

CHAPTER 329
FORMERLY
HOUSE BILL NO. 296

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LICENSES AND PERMITS ISSUED TO SERVICE MEMBERS AND THEIR SPOUSES UNDER THE AUTHORITY OF THE DIVISION OF PROFESSIONAL REGULATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29, § 8735 of the Delaware Code by making deletions as shown by strike through and additions as shown by underline as follows:

(p) Continuation and issuance of licenses and permits for deployed active duty, activated Reserve and National Guard military personnel.

(1) Notwithstanding any provision of Title 24 to the contrary, all licenses and permits issued by boards and commissions administered by the Division of Professional Regulation ("Division") pursuant to subsection (a) of this section, shall not expire for a qualifying person as defined in paragraph (p)~~(6)(7)~~ of this section herein, as follows:

a. For 180 days after the date the qualifying person returns from active deployment, if continuing education credits are not a requirement of the license or permit renewal; or

b. For 270 days after the date the qualifying person returns from active deployment, if continuing education credits are a requirement of a license or permit renewal.

(2) A qualifying person who held or holds a valid license or permit at the time of deployment, which license or permit does not require continuing education requirements, who wishes to renew said license or permit, shall submit to the appropriate board or commission, the required documentation and information necessary, as required by Title 24, for renewal of the same type of permit or license within 90 days after the qualifying person has returned from active deployment.

(3) A qualifying person who held or holds a valid license or permit at the time of deployment, which license or permit has continuing education requirements, who wishes to renew said license or permit, shall submit to the appropriate board or commission the required documentation, including proof of having met the continuing education requirements and information necessary, as required by Title 24, for the same type of permit or license, for renewal within 180 days after the qualifying person has returned from active deployment.

(4) A qualifying person selected for active deployment may apply for a license or permit expiration extension prior to deployment, as allowed by paragraphs (p)(2) and (3) of this section herein. Should a qualifying person hold a license or permit which would have expired during the qualifying person's period of deployment, said qualifying person may apply to renew said license or permit as allowed by paragraphs (p)(2) and (3) of this section herein. The intent to extend or renew such permit or license shall be made by the qualifying person to the Division on a form stipulated by the Division, accompanied by a copy of official deployment documents, or other official verification acceptable to the Division.

(5) The protection from license or permit expiration provided under this subsection does not void or limit the obligations of the qualifying person to meet all requirements of licensure, as required in the section or sections of Title 24 applicable to the profession or professions for which the license or permit is sought.

(6) Notwithstanding any provision of Title 24 to the contrary, all boards and commissions administered by the Division pursuant to subsection (a) of this section shall accept the military training, education, or experience of a qualifying person so long as such training, education, or experience is substantially equivalent to the requirements established by law and regulations of the respective board or commission and the applicant complies with all other requirements for licensure, including, without limitation, any requirement for examination.

~~(6)(7)~~ As used in this section "qualifying person" means a member of the active duty military, National Guard or the military reserve who is reassigned to a duty station in this State or deployed by the President of the United States or the Governor of this State.

(q) Notwithstanding any provision of Title 24 to the contrary, a ~~spouse of a~~ qualifying person, as defined in paragraph (p)~~(6)(7)~~ of this section, or the spouse of a qualifying person, may apply for reinstatement of any license

or permit issued by boards and commissions administered by the Division of Professional Regulation ("Division") pursuant to subsection (a) of this section within 2 years of the lapse or expiration of any such license or permit. The ~~spouse of a~~ qualifying person or the spouse of a qualifying person shall submit to the appropriate board or commission the documentation and information necessary, as required by Title 24, for reinstatement of the same permit or license and pay all applicable fees. An application to reinstate such license or permit shall be made by the ~~spouse of the~~ qualifying person or the spouse of a qualifying person to the Division on a form designated by the Division, accompanied by a copy of official verification that he or she is ~~the spouse of a~~ qualifying person or the spouse of a qualifying person and that the qualifying person is assigned to a duty station in this State acceptable to the Division. This subsection shall not apply to a license or permit that was suspended or revoked unless said license or permit was reinstated prior to its lapse or expiration.

(r) Notwithstanding any provision of Title 24 to the contrary, a ~~spouse of a~~ qualifying person, as defined in paragraph (p)~~(6)~~(7) of this section or the spouse of a qualifying person, may apply for a provisional license or permit issued by boards and commissions administered by the Division of Professional Regulation ("Division") pursuant to subsection (a) of this section, effective for a period up to 6 months during the pendency of an application for a permit or license by endorsement or reciprocity pursuant to Title 24. A provisional license issued under this subsection expires 6 months from the date of issuance and cannot be renewed. The ~~spouse of the~~ qualifying person or the spouse of a qualifying person shall submit to the appropriate board or commission the documentation and information necessary, as required by Title 24, for endorsement or reciprocity of the same permit or license and pay all applicable fees. An application to receive such provisional license or permit shall be made by the qualifying person or the spouse of a qualifying person to the Division on a form designated by the Division, accompanied by a copy of official verification that he or she is ~~the spouse of a~~ qualifying person or the spouse of a qualifying person, and that the qualifying person is assigned to a duty station in this State acceptable to the Division. The ~~spouse of the~~ qualifying person or the spouse of a qualifying person must be the holder of an active license or permit in good standing in another State, District of Columbia, or territory of the United States in which the requirements for licensure or certification are substantially similar to this State, with no unresolved complaint, review procedure, or disciplinary proceeding.

Approved July 21, 2014