

**As Reported by the House State and Local Government Committee**

**133rd General Assembly**

**Regular Session**

**Am. H. B. No. 133**

**2019-2020**

**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, Smith, T., Strahorn**

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**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. 1 2 3 4 5 6 7 8

**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: 9 10 11

**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 12 13 14 15

armed forces. 16

(B) Continuing education requirements applicable to the 17  
licensees under Title XLVII of the Revised Code are subject to 18  
the provisions of section 5903.12 of the Revised Code relating 19  
to active duty military service. 20

(C) A department, agency, or office ~~of this state or of~~ 21  
any political subdivision of this state that issues a license or 22  
certificate to practice a trade or profession may, pursuant to 23  
rules adopted by the department, agency, or office, issue a 24  
temporary license or certificate to practice the trade or 25  
profession to a person whose spouse is on active military duty 26  
in this state. 27

(D) A department, agency, or office of this state that 28  
issues a license or certificate to practice a trade or 29  
profession shall issue a temporary license or certificate to 30  
practice the trade or profession as provided in section 4743.041 31  
of the Revised Code. 32

(E) The issuance of a license or other authorization to 33  
practice a trade or profession issued under Title XLVII of the 34  
Revised Code is subject to the provisions of section 5903.03 of 35  
the Revised Code relating to service in the armed forces. 36

**Sec. 4743.041.** (A) As used in this section: 37

"Active guard and reserve" has the meaning defined in 10 38  
U.S.C. 101. 39

"Military duty" includes service in the uniformed services 40  
on active duty, in the active guard and reserve, and as a 41  
military technician dual status under 10 U.S.C. 10216. 42

"Uniformed services" has the meaning defined in 10 U.S.C. 43

<u>101.</u>	44
<u>(B) Pursuant to division (D) of section 4743.04 of the</u>	45
<u>Revised Code, a department, agency, or office of this state</u>	46
<u>shall issue a temporary license or certificate to practice a</u>	47
<u>trade or profession to an individual, provided that all of the</u>	48
<u>following qualifications are met:</u>	49
<u>(1) The individual holds a valid license or certificate to</u>	50
<u>practice the trade or profession issued by any other state or</u>	51
<u>jurisdiction.</u>	52
<u>(2) The license or certificate is current, and the</u>	53
<u>individual is in good standing in the state or jurisdiction of</u>	54
<u>licensure or certification.</u>	55
<u>(3) The individual presents adequate proof to the</u>	56
<u>department, agency, or office that the individual or the</u>	57
<u>individual's spouse is on military duty in this state; and</u>	58
<u>(4) The individual presents adequate proof to the</u>	59
<u>department, agency, or office that the individual moved to this</u>	60
<u>state from the state or jurisdiction in which the individual</u>	61
<u>holds a current license or certificate.</u>	62
<u>(C) A department, agency, or office of this state shall,</u>	63
<u>in accordance with Chapter 119. of the Revised Code, deny an</u>	64
<u>individual a temporary license or certificate issued under this</u>	65
<u>section or revoke an individual's temporary license or</u>	66
<u>certificate issued under this section if any of the following</u>	67
<u>circumstances occur:</u>	68
<u>(1) The individual's license or certificate issued by</u>	69
<u>another state or jurisdiction expires, is revoked, or is not in</u>	70
<u>good standing.</u>	71

(2) Six months have elapsed since the individual or the 72  
individual's spouse was on military duty in this state; 73

(3) Six years have elapsed since the individual or the 74  
individual's spouse began military duty in this state; or 75

(4) With respect to an individual who was eligible for a 76  
temporary license under this section as the spouse of an 77  
individual on military duty, six months have elapsed since the 78  
divorce, dissolution, or annulment of the marriage. 79

(D) A department, agency, or office shall, not less than 80  
once per year, verify the standing of a license or certificate 81  
that was issued by another state or jurisdiction for each 82  
individual to whom it has issued a temporary license or 83  
certificate under this section. The department, agency, or 84  
office shall revoke the temporary license or certificate of any 85  
individual whose license or certificate issued by another state 86  
or jurisdiction is not in good standing, or if any of the 87  
disqualifying circumstances under division (C) of this section 88  
have occurred. 89

(E) An individual with a temporary license or certificate 90  
issued under this section may practice the trade or profession 91  
in this state only within the scope and practice that the 92  
license or certificate from the other state permits, provided 93  
that the practice is within the scope of practice allowable for 94  
an individual who holds the applicable license or certificate 95  
issued by this state. 96

(F) Notwithstanding any other provision of the Revised 97  
Code, a department, agency, or office may charge a fee for a 98  
temporary license or certificate issued under this section. The 99  
fee shall be not more than one-third of the fee charged in this 100

state for the license or certificate, rounded up to the nearest 101  
dollar. 102

(G) Each department, agency, or office that issues a 103  
license or certificate to practice a trade or profession shall 104  
adopt rules under Chapter 119. of the Revised Code as necessary 105  
to implement this section. 106

(H) Each department, agency, or office that issues a 107  
license or certificate to practice a trade or profession, shall, 108  
upon the conclusion of the state fiscal year, prepare a report 109  
on the number and type of temporary licenses or certificates 110  
that were issued during the fiscal year under this section. The 111  
report shall be provided to the director of veterans services 112  
not later than thirty days after the end of the fiscal year. The 113  
director shall compile the reports and make them available to 114  
the public. 115

**Sec. 5903.04.** Each licensing agency shall adopt rules 116  
under Chapter 119. of the Revised Code to establish and 117  
implement all of the following: 118

(A) A process to obtain from each applicant documentation 119  
and additional information necessary to determine if the 120  
applicant is a service member or veteran, or the spouse or 121  
surviving spouse of a service member or veteran; 122

(B) A process to record, track, and monitor applications 123  
that have been received from a service member, veteran, or the 124  
spouse or surviving spouse of a service member or veteran; and 125

(C) A process to prioritize and expedite certification or 126  
licensing for each applicant who is a service member, veteran, 127  
or the spouse or a surviving spouse of a service member or 128  
veteran. 129

In establishing these processes, the licensing agency 130  
shall include any special accommodations that may be appropriate 131  
for applicants facing imminent deployment, and for applicants 132  
for a temporary license or certificate under division (D) of 133  
section 4743.04 of the Revised Code. 134

**Section 2.** That existing sections 4743.04 and 5903.04 of 135  
the Revised Code are hereby repealed. 136