AB 2500 (Hagman)- Professions and Vocations: Licenses: Military Service

Introduced February 19, 2010, Chaptered September 27, 2010

This bill authorizes a licensee or registrant whose license expired while on active duty as a member of the California National Guard or the United States Armed Forces to, upon application, reinstate his or her license without examination or penalty, unless the licensing agency determines that the applicant has not actively engaged in the practice of his or her profession while on active duty, in which case the licensing agency may require the applicant to pass an examination, and make conforming changes. Specifically, this bill:

1) Provides that notwithstanding any other provision of law, except as provided under the Medical Practices Act, that any licensee or registrant of any board, commission or bureau within the Department whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces, may, upon application, reinstate his [or her] license or registration without examination or penalty, provided.

2) Deletes the term "armed services" and inserts "California National Guard or the United States Armed Forces" throughout these provisions.

3) Provides that if application for reinstatement is filed and the licensing agency determines that the applicant has not actively engaged in the practice of her or her profession while on active duty, then the licensing agency may require the applicant to pass an examination.

Existing Law

Business & Professions Code Section 2987.5 currently provides: "Every person licensed under this chapter is exempt from the payment of the renewal fee in any one of the following instances: While engaged in full-time active service in the Army, Navy, Air Force or Marines, or in the United States Public Health Service, or while a volunteer in the Peace Corps or Vista.

Every person exempted from the payment of the renewal fee by this section shall not engage in any private practice and shall become liable for the fee for the current renewal period upon the completion of his or her period of full-time active service and shall have a period of 60 days after becoming liable within which to pay the fee before the delinquency fee becomes applicable. Any person who completes his or her period of full-time active service within 60 days of the end of a renewal period is exempt from the payment of the renewal fee for that period.

The time spent in that full-time active service or full-time training and active service shall not be included in the computation of the three-year period for renewal of a license provided in Section 2986.

The exemption provided by this section shall not be applicable if the person engages in any practice for compensation other than full-time service in the Army, Navy, Air Force or Marines or in the United States Public Health Service or the Peace Corps or Vista.

Assembly Bill No. 2500

CHAPTER 389

An act to amend Section 114 of, and to repeal Section 114.5 of, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 25, 2010. Filed with Secretary of State September 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2500, Hagman. Professions and vocations: licenses: military service.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a licensee or registrant who permitted his or her license to expire while serving in any branch of the armed services of the United States during a period of war, as defined, to, upon application, reinstate his or her license without examination or penalty if certain requirements are satisfied.

This bill would instead authorize a licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to, upon application, reinstate his or her license without penalty and without examination, if those requirements are satisfied, unless the licensing agency determines that the applicant has not actively engaged in the practice of his or her profession while on active duty, as specified. The bill would make other conforming and technical changes.

The people of the State of California do enact as follows:

SECTION 1. Section 114 of the Business and Professions Code is amended to read:

114. (a) Notwithstanding any other provision of this code, any licensee or registrant of any board, commission, or bureau within the department, whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces, may, upon application, reinstate his or her license or registration without examination or penalty; provided,

(1) His or her license or registration was valid at the time he or she entered the California National Guard or the United States Armed Forces.

(2) The application for reinstatement is made while serving in the California National Guard or the United States Armed Forces, or not later than one year from the date of discharge from active service or return to inactive military status.

(3) The application for reinstatement is accompanied by an affidavit showing the date of entrance into the service, whether still in the service, or date of discharge, and the renewal fee for the current renewal period in which the application is filed is paid.

(b) If application for reinstatement is filed more than one year after discharge or return to inactive status, the applicant, in the discretion of the licensing agency, may be required to pass an examination.

(c) If application for reinstatement is filed and the licensing agency determines that the applicant has not actively engaged in the practice of his or her profession while on active duty, then the licensing agency may require the applicant to pass an examination.

(d) Unless otherwise specifically provided in this code, any licensee or registrant who, either part time or full time, practices in this state the profession or vocation for which he or she is licensed or registered shall be required to maintain his or her license in good standing even though he or she is in military service.

For the purposes in this section, time spent by a licensee in receiving treatment or hospitalization in any veterans' facility during which he or she is prevented from practicing his or her profession or vocation shall be excluded from said period of one year.

SEC. 2. Section 114.5 of the Business and Professions Code is repealed.

O