 1940, ch. 888, title VII, §704, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2864; amended Pub. L. 109-233, title III, §302, June 15, 2006, 120 Stat. 406.)

**Editorial Notes**

**CODIFICATION**

Section was formerly classified to section 594 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**PRIOR PROVISIONS**

A prior section 704 of act Oct. 17, 1940, ch. 888, art. VII, as added Pub. L. 107-107, div. A, title XVI, §1603, Dec. 28, 2001, 115 Stat. 1276, related to guarantee of residency for military personnel, prior to the general amendment of this Act by Pub. L. 108-189. See section 4025 of this title.

**AMENDMENTS**

2006—Subsec. (b)(3). Pub. L. 109-233, §302(b), substituted “in a case in which the” for “if the”.

Subsec. (e). Pub. L. 109-233, §302(a), added subsec. (e).

**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.

**§ 4025. Guarantee of residency for military personnel and spouses of military personnel**

**(a) In general**

For the purposes of voting for any Federal office (as defined in section 30101 of title 52) or a

State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

(2) be deemed to have acquired a residence or domicile in any other State; or

(3) be deemed to have become a resident in or a resident of any other State.

**(b) Spouses**

For the purposes of voting for any Federal office (as defined in section 30101 of title 52) or a State or local office—

(1) a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

(A) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

(B) be deemed to have acquired a residence or domicile in any other State; or

(C) be deemed to have become a resident in or a resident of any other State; and

(2) 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, §705, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2865; amended Pub. L. 111-97, §2(a), Nov. 11, 2009, 123 Stat. 3007; Pub. L. 115-407, title III, §303(a), Dec. 31, 2018, 132 Stat. 5373.)

**Editorial Notes**

**CODIFICATION**

Section was formerly classified to section 595 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**AMENDMENTS**

2018—Subsec. (b). Pub. L. 115-407 substituted “State or local office—” for “State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—” in introductory provisions, added pars. (1) and (2), and struck out former pars. (1) to (3) which read as follows:

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”

2009—Pub. L. 111-97 inserted “and spouses of military personnel” after “military personnel” in section catchline, designated existing provisions as subsec.(a), inserted heading, and added subsec. (b).

**EFFECTIVE DATE OF 2018 AMENDMENT**

Pub. L. 115-407, title III, §303(b), Dec. 31, 2018, 132 Stat. 5374, provided that: “The amendments made by 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].”

#### Statutory Notes and Related Subsidiaries

##### 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

In any case in which a servicemember or the spouse of a servicemember has a covered license and such servicemember or spouse relocates his or her residency because of military orders for military service to a location that is not in the jurisdiction of the licensing authority that issued the covered license, such covered license shall be considered valid at a similar scope of practice and in the discipline applied for in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse—

(1) provides a copy of such military orders to the licensing authority in the jurisdiction in which the new residency is located;

(2) remains in good standing with—

(A) the licensing authority that issued the covered license; and

(B) every other licensing authority that has issued to the servicemember or the spouse of a servicemember a license valid at a similar scope of practice and in the discipline applied in the jurisdiction of such licensing authority;

(3) submits to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

#### (b) Interstate licensure compacts

If a servicemember or spouse of a servicemember is licensed and able to operate in multiple jurisdictions through an interstate licensure compact, with respect to services provided in the jurisdiction of the interstate licensure compact by a licensee covered by such compact, the servicemember or spouse of a servicemember shall be subject to the requirements of the compact or the applicable provisions of law of the applicable State and not this section.

#### (c) Covered license defined

In this section, the term “covered license” means a professional license or certificate—

(1) that is in good standing with the licensing authority that issued such professional license or certificate;

(2) that the servicemember or spouse of a servicemember has actively used during the two years immediately preceding the relocation described in subsection (a); and

(3) that is not a license to practice law.

(Oct. 17, 1940, ch. 888, title VII, §705A, as added Pub. L. 117-333, §19(a), Jan. 5, 2023, 136 Stat. 6137.)

### § 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 personally 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.