



Ohio Legislative Service Commission

Final Analysis

Daniel M. DeSantis

Am. Sub. H.B. 98 130th General Assembly (As Passed by the General Assembly)

- Reps.** Gonzales and Retherford, Terhar, Pillich, Stinziano, Fedor, Becker, Ruhl, Dovilla, Young, Johnson, Landis, Anielski, Barborak, Bishoff, Milkovich, Perales, Rosenberger, J. Adams, R. Adams, Amstutz, Antonio, Ashford, Baker, Beck, Blair, Blessing, Boose, Boyce, Brenner, Brown, Buchy, Budish, Burkley, Butler, Celebrezze, Cera, Clyde, Conditt, Curtin, Damschroder, Derickson, DeVitis, Duffey, Foley, Gerberry, Green, Grossman, Hackett, C. Hagan, Hall, Hayes, Heard, Henne, Hill, Hood, Hottinger, Huffman, Kunze, Letson, Lundy, Lynch, Maag, Mallory, McClain, McGregor, Patmon, Patterson, Pelanda, Phillips, Ramos, Reece, Roegner, Rogers, Romanchuk, Scherer, Schuring, Sears, Slaby, Smith, Sprague, Stautberg, Stebelton, Strahorn, Sykes, Szollosi, Thompson, Wachtmann, Williams, Winburn, Batchelder
- Sens.** Uecker, LaRose, Skindell, Brown, Tavares, Schaffer, Bacon, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Gentile, Hite, Hughes, Jones, Jordan, Kearney, Lehner, Manning, Obhof, Oelslager, Patton, Peterson, Sawyer, Schiavoni, Seitz, Smith, Turner, Widener

Effective date: Emergency, November 15, 2013

ACT SUMMARY

- Requires each of Ohio's occupational licensing agencies to apply an individual's military training and experience toward the requirements to receive that license.
- Defines "military" to include service in the U.S. armed forces or a reserve component of the U.S. armed forces, including the Ohio National Guard or the national guard of any other state.
- Requires each licensing agency to adopt rules regarding which military programs of training, military primary specialties, and lengths of service are substantially equivalent to or exceed the educational and experience requirements for each license that agency issues.
- Expands the circumstances under which the Bureau of Motor Vehicles must waive the requirement that an applicant for a commercial driver's license take the required

skills test, if the applicant has military experience in the operation of commercial vehicles.

- Modifies the requirement that occupational licensing agencies extend the time for a licensee to fulfill continuing education requirements, if the licensee has been serving on active military duty for more than 31 days, to include active-duty service in the U.S. armed forces or the national guard of another state.
- Permits a former member of any of those services to apply for such an extension based on recent active-duty service.
- Requires a licensee who applies for the extension to state that the licensee requires the extension *because* the licensee served on active duty during the current or a prior reporting period.
- Requires occupational licensing agencies to consider relevant education, training, or service in the national guard of another state in determining whether a licensee has fulfilled required continuing education, in addition to other types of military service as continuing law requires.
- Adds service in the national guard of another state to the types of military service that allow the holder of an expired occupational license to renew that license at the usual cost, without paying a penalty or retaking an examination, if the license was not renewed because the holder or the holder's spouse was serving in the military.
- Adds service in a reserve component of the U.S. armed forces, including the Ohio National Guard and the national guard of another state, to the types of active military duty that qualify a licensed psychologist or a registered professional engineer or surveyor to receive a waiver of the person's license renewal fee or continuing education requirement, at the discretion of the relevant board.

CONTENT AND OPERATION

Occupational licensing requirements

General requirement

The act requires each of Ohio's occupational licensing agencies to apply an individual's military training and experience toward the requirements to receive that license. The licensing agencies must recognize an applicant's training and experience from service in the U.S. armed forces or a reserve component of the U.S. armed forces, including the Ohio National Guard or the national guard of any other state.

Under the act, each licensing agency must consider an applicant to have met the educational requirement for that license if the applicant has completed a military program of training and has been awarded a military primary specialty at a level that is substantially equivalent to or exceeds the educational requirement for that license. Further, each licensing agency must consider an applicant to have met the experience requirement for that license if the applicant has served in that military primary specialty for a period of time that is substantially equivalent to or exceeds the experience requirement for that license.

The act requires each licensing agency, not later than June 30, 2014, to adopt administrative rules under the Administrative Procedure Act regarding which military programs of training, military primary specialties, and lengths of service are substantially equivalent to or exceed the educational and experience requirements for each license that agency issues.¹ (The Administrative Procedure Act requires rule-making to include public notice of the intent to adopt a rule, and a public hearing on the proposed rule.)

An applicant who shows sufficient military training and experience still must meet any other conditions, such as paying a fee or undergoing a background check, that are required of other applicants.

Some licensing agencies already have adopted rules that recognize applicants' military training. For example, the State Board of Emergency Medical Services certifies emergency medical technicians and firefighters who have received adequate training in the U.S. military.² However, the act supersedes any existing administrative rules, to the extent that they do not match the act's requirements. In the case of the Board of Emergency Medical Services, the Board would be required also to recognize sufficient training from reserve components of the U.S. armed forces, including the Ohio National Guard and the national guards of other states.³

Commercial driver's license skills test waiver

The act expands the circumstances under which the Bureau of Motor Vehicles must waive the required skills test to receive a commercial driver's license if the applicant has received military training in the operation of commercial vehicles.

¹ R.C. 4743.04 and 5903.03.

² Ohio Administrative Code 4765-8-15 and 4765-20-11.

³ R.C. 5903.03.



Under the act, in order to qualify for the waiver, an applicant must be or have been regularly employed in a military position requiring operation of a commercial motor vehicle as a member or uniformed employee of the U.S. armed forces or their reserve components, including the Ohio National Guard or the national guard of any other state.

Previous law required the applicant to have been separated from service or employment within the preceding 90 days. Also, previous law did not recognize service in the national guard of another state.

Extension of time to complete continuing education

The act modifies the law that requires occupational licensing agencies to extend the time for a licensee to fulfill continuing education requirements, if the licensee has been serving on active duty in the military for more than 31 days.

Prior to the act, active-duty service in a reserve component of the U.S. armed forces, the Ohio National Guard, the Ohio Military Reserve, or the Ohio Naval Militia qualified a licensee for the extension. The act also allows a licensee to receive an extension for active-duty service in the U.S. armed forces or the national guard of another state.

And, the act permits a former member of any of those services to apply for an extension based on recent active-duty service. Under prior law, a licensee must have been a current member of those services in order to apply for an extension.

Further, under the act, a licensee who applies for a continuing education extension must state that the licensee requires an extension *because* the licensee served on active duty during the current or a prior reporting period. Prior law only required the licensee to state that the licensee served on active duty during that time.⁴

Military education, training, and service as continuing education

Continuing law requires licensing agencies to consider relevant education, training, or service completed in the U.S. armed forces or a reserve component, the Ohio National Guard, the Ohio Military Reserve, or the Ohio Naval Militia in determining whether a licensee has fulfilled required continuing education.⁵ The act additionally requires agencies to consider relevant education, training, or experience completed in the national guard of another state.

⁴ R.C. 4713.60, 4725.16, 4732.14, and 5903.12.

⁵ R.C. 5903.121.



Renewal of expired occupational license

The act adds to the circumstances under which the holder of an expired occupational license may renew that license at the usual cost, without paying a penalty or retaking an examination, if the license was not renewed because the holder or the holder's spouse was serving in the military.

Under continuing law, the holder of a license qualifies for this type of renewal if the holder did not renew the license because of the holder's service in the U.S. armed forces or a reserve component, including the Ohio National Guard. Alternatively, the holder may qualify if the holder did not renew the license because the holder's spouse served in those forces and the service resulted in the holder's absence from Ohio. The act adds service in the national guard of another state to the recognized types of service.⁶

License renewal fee and continuing education waiver

Finally, the act expands the provision of law that allows the State Board of Psychology and the State Board of Registration for Professional Engineers and Surveyors to waive the payment of renewal fees or the completion of continuing education for a person who is on active military duty. In addition to the continuing law that allows a waiver when the licensee is on active duty in the U.S. armed forces, the act also allows a waiver when the licensee is on active duty in a reserve component of the U.S. armed forces, including the Ohio National Guard or the national guard of any other state.⁷

HISTORY

ACTION	DATE
Introduced	03-07-13
Reported, H. Military and Veterans Affairs	05-22-13
Passed House (93-0)	05-22-13
Reported, S. Public Safety, Local Gov't, & Veterans Affairs	06-19-13
Reported, S. Rules	11-06-13
Passed Senate (33-0)	11-06-13
House concurred in Senate amendments (97-0)	11-06-13

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⁶ R.C. 4713.24, 4725.51, 4743.04, and 5903.10.

⁷ R.C. 4732.14 and 4733.15.

