

D R A F T
FOR DISCUSSION ONLY

Occupational Licenses of Servicemembers and Military Spouses Act

Uniform Law Commission

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Occupational Licenses of Servicemembers and Military Spouses Act

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Occupational Licenses of Servicemembers and Military Spouses Act

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Occupational Licenses of Servicemembers and Military Spouses Act

Prefatory Note

Many military spouses work in professions for which states require an occupational license to legally practice. Although military spouses are far from alone in this regard (nearly one-quarter of American workers hold an occupational license), they are disproportionately burdened by the state-based occupational licensing system since they must frequently move across state lines due to their spouses' military orders. Most licensed professionals are licensed at the state level, so they must typically obtain a new occupational license when they relocate across state lines. This process can be costly and time-consuming even for workers who have already obtained an occupational license in their state of origin. It may entail completing paperwork, paying fees, as well as sometimes completing new substantive requirements if states have different training, educational, or testing requirements. For military spouses who move every two or three years pursuant to their spouses' military orders, the ability to obtain a new license quickly and easily is essential to their ability to work in their chosen career and support their families. Servicemembers may also face similar obstacles in certain contexts.

State and federal lawmakers and policymakers have long recognized the burdens that state occupational licensing requirements place on military spouses and have sought to alleviate these burdens through a variety of different initiatives. Many states have enacted legislation in recent years aimed at making it easier for military spouses to get an occupational license when they move across state lines due to their spouses' military orders. However, there is significant variation in how states' military spouse licensing laws operate, how many occupations these laws apply to, and how easy it is in practice for military spouses to obtain licenses when they move across state lines.

In January 2023, the United States Congress amended Title VII of the Servicemembers Civil Relief Act (SCRA) to include a provision which requires states to recognize professional licenses of servicemembers and their spouses when they move to a new jurisdiction.¹ Although this amendment to the SCRA represented an important development, it failed to anticipate and address a number of key issues. For example, although the amendment provided that "covered license[s] shall be considered valid" when servicemembers or spouses move to a new state due to military orders, it did not specify a process by which states should recognize out-of-state licenses of servicemembers or their spouses or require that the new state of residency actually issue a new license to them. This frustrates the apparent purpose of the federal statute since many employers understandably prefer to hire workers who possess a license from the state in which they will be working, and may not be satisfied by the federal law's declaration that the servicemember's or spouse's out-of-state license "shall be considered valid." Customers too may be wary of seeking professional assistance from a worker who possesses only a license from another state, despite the federal law.

Then, in December 2024, Congress again amended the SCRA, to provide in relevant part:

“(a) In general. If a servicemember or the spouse of a servicemember has a covered

¹ Pub. L. No. 117-333.

1 license and relocates residence because such servicemember receives military orders for
2 military service in a State other than the State of the licensing authority that issued the
3 covered license, such covered license shall be considered valid for the scope of practice
4 in the State of the new residence if such servicemember or spouse submits to the
5 licensing authority of such State an application described in subsection (c).

6 (b) Temporary licenses. If a licensing authority is required to consider a covered license
7 valid under subsection (a) but cannot carry out such requirement during the 30 days after
8 receiving an application described in subsection (c), the licensing authority may issue to
9 the applicant a temporary license that confers the same rights, privileges, and
10 responsibilities as a permanent license.

11 (c) Application. An application described in this subsection includes the following:

12 (1) Proof of military orders described in subsection (a).

13 (2) If the applicant is the spouse of a servicemember, a copy of the marriage
14 certificate.

15 (3) A notarized affidavit affirming, under the penalty of law, that—

16 (A) the applicant is the person described and identified in the application;

17 (B) all statements made in the application are true and correct and
18 complete;

19 (C) the applicant has read and understands the requirements to receive a
20 license, and the scope of practice, of the State of the licensing authority;

21 (D) the applicant certifies that the applicant meets and shall comply with
22 requirements described in subparagraph (C); and

23 (E) the applicant is in good standing in all States in which the applicant
24 holds or has held a license.

25 (d) Background checks. A licensing authority that receives an application described in
26 subsection (b) may conduct a background check of the applicant before carrying out
27 subsection (a) or (b).

28 (e) Interstate compacts. If a servicemember or spouse of a servicemember has a covered
29 license to operate in multiple States pursuant to an interstate compact described in section
30 1784 of title 10, United States Code—

31 (1) the servicemember or spouse of a servicemember shall be subject to the
32 requirements of such compact or the applicable provisions of law of the
33 applicable State; and

34 (2) this section shall not apply to such servicemember or spouse of a
35 servicemember.”²

36
37 The new amendment to the SCRA makes several important changes, including the
38 following: First, whereas the 2023 SCRA amendment’s definition of “covered license” specifies
39 it is a license that “the servicemember or spouse of a servicemember has actively used during the
40 two years immediately preceding the relocation,”³ the 2024 SCRA amendment gets rid of this

² Public Law 118-159.

³ This requirement was somewhat ambiguous as to whether it required that professionals use their licenses *at any time during the prior two years*, or required them to use it *continuously* during the prior two-year period. This was the issue in *Portee v. Morath*, where the court adopted the former interpretation of the “covered license” language, relying in part on case law requiring the SCRA to “be liberally construed to protect those who have been obliged to drop their own affairs to take up the burdens of the nation.” *Portee v. Morath*, 683 F. Supp. 3d 628, 634 (W.D. Tex. 2023).

1 requirement. Second, whereas the 2023 SCRA amendment’s definition of “covered license”
2 specifically did not include “a license to practice law,” the 2024 SCRA amendment removes this
3 exemption. Third, the 2024 SCRA amendment adds new requirements for qualifying
4 applications: applicants must include proof of military orders, a marriage certificate (if
5 applicable), and a notarized affidavit. Fourth, it offers specific definitions of “license,” “licensing
6 authority,” and “scope of practice.” Fifth, it clarifies that servicemembers and spouses who use
7 this process are subject to the scope of practice requirements of the new state in which they are
8 practicing. Sixth, it provides that the licensing provisions of the SCRA do not apply to a
9 servicemember or spouse of a servicemember who “has a covered license to operate in multiple
10 States pursuant to an interstate compact.” By contrast, the old language had a seemingly broader
11 exemption for interstate compacts, which applied if a servicemember/spouse “is licensed *and*
12 *able to operate in multiple jurisdictions* through an interstate licensure compact...” (emphasis
13 added). With respect to this latter issue, the Department of Justice, in guidance related to
14 implementation of the SCRA, has taken the position that persons who hold a license to operate in
15 multiple States pursuant to an interstate compact do not have the option to avail themselves of
16 the SCRA provisions in lieu of his or her governing compact.

17
18 Although many of these changes are beneficial, there are still a few important issues that
19 the SCRA fails to address. Importantly, the new federal law still does not explicitly require that
20 the new state of residency actually issue a new license to the servicemember or their spouse:
21 Although the new SCRA amendment includes a “temporary licenses” provision, this provision
22 does not actually require the issuance of a temporary license. It only provides that the licensing
23 authority “*may* issue to the applicant a temporary license” “[i/f ... [the] licensing authority is
24 required to consider a covered license valid under subsection (a) but cannot carry out such
25 requirement during the 30 days after receiving an application” (emphasis added). Nor
26 does subsection (a) in turn require the issuance of a license; it still only requires that “such
27 covered license shall be considered valid.” This lack of clarity about whether states need to issue
28 a new license still frustrates the apparent purpose of the law.

29
30 Compliance with the SCRA also remains an issue: in March 2026, the Department of
31 Justice announced that it has entered into a settlement with 42 Georgia state licensing boards to
32 resolve allegations that the boards violated the SCRA by failing to recognize out-of-state
33 occupational licenses of servicemembers and their spouses.

34
35 The purpose of the Occupational Licenses of Servicemembers and Military Spouses Act
36 is to support military families by making it easier for a servicemember and their spouse to get a
37 state occupational license when they are forced to relocate due to military orders. The Act
38 attempts to achieve this end by smoothing the implementation of the 2024 SCRA amendment by
39 adding a number of logistical details that the federal law does not address and by helping states
40 to comply with it:

- 41
42 1. It requires licensing boards to issue a license to a servicemember or their spouse who
43 possesses a license from another state, as long as they can provide proof of military
44 orders, a marriage certificate (if applicable), and a notarized affidavit, in line with the
45 SCRA amendment. The Act also allows for states that recognize domestic partners to
46 provide the same benefit to those individuals.

2. It requires licensing boards to process such applications within 30 days, or if that deadline cannot be met, issue another proof of authorization to work while the application is being processed.
3. It specifies that licenses issued to servicemembers and their spouses under the Act shall, for all intents and purposes, operate the same way as other occupational licenses issued to in-state practitioners, except that they are generally meant to be temporary. Servicemembers and their spouses who receive licenses issued under the Act will be subject to the same scope of practice requirements and professional practice standards as other licensed professionals in the state to which the servicemember or spouse has relocated. Servicemembers and their spouses who receive licenses under the Act are subject to the jurisdiction and disciplinary action of the licensing board in the state to which they have relocated.
4. It provides that a license issued under the Act is valid for the normal license cycle or duration of a standard license issued by a licensing board and is renewable for as long as the military practitioner remains in the state as a result of United States military orders.
5. It imposes a number of information-sharing requirements on licensing boards. These include a requirement that licensing boards make publicly available, on a public website maintained by the board or the state, information about servicemember and military spouse applicants for licensed professions, and a direction that licensing boards take reasonable steps to ensure that resources for applicants under this process are publicized. The aims of these requirements are to make it easier for servicemembers and their spouses to access information about the Act and how it functions, and to provide data that will allow interested parties to assess how well boards are complying with the law, and how easy it is in practice for military spouses and servicemembers to get a license when they move across state lines.

While this Act is meant to smooth the implementation of the 2024 SCRA amendment, it is not intended to completely supplant what states may have already done on this issue. Many states have preexisting laws aimed at making it easier for military spouses to obtain a license when they move across state lines, and some of these laws may extend beyond the scope of this Act in certain respects. To the extent that states wish to go further than this Act in improving license portability for military families, this Act is not intended to discourage them from doing so.

1 **Occupational Licenses of Servicemembers and Military Spouses Act**

2 **Section 1. Title**

3 This [act] may be cited as the Occupational Licenses of Servicemembers and Military
4 Spouses Act.

5 **Section 2. Definitions**

6 In this [act]:

7 (1) “Board” means an entity with authority under state law to license or discipline
8 an individual who engages in an occupation or profession.

9 (2) “Covered license” means a license issued under law of a state and held in
10 good standing by the licensee in compliance with the professional practice standards of the state.

11 The term does not include a license held by a licensee:

12 (A) whose license has been suspended or revoked;

13 (B) who is the subject of disciplinary action by a board;

14 (C) who is the subject of an investigation relating to unprofessional
15 conduct in a state; and

16 (D) who has voluntarily surrendered a license in a state while under
17 investigation for unprofessional conduct.

18 (3) “Electronic” means relating to technology having electrical, digital, magnetic,
19 wireless, optical, electromagnetic, or similar capabilities.

20 (4) “In-state practitioner” means an individual licensed under other law of this
21 state to engage in an occupation or profession.

22 (5) “License” means a license, certificate, or other evidence of qualification that
23 an individual is required to obtain before the individual may engage in, or represent the

individual as licensed to engage in an occupation or profession.

(6) “Military orders” means official military orders or a notification, certification, or verification from a servicemember’s commanding officer, with respect to the servicemember’s current or future military duty status. The term includes a record from a servicemember’s commanding officer indicating a change in the servicemember’s duty status.

(7) “Military practitioner” means an out-of-state practitioner licensed under Section 4.

(8) “Out-of-state practitioner” means an individual licensed under law of another state to engage in an occupation or profession in the other state.

(9) “Professional practice standards” include:

(A) a standard of care;

(B) a standard of professional ethics; and

(C) a practice requirement imposed by a board.

(10) “Record” means information:

(A) inscribed on a tangible medium; or

(B) stored in an electronic or other medium and retrievable in perceivable form.

(11) “Scope of practice” means the duties or services that may be provided by an individual under a license.

(12) “Servicemember” means a member of a uniformed service.

(13) “Spouse of a servicemember” means an individual who is married to [or is the [domestic partner] of] a servicemember when the individual applies for a license under Section 4.

(14) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States.

(15) “Uniformed service” means the:

(A) active and reserve components of the Air Force, Army, Navy, Marine Corps, Space Force, or Coast Guard of the United States;

(B) commissioned corps of the National Oceanic and Atmospheric Administration; or

(C) commissioned corps of the Public Health Service.

Legislative Note: *In this section and Section 4(a)(3)(B), if the state recognizes domestic partnerships, the state should include the bracketed text in paragraph (13) and insert the term used in the internal brackets. If the state does not recognize domestic partnerships, the state should omit the bracketed text.*

Comment

1. The term “entity” in paragraph (1) should be understood broadly to include any board, commission, department, or agency with authority under state law to license or discipline an individual who engages in an occupation or profession.
2. The definition of “license” in paragraph (5) is taken from the 2024 SCRA amendment. It is intended to capture legal grants of authority to work in a profession or occupation, whether they are termed a “license,” “certificate,” “registration,” or something else. It is not intended to capture voluntary certifications (i.e., ones not legally required to work in a given field) issued by private organizations. The Department of Justice has taken the position, in guidance issued to state licensing authorities, that the professional license portability provisions in the SCRA apply to licenses to practice law. Concomitantly, licenses to practice law are included in this definition whether granted by a state’s highest court or another licensing authority.
3. The requirements for a “covered license” in paragraph (2) are also taken from the 2024 SCRA amendment. The requirement that a license not be voluntarily surrendered does not imply that licensees must maintain *all* of their state licenses in perpetuity; rather, it means that an individual state license must not have been voluntarily surrendered in order to qualify as a covered license for purposes of this Act.
4. The definition of “military orders” in paragraph (6) is taken from the Department of

Justice’s guidance on the SCRA and should be liberally construed.

5. The definition of “professional practice standards” in paragraph (9) includes continuing education requirements.

Section 3. Scope

This [act] applies to a servicemember or spouse of a servicemember who is an out-of-state practitioner and relocates or will relocate to this state as a result of military orders.

Comment

1. This Act applies to servicemembers and military spouses who already have occupational licenses from another state and relocate to (or will relocate to) this state as a result of their own or their spouses’ military orders. This may be the case because the servicemember is required to relocate to this state, or because this state is nearby or bordering the state to which the servicemember’s military orders apply.

Section 4. Licensing of Out-of-State Practitioner

(a) A board of this state shall issue a license to an out-of-state practitioner not licensed in this state in the occupation or profession for which the practitioner applies who:

(1) is a servicemember or spouse of a servicemember who relocates or will relocate to this state as a result of military orders;

(2) holds a covered license in the same occupation or profession as the license being applied for; and

(3) submits to the board an application that includes:

(A) a copy of the military orders showing the need to relocate to this state;

(B) if the applicant is the spouse of a servicemember, proof of marriage [or domestic partnership]; and

(C) a notarized affidavit affirming, under penalty of [cite to law imposing a criminal penalty for making a false statement on a government document], that the applicant:

(i) is the individual described and identified in the application;

(ii) certifies the statements in the application as true, correct, and complete;

(iii) has read and understands the requirements of this state for the issuance of the license and the scope of practice;

(iv) certifies that the applicant meets the requirements described in clause (iii) and agrees to comply with the requirements for the duration of the license;

(v) is in good standing in all states in which the applicant holds a license; and

(vi) agrees to notify the board of any future disciplinary action taken against the applicant by another board.

(b) A board of this state shall create an application process for licensing under this [act] and shall either issue or deny a license not later than 30 days after receipt of a completed application for the license.

(c) If the board does not issue or deny the license not later than 30 days after receipt of a completed application, the board shall issue a temporary license with the same rights, privileges, and responsibilities as a license issued under this section to engage in the occupation or profession while the application is being processed.

(d) An out-of-state practitioner may file an application before the practitioner relocates to this state.

(e) An applicant may appeal the denial by the board of an application in the same manner as a denial of a comparable license the board is authorized to issue.

Comment

1. Section 4 establishes a system by which a servicemember and their military spouse with an occupational license in another state may obtain a license to practice in this state.

2. Subsection (a) requires the issuance of a license in the new state to which the military spouse or servicemember relocates, as long as they fulfill the application requirements listed in that subsection. This requirement is important to implement the recent amendment to the SCRA.
3. Some states may need to set or authorize license application and renewal fees to fund the costs of administration of this Act. Other states may decide to limit or waive such fees for servicemembers and their spouses. Of note, the Department of Justice has taken the position that anything demanded in excess of the requirements detailed in the SCRA is illegal.
4. The federal law authorizes, but does not require, states to conduct background checks.

Section 5. Duration; Renewal

A license issued under Section 4 is:

- (1) valid for the same licensing cycle or duration as a comparable license issued by the board; and
- (2) renewable as a comparable license issued by the board for as long as the military practitioner is in this state as a result of military orders.

Comment

1. This section provides that a license issued under this Act is valid for the same license cycle or duration of other similar licenses issued by the board and is renewable for as long as the military practitioner attests that they remain in the state as a result of military orders. It may be necessary to renew a license issued under this Act if, for instance, a servicemember is required to stay in a state longer than they were originally told, or if they are deployed overseas while their spouse stays behind in the state.

Section 6. Professional Practice Standards; Scope of Practice

(a) A military practitioner who engages in an occupation or profession in this state shall comply with the professional practice standards, scope of practice, and other law of this state applicable to an in-state practitioner engaging in an occupation or profession under a comparable license.

(b) A board of this state may not adopt, enforce, or implement a rule that establishes different professional practice standards or a different scope of practice for a military practitioner

1 than for an in-state practitioner engaging in an occupation or profession under a comparable
2 license.

3 **Comment**

- 4 1. Subsection (a) specifies that the same professional practice standards, scope of practice
5 standards, and other laws apply to military practitioners as to in-state practitioners licensed
6 through the state's regular licensing process. In other words, a military practitioner who
7 provides services in the enacting state is subject to the same scope of practice standards,
8 professional practice standards, and other applicable laws as an in-state practitioner who
9 practices under a comparable license. Notwithstanding that a military practitioner may now
10 be subject to different scope of practice standards than those in the enacting state, this statute
11 does not authorize them to do anything beyond their competency or training, and they are
12 still subject to the same standard of care as other in-state practitioners.
13
- 14 2. Subsection (b) prohibits boards from creating different scope of practice or professional
15 practice standards that apply only to servicemembers and their spouses who are licensed
16 through the process provided for in the Act. This is to ensure that qualifying military
17 servicemembers and spouses have access to the full range of professional opportunities for
18 which they are qualified.
19

20 **Section 7. Disciplinary Action**

21 A board of this state may take disciplinary action, including suspension or revocation of a
22 license, against a military practitioner to the same extent and for the same reasons as the board
23 may take disciplinary action against an in-state practitioner engaging in an occupation or
24 profession under a comparable license.

25 **Comment**

- 26 1. Section 7 extends a board's disciplinary authority with respect to licensed practitioners to
27 practitioners it licenses under section 4. A board is authorized to discipline a military
28 practitioner who provides services that fail to meet the applicable professional practice
29 standards, scope of practice standards, and other applicable laws, just as it would be
30 authorized to discipline an in-state practitioner for the same reasons. It also makes clear that
31 in disciplining military practitioners, a board may make use of the same types of disciplinary
32 action that it is authorized to take against in-state practitioners who provide comparable
33 services in this state.
34

35 **Section 8. Reporting; Designated Individual; Coordination**

36 (a) A board of this state shall make the following information available at least annually

on a public website maintained by the board or this state:

(1) the number of applications received by the board under Section 4;

(2) the average and median application processing times;

(3) the number of licenses issued; and

(4) the number of applications denied.

(b) The information under subsection (a) shall be formatted in an electronic record that can be processed by a computer without human intervention while ensuring no semantic meaning is lost.

(c) A board of this state shall designate an individual to:

(1) serve as the point of contact between the board and servicemembers or spouses of servicemembers who are or may be eligible for a license under this [act]; and

(2) assist in expediting applications received from servicemembers or spouses of servicemembers.

(d) A board of this state shall take reasonable steps, in coordination with other boards in this state, to:

(1) ensure that resources for applicants who are servicemembers or spouses of servicemembers are publicized, including on a public website maintained by the state relevant to the applicants;

(2) provide information relating to the application process, available support services, and expected application processing times; and

(3) provide contact information for the individual designated under subsection (c).

Comment

1. The aims of the requirements in this section are: to make it easier for servicemembers and their spouses to access information about the Act and how it functions, and to provide data

1 that will allow interested parties to assess how well boards are complying with the law, and
2 how easy it is in practice for military spouses and servicemembers to get a license when they
3 move across state lines.

- 4
- 5 2. Boards are encouraged to post the information enumerated in subsection (a) in structured,
6 downloadable, non-proprietary formats such as CSV files, so that it can be accessed and
7 analyzed as easily as possible.
- 8
- 9 3. Boards are additionally encouraged, but not required, to make additional information
10 publicly available, including the following: a summary of reasons for application denials; for
11 each application that took longer than 30 days to process, an explanation of why the
12 processing was delayed and the board's plan to shorten the processing time of future
13 applications; the number of multistate licenses and compact privileges issued to qualified
14 servicemembers and spouses; and the number of servicemember transitions from military
15 occupational specialties into civilian licensed careers. Such information may be useful in
16 assessing license portability and labor market outcomes for servicemembers and military
17 spouses.
- 18
- 19 4. The term "computer" in subsection (b) is meant to be expansive and intended to include both
20 technological approaches to computing in use today (including distributed networks of
21 computers) and technological developments that come into use over time.
- 22

23 **[Section 9. Rulemaking Authority]**

24 [A board of this state may adopt rules under [cite to state administrative procedure act] to
25 administer, enforce, and implement this [act].]

26 ***Legislative Note:*** *A state should include this section only if the state's administrative procedure*
27 *act does not provide adequate rulemaking authority to the state agency.*

28

29 **Section 10. Uniformity of Application and Construction**

30 In applying and construing this uniform act, a court shall consider the promotion of
31 uniformity of the law among states that enact it.

32 **Section 11. Relation to Electronic Signatures in Global and National Commerce Act**

33 (Insert if necessary.)

34 This [act] modifies, limits, or supersedes the Electronic Signatures in Global and National
35 Commerce Act, 15 U.S.C. Section 7001 et seq.[, as amended], but does not modify, limit, or
36 supersede 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices

described in 15 U.S.C. Section 7003(b).

Legislative Note: *It is the intent of this act to incorporate future amendments to the federal statute cited in this section. However, the text “as amended” should be omitted in a state that: (1) does not permit incorporation of future amendments when a federal statute is incorporated into state law; or (2) incorporates future amendments into state law even in the absence of a legislative declaration.*

[Section 12. Severability]

[If a provision of this [act] or its application to a person or circumstance is held invalid, the invalidity does not affect another provision or application that can be given effect without the invalid provision.]

Legislative Note: *Include this section only if the state lacks a general severability statute or a decision by the highest court of the state stating a general rule of severability.*

[Section 13. Repeals; Conforming Amendments]

[(a) ...

(b) ...]

Legislative Note: *A state should examine its statutes to determine whether conforming revisions are required by provisions of this act relating to occupational or professional licensing.*

Section 14. Effective Date

This [act] takes effect [...].