As Introduced

133rd General Assembly
Regular Session
2019-2020

H. B. No. 133

Representatives Perales, Weinstein

Cosponsors: Representatives Butler, Merrin, Crawley, Holmes, A., Manning, D., Miller, A., Lanese, Richardson, Sheehy, Sobecki, Wiggam, Antani, Arndt, Becker, Brown, Carfagna, Cross, Cupp, Dean, Ginter, Green, Greenspan, Holmes, G., Hood, Hoops, Kent, Kick, Koehler, Lang, LaTourette, Lipps, McClain, Patterson, Plummer, Reineke, Riedel, Rogers, Romanchuk, Russo, Scherer, Seitz, Smith, R., Stein, Vitale, West, Zeltwanger

A BILL

To amend sections 4743.04 and 5903.04 and to enact section 4743.041 of the Revised Code to require state occupational licensing agencies, under certain circumstances, to issue temporary licenses or certificates to members of the military and spouses who are licensed in another jurisdiction and have moved to Ohio for active duty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4743.04 and 5903.04 be amended and section 4743.041 of the Revised Code be enacted to read as follows:

Sec. 4743.04. (A) The renewal of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.10 of the Revised Code relating to service in the
armed forces.

   (B) Continuing education requirements applicable to the
licensees under Title XLVII of the Revised Code are subject to
the provisions of section 5903.12 of the Revised Code relating
to active duty military service.

   (C) A department, agency, or office of this state or of
any political subdivision of this state that issues a license or
certificate to practice a trade or profession may, pursuant to
rules adopted by the department, agency, or office, issue a
temporary license or certificate to practice the trade or
profession to a person whose spouse is on active military duty
in this state.

   (D) A department, agency, or office of this state that
issues a license or certificate to practice a trade or
profession shall issue a temporary license or certificate to
practice the trade or profession as provided in section 4743.041
of the Revised Code.

   (E) The issuance of a license or other authorization to
practice a trade or profession issued under Title XLVII of the
Revised Code is subject to the provisions of section 5903.03 of
the Revised Code relating to service in the armed forces.

Sec. 4743.041. (A) As used in this section, "uniformed
services" has the same meaning as in 10 U.S.C. 101.

   (B) Pursuant to division (D) of section 4743.04 of the
Revised Code, a department, agency, or office of this state
shall issue a temporary license or certificate to practice a
trade or profession to an individual, provided that all of the
following qualifications are met:

   (1) The individual holds a valid license or certificate to
practice the trade or profession issued by any other state or
jurisdiction.

(2) The license or certificate is current, and the
individual is in good standing in the state or jurisdiction of
licensure or certification.

(3) The individual presents adequate proof to the
department, agency, or office that the individual or the
individual's spouse is a member of the uniformed services and is
on active military duty in this state, or is a military
technician dual status under 10 U.S.C. 10216 and was transferred
to duty in this state; and

(4) The individual presents adequate proof to the
department, agency, or office that the individual moved to this
state from the state or jurisdiction in which the individual
holds a current license or certificate.

(C) A department, agency, or office of this state shall,
in accordance with Chapter 119. of the Revised Code, deny an
individual a temporary license or certificate issued under this
section or revoke an individual's temporary license or
certificate issued under this section if any of the following
circumstances occur:

(1) The individual's license or certificate issued by
another state or jurisdiction expires, is revoked, or is not in
good standing.

(2) Six months have elapsed since the individual or the
individual's spouse was ordered to active military duty, or was
transferred to duty, in another state or jurisdiction, is
discharged from active military duty, or whose standing as a
military technician dual status has ended;
(3) Six years have elapsed since the individual or the individual's spouse was ordered to serve in an active military duty position, or was transferred to duty, in this state; or

(4) With respect to an individual who was eligible for a temporary license under this section as the spouse of a member of the uniformed services, or of a military technician dual status, six months have elapsed since the divorce, dissolution, or annulment of the marriage.

(D) A department, agency, or office shall, not less than once per year, verify the standing of a license or certificate that was issued by another state or jurisdiction for each individual to whom it has issued a temporary license or certificate under this section. The department, agency, or office shall revoke the temporary license or certificate of any individual whose license or certificate issued by another state or jurisdiction is not in good standing, or if any of the disqualifying circumstances under division (C) of this section have occurred.

(E) An individual with a temporary license or certificate issued under this section may practice the trade or profession in this state only within the scope and practice that the license or certificate from the other state permits, provided that the practice is within the scope of practice allowable for an individual who holds the applicable license or certificate issued by this state.

(F) Notwithstanding any other provision of the Revised Code, a department, agency, or office may charge a fee for a temporary license or certificate issued under this section. The fee shall be not more than one-third of the fee charged in this state for the license or certificate, rounded up to the nearest
dollar.

(G) Each department, agency, or office that issues a license or certificate to practice a trade or profession shall adopt rules under Chapter 119. of the Revised Code as necessary to implement this section.

(H) Each department, agency, or office that issues a license or certificate to practice a trade or profession, shall, upon the conclusion of the state fiscal year, prepare a report on the number and type of temporary licenses or certificates that were issued during the fiscal year under this section. The report shall be provided to the director of veterans services not later than thirty days after the end of the fiscal year. The director shall compile the reports and make them available to the public.

Sec. 5903.04. Each licensing agency shall adopt rules under Chapter 119. of the Revised Code to establish and implement all of the following:

(A) A process to obtain from each applicant documentation and additional information necessary to determine if the applicant is a service member or veteran, or the spouse or surviving spouse of a service member or veteran;

(B) A process to record, track, and monitor applications that have been received from a service member, veteran, or the spouse or surviving spouse of a service member or veteran; and

(C) A process to prioritize and expedite certification or licensing for each applicant who is a service member, veteran, or the spouse or a surviving spouse of a service member or veteran.

In establishing these processes, the licensing agency
shall include any special accommodations that may be appropriate for applicants facing imminent deployment, and for applicants for a temporary license or certificate under division (D) of section 4743.04 of the Revised Code.

Section 2. That existing sections 4743.04 and 5903.04 of the Revised Code are hereby repealed.