As Passed by the House

133rd General Assembly
Regular Session
2019-2020
Am. H. B. No. 133

Representatives Perales, Weinstein

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 military 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:

"Active guard and reserve" has the meaning defined in 10 U.S.C. 101.

"Military duty" includes service in the uniformed services.
on active duty, in the active guard and reserve, and as a military technician dual status under 10 U.S.C. 10216.

"Uniformed services" has the meaning defined 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 on military 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 on military duty in this state;

(3) Six years have elapsed since the individual or the
individual's spouse began military 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 an
individual on military duty, 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.