

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-145 effective 90 days after Nov. 8, 1985, see section 1224(d) of Pub. L. 99-145, set out as a note under section 2683 of Title 10, Armed Forces.

SERVICEMEMBERS CIVIL RELIEF ACT

ACT OCT. 17, 1940, CH. 888, 54 STAT. 1178

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CODIFICATION

The Servicemembers Civil Relief Act, comprising sections 501 to 515 and 516 to 597b of this Appendix, was originally enacted as act Oct. 17, 1940, ch. 888, 54 Stat. 1178, known as the Soldiers' and Sailors' Civil Relief Act of 1940, and amended by acts Oct. 6, 1942, ch. 581, 56 Stat. 769; July 3, 1944, ch. 397, 58 Stat. 722; Apr. 3, 1948, ch. 170, 62 Stat. 160; June 23, 1952, ch. 450, 66 Stat. 151; July 11, 1956, ch. 570, 70 Stat. 528; Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1105; Pub. L. 86-721, Sept. 8, 1960, 74 Stat. 820; Pub. L. 87-771, Oct. 9, 1962, 76 Stat. 768; Pub. L. 89-358, Mar. 3, 1966, 80 Stat. 12; Pub. L. 92-540, Oct. 24, 1972, 86 Stat. 1074; Pub. L. 102-12, Mar. 18, 1991, 105 Stat. 34; Pub. L. 104-106, Feb. 10, 1996, 110 Stat. 186; Pub. L. 107-107, Dec. 28, 2001, 115 Stat. 1012; Pub. L. 107-330, Dec. 6, 2002, 116 Stat. 2820. Sections of the act Oct. 17, 1940, are shown herein, however, as having been added by Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2835, without reference to the intervening amendments listed above because of the extensive revision of act Oct. 17, 1940, by Pub. L. 108-189.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1918

Former provisions on this subject were contained in act Mar. 8, 1918, ch. 20, 40 Stat. 440, known as the Soldiers' and Sailors' Civil Relief Act of 1918, section 101 et seq. of this Appendix.

§ 501. Short title

This Act [sections 501 to 515 and 516 to 597b of this Appendix] may be cited as the "Servicemembers Civil Relief Act".

(Oct. 17, 1940, ch. 888, §1(a), as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2835.)

PRIOR PROVISIONS

A prior section 501, act Oct. 17, 1940, ch. 888, §1, 54 Stat. 1178, provided that this Act could be cited as the Soldiers' and Sailors' Relief Act of 1940, prior to the general amendment of this Act by Pub. L. 108-189.

EFFECTIVE DATE

Pub. L. 108-189, §3, Dec. 19, 2003, 117 Stat. 2866, provided that: "The amendment made by section 1 [enacting sections 501 to 515 and 516 to 596 of this Appendix] shall apply to any case that is not final before the date of the enactment of this Act [Dec. 19, 2003]."

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-346, §1, Dec. 29, 2010, 124 Stat. 3622, provided that: “This Act [amending provisions set out as a note under section 533 of this Appendix] may be cited as the ‘Helping Heroes Keep Their Homes Act of 2010.’”

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-97, §1, Nov. 11, 2009, 123 Stat. 3007, provided that: “This Act [amending sections 568, 571, and 595 of this Appendix and enacting provisions set out as notes under sections 568, 571, and 595 of this Appendix] may be cited as the ‘Military Spouses Residency Relief Act.’”

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-12, §1, Mar. 18, 1991, 105 Stat. 34, provided that: “This Act [enacting sections 518, 592, and 593 of this Appendix, amending sections 511 to 513, 515, 516, 525, 526, 530 to 532, 534, 535, 540 to 545, 547, 564 to 567, 570, 574, 580, 581, 584, and 591 of this Appendix and sections 2021 and 2024 of Title 38, Veterans’ Benefits, repealing section 548 of this Appendix, and enacting provisions set out as notes under sections 521 and 530 of this Appendix and sections 2021 and 2024 of Title 38] may be cited as the ‘Soldiers’ and Sailors’ Civil Relief Act Amendments of 1991.’”

SHORT TITLE OF 1942 AMENDMENT

Act Oct. 6, 1942, ch. 581, §1, 56 Stat. 769, provided: “That this Act [enacting sections 514 to 517, 526, 533 to 536, 574, and 590 of this Appendix and amending sections 513, 525, 530 to 532, 540 to 548, 560, 569, and 572 of this Appendix] may be cited as the ‘Soldiers’ and Sailors’ Civil Relief Act Amendments of 1942.’”

§ 502. Purpose

The purposes of this Act [sections 501 to 515 and 516 to 597b of this Appendix] are—

- (1) to provide for, strengthen, and expedite the national defense through protection extended by this Act to servicemembers of the United States to enable such persons to devote their entire energy to the defense needs of the Nation; and
- (2) to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.

(Oct. 17, 1940, ch. 888, §2, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2836.)

TITLE I—GENERAL PROVISIONS

PRIOR PROVISIONS

A prior section 510, act Oct. 17, 1940, ch. 888, art. I, §100, 54 Stat. 1179, stated purpose of this Act, prior to the general amendment of this Act by Pub. L. 108-189.

§ 511. Definitions

For the purposes of this Act [sections 501 to 515 and 516 to 597b of this Appendix]:

(1) Servicemember

The term “servicemember” means a member of the uniformed services, as that term is defined in section 101(a)(5) of title 10, United States Code.

(2) Military service

The term “military service” means—

- (A) in the case of a servicemember who is a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard—

- (i) active duty, as defined in section 101(d)(1) of title 10, United States Code, and

- (ii) in the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds;

(B) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service; and

(C) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(3) Period of military service

The term “period of military service” means the period beginning on the date on which a servicemember enters military service and ending on the date on which the servicemember is released from military service or dies while in military service.

(4) Dependent

The term “dependent”, with respect to a servicemember, means—

(A) the servicemember’s spouse;

(B) the servicemember’s child (as defined in section 101(4) of title 38, United States Code); or

(C) an individual for whom the servicemember provided more than one-half of the individual’s support for 180 days immediately preceding an application for relief under this Act.

(5) Court

The term “court” means a court or an administrative agency of the United States or of any State (including any political subdivision of a State), whether or not a court or administrative agency of record.

(6) State

The term “State” includes—

(A) a commonwealth, territory, or possession of the United States; and

(B) the District of Columbia.

(7) Secretary concerned

The term “Secretary concerned”—

(A) with respect to a member of the armed forces, has the meaning given that term in section 101(a)(9) of title 10, United States Code;

(B) with respect to a commissioned officer of the Public Health Service, means the Secretary of Health and Human Services; and

(C) with respect to a commissioned officer of the National Oceanic and Atmospheric Administration, means the Secretary of Commerce.

(8) Motor vehicle

The term “motor vehicle” has the meaning given that term in section 30102(a)(6) of title 49, United States Code.