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H.B. 133
133rd General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsors: Reps. Perales and Weinstein

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SUMMARY

- Requires state occupational licensing agencies, under certain circumstances, to issue temporary licenses or certificates to members of the military (and their spouses) who are licensed in another jurisdiction and have moved to Ohio for military duty.
- Requires a licensing agency, at least annually, to 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.
- Requires a state licensing agency to deny or revoke a temporary license or certificate issued under the bill under certain circumstances.
- Authorizes a licensing agency to charge a fee for a temporary license or certificate, which must not be more than one-third of the fee charged in Ohio for the regular license or certificate.
- Requires a licensing agency to prepare an annual report regarding the number and type of temporary licenses or certificates the agency issued.

DETAILED ANALYSIS

Temporary occupational license for military member and spouse

Generally, the bill mandates, under certain circumstances, that a state occupational licensing agency issue temporary licenses to certain members of the military and their spouses.¹

¹ R.C. 4743.04(D) and 4743.041(B).

Each licensing agency that issues licenses or certificates to practice a trade or profession must adopt rules under the Administrative Procedure Act² as necessary to implement the bill.³

Under existing law, a licensing agency of the state and a licensing agency of a political subdivision may, but is not required to, adopt rules and issue a temporary license to a person whose spouse is on active military duty in Ohio. The bill retains current law with respect to a political subdivision's discretionary authority. However, the bill expands state licensing agencies' authority to include the member of the military in addition to the spouse.⁴

Qualifications

The bill requires each state licensing agency that issues a license or certificate to practice a trade or profession, to issue a temporary license or certificate to an individual who meets the following qualifications:

1. The individual holds a valid license or certificate to practice the trade or profession issued by another state or jurisdiction;
2. That license or certificate is current and the individual is in good standing in the other state or jurisdiction;
3. The individual presents adequate proof to the state licensing agency that the individual or the individual's spouse is on military duty (see "**Definitions**" below) in Ohio; and
4. The individual presents adequate proof to the state licensing agency that the individual moved to Ohio from the state or jurisdiction in which the individual holds a current license or certificate.⁵

Scope of practice

Under the bill, an individual with a temporary license or certificate is authorized to practice the trade or profession in Ohio only within the scope and practice that the license or certificate from the other state permits, and within the scope of practice allowable for an individual who holds the applicable license or certificate issued in Ohio.⁶

Verification

Under the bill, a state licensing agency must, at least annually, 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.⁷

² R.C. Chapter 119.

³ R.C. 4743.041(G).

⁴ R.C. 4743.04(C) and (D).

⁵ R.C. 4743.041(B).

⁶ R.C. 4743.041(E).

⁷ R.C. 4743.041(D).

Circumstances to deny or revoke a temporary license

The bill requires a state licensing agency, in accordance with the Administrative Procedure Act, to deny or revoke a temporary license or certificate issued under the bill 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 Ohio;
3. Six years have elapsed since the individual or the individual's spouse began military duty in Ohio; or
4. With respect to an individual who was eligible for a temporary license under the bill as the spouse of a member of the military, six months have elapsed since the divorce, dissolution, or annulment of the marriage.⁸

Fee

The bill authorizes a state licensing agency to charge a fee for a temporary license or certificate. The fee must not be more than one-third of the fee charged in Ohio for the license or certificate, rounded up to the nearest dollar.⁹

Expedited process

Under existing law, state licensing agencies must have a process to obtain documentation to determine if an applicant is a service member or veteran, or the spouse or surviving spouse of a service member or veteran; a process to record, track, and monitor applications for those individuals; and a process to prioritize and expedite certification or licensure for those individuals. The bill requires each state licensing agency to include in these processes any special accommodations that may be appropriate for applicants for a temporary license or certificate.¹⁰

Reporting

Annually by July 30, each state licensing agency must submit a report to the Director of Veterans Services regarding the number and type of temporary licenses or certificates issued during the previous fiscal year. The Director must compile the reports and make them available to the public.¹¹

⁸ R.C. 4743.041(C) and (D).

⁹ R.C. 4743.041(F).

¹⁰ R.C. 5903.04.

¹¹ R.C. 4743.041(H).

Definitions

For purposes of the bill:

“Military duty” includes service in the uniformed services on active duty, in the active guard and reserve, and as a military technician dual status as those terms are defined in federal law.

“Uniformed services” includes members of the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service.¹²

HISTORY

Action	Date
Introduced	03-12-19
Reported, H. State & Local Gov't	05-30-19
Passed House (97-0)	06-19-19

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¹² R.C. 4743.041(A), by reference to 10 United States Code 101 and 10216.