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Final Analysis

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UPDATED VERSION*

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 are on military duty in Ohio.
- Requires the individual to obtain a criminal records check if the Ohio licensing agency requires an applicant under the law governing the trade or profession to submit to a criminal records check.
- Requires a licensing agency to verify the standing of a license or certificate that was issued by another state or jurisdiction when the temporary license is up for renewal.
- Requires a state licensing agency to deny or revoke a temporary license or certificate issued under the act in certain circumstances.
- Requires a licensing agency to waive all fees associated with a temporary license or certificate.
- Authorizes a licensing agency to issue a regular license or certificate in lieu of a temporary license or certificate if the applicant meets the act's requirements.
- Requires that a license or certificate issued under the act be considered a license issued under Ohio's laws regulating the occupation or profession.
- Stipulates that licenses issued under the act are subject to the same laws that otherwise apply to licenses issued to applicants who do not obtain their licenses under the act.

* This version updates the effective date.

- 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

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

Each 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 act.³ The temporary license or certificate must be issued in accordance with deadlines established by the act (see “**Deadlines for processing applications**” below). A temporary license or certificate may not be valid for more than six years.⁴

Under law revised in part by the act, 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 act retains preexisting law with respect to a political subdivision’s discretionary authority. However, the act expands state licensing agencies’ authority to include the member of the military in addition to the spouse.⁵

Qualifications

The act 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. 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 in Ohio (see “**Definitions**” below); and

¹ R.C. 4743.04(D) and 4743.041(B).

² R.C. Chapter 119.

³ R.C. 4743.041(H).

⁴ R.C. 4743.041(D).

⁵ R.C. 4743.04(C) and (D).

4. The individual complies with Criminal Records Check law, if the state licensing agency requires an applicant under the law governing the trade or profession to submit to a criminal records check.⁶

Regular, in lieu of temporary, license or certificate

The act authorizes a state licensing agency to issue a regular license or certificate in lieu of issuing a temporary license or certificate, if the applicant meets the act's requirements. The regular license must be issued in accordance with the act's deadlines (see "**Deadlines for processing applications**" below).⁷

Scope of practice

An individual with a temporary license or certificate, or a regular license, issued under the act is authorized to practice the trade or profession in Ohio only within the scope and practice that is permitted under Ohio law and that does not exceed the individual's training.⁸

Verification before renewal

When a temporary license or certificate is up for renewal, a state licensing agency must verify the standing of the license or certificate that was issued by another state or jurisdiction. A temporary license or certificate may not be valid for more than six years.⁹

Circumstances to deny or revoke temporary license

The act requires a state licensing agency, in accordance with the Administrative Procedure Act, to deny or revoke a temporary license or certificate in any of the following circumstances:

1. The individual's license or certificate issued by another state or jurisdiction expires or is revoked, or the individual is not in good standing;
2. With respect to an individual who was eligible for a temporary license as the spouse of a member of the military, six months have elapsed since the divorce, dissolution, or annulment of the marriage; or
3. The individual is disqualified from obtaining a license in the trade or profession because of a conviction, judicial finding of guilt, or plea of guilty to a disqualifying criminal offense specified on the list the state licensing agency must make under continuing law.¹⁰

⁶ R.C. 4743.041(B).

⁷ R.C. 4743.041(C).

⁸ R.C. 4743.041(F).

⁹ R.C. 4743.041(D).

¹⁰ R.C. 4743.041(E) and 9.78, the latter not in the act.

Fee waiver

The act requires that a state licensing agency waive all fees associated with issuing a temporary license or certificate.¹¹

Deadlines for processing applications

The act establishes the following processing deadlines for issuing a temporary or regular license or certificate:

1. If the state licensing agency requires an individual under the law governing the trade or profession to submit to a criminal records check to receive a license or certificate, and the individual applies for a temporary license or certificate, the agency must notify the applicant within 24 hours after receiving the results.
2. A state licensing agency must issue a temporary license or certificate, or a regular license, if the applicant meets the requirements of the act, within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days of receiving the results.
3. If the state licensing agency finds that the individual is under investigation by the other licensing agency, the Ohio licensing agency may postpone issuing the license or certificate until the investigation is complete and the other licensing agency confirms that the individual is in good standing.¹²

Expedited process

Under continuing 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 them. The act 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.¹³

Enforcement parity

The act specifies that a license or certificate issued under its provisions must be considered a license issued under the laws regulating the practice of the occupation or profession in Ohio. Laws that apply to a license issued to a person who does not obtain a license under the act's provisions apply in the same manner to licenses issued under it.¹⁴

¹¹ R.C. 4743.041(G).

¹² R.C. 4743.041(D).

¹³ R.C. 5903.04.

¹⁴ R.C. 4743.041(J).

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.¹⁵

Definitions

For purposes of the act:

“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, Space Force, Coast Guard, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service.¹⁶

HISTORY

Action	Date
Introduced	02-12-19
Reported, S. Transportation, Commerce & Workforce	03-27-19
Passed Senate (31-0)	03-27-19
Reported, H. Armed Services & Veterans Affairs	10-17-19
Passed House (93-0)	10-24-19
Senate refused to concur in House amendments (0-33)	11-06-19
House requested conference committee	11-13-19
Senate acceded to request for conference committee	11-13-19
Senate agreed to conference committee report (31-0)	12-11-19
House agreed to conference committee report (87-0)	12-12-19

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¹⁵ R.C. 4743.041(I).

¹⁶ R.C. 4743.041(A), by reference to 10 United States Code 101 and 10216.