

without reference to the intervening amendments listed above because of the extensive revision of act Oct. 17, 1940, by Pub. L. 108-189.

Act Oct. 17, 1940, ch. 888, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2835, comprising this chapter, was formerly set out in the Appendix to this title, prior to the elimination of the Appendix to this title and the editorial reclassification of the Act as this chapter. For disposition of sections of the former Appendix to this title, see Table II, set out preceding section 1 of this title.

### § 3901. Short title

This chapter may be cited as the “Service-members Civil Relief Act”.

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

#### CODIFICATION

Section was formerly classified to section 501 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### PRIOR PROVISIONS

A prior section 1 of act Oct. 17, 1940, ch. 888, 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 this chapter] shall apply to any case that is not final before the date of the enactment of this Act [Dec. 19, 2003].”

#### SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114-142, §1, Mar. 31, 2016, 130 Stat. 326, provided that: “This Act [amending section 3953 of this title and provisions set out as notes under section 3953 of this title] may be cited as the ‘Foreclosure Relief and Extension for Servicemembers Act of 2015’.”

#### SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-286, §1, Dec. 18, 2014, 128 Stat. 3093, provided that: “This Act [amending provisions set out as notes under section 3953 of this title] may be cited as the ‘Foreclosure Relief and Extension for Servicemembers Act of 2014’.”

#### 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 3953 of this title] 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 3998, 4001, and 4025 of this title and enacting provisions set out as notes under sections 3998, 4001, and 4025 of this title] 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 [see Tables for classification] 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 [see Tables for classification] may be cited as the ‘Soldiers’ and Sailors’ Civil Relief Act Amendments of 1942’.”

### § 3902. Purpose

The purposes of this chapter are—

(1) to provide for, strengthen, and expedite the national defense through protection extended by this chapter 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.)

#### CODIFICATION

Section was formerly classified to section 502 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 100 of act Oct. 17, 1940, ch. 888, art. I, 54 Stat. 1179, prior to the general amendment of this Act by Pub. L. 108-189.

#### EFFECTIVE DATE

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

## SUBCHAPTER I—GENERAL PROVISIONS

### § 3911. Definitions

For the purposes of this chapter:

#### (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.

#### (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, 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 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); 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 chapter.

**(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;
- (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.<sup>1</sup>

**(9) Judgment**

The term “judgment” means any judgment, decree, order, or ruling, final or temporary.

(Oct. 17, 1940, ch. 888, title I, §101, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2836; amended Pub. L. 108-454, title VII, §701, Dec. 10, 2004, 118 Stat. 3624.)

## REFERENCES IN TEXT

Section 30102(a)(6) of title 49, referred to in par. (8), was redesignated section 30102(a)(7) of title 49 by Pub. L. 114-94, div. B, title XXIV, §24109(b)(2), Dec. 4, 2015, 129 Stat. 1706.

## CODIFICATION

Section was formerly classified to section 511 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

## PRIOR PROVISIONS

A prior section 101 of act Oct. 17, 1940, ch. 888, art. I, 54 Stat. 1179; Pub. L. 92-540, title V, §504(1), Oct. 24, 1972, 86 Stat. 1098; Pub. L. 102-12, §9(1), Mar. 18, 1991, 105 Stat. 38; Pub. L. 107-330, title III, §305, Dec. 6, 2002, 116 Stat. 2826, related to definitions, prior to the general amendment of this Act by Pub. L. 108-189.

## AMENDMENTS

2004—Par. (9). Pub. L. 108-454 added par. (9).

<sup>1</sup> See References in Text note below.

## EFFECTIVE DATE

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

**§ 3912. Jurisdiction and applicability of chapter****(a) Jurisdiction**

This chapter applies to—

- (1) the United States;
- (2) each of the States, including the political subdivisions thereof; and
- (3) all territory subject to the jurisdiction of the United States.

**(b) Applicability to proceedings**

This chapter applies to any judicial or administrative proceeding commenced in any court or agency in any jurisdiction subject to this chapter. This chapter does not apply to criminal proceedings.

**(c) Court in which application may be made**

When under this chapter any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court which would otherwise have jurisdiction over the matter.

(Oct. 17, 1940, ch. 888, title I, §102, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2837.)

## CODIFICATION

Section was formerly classified to section 512 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

## PRIOR PROVISIONS

A prior section 102 of act Oct. 17, 1940, ch. 888, art. I, 54 Stat. 1179; Pub. L. 102-12, §9(2), Mar. 18, 1991, 105 Stat. 39, related to territorial application, jurisdiction of courts, and form of procedure, prior to the general amendment of this Act by Pub. L. 108-189.

## EFFECTIVE DATE

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

**§ 3913. Protection of persons secondarily liable****(a) Extension of protection when actions stayed, postponed, or suspended**

Whenever pursuant to this chapter a court stays, postpones, or suspends (1) the enforcement of an obligation or liability, (2) the prosecution of a suit or proceeding, (3) the entry or enforcement of an order, writ, judgment, or decree, or (4) the performance of any other act, the court may likewise grant such a stay, postponement, or suspension to a surety, guarantor, endorser, accommodation maker, comaker, or other person who is or may be primarily or secondarily subject to the obligation or liability the performance or enforcement of which is stayed, postponed, or suspended.

**(b) Vacation or set-aside of judgments**

When a judgment or decree is vacated or set aside, in whole or in part, pursuant to this chapter, the court may also set aside or vacate, as the case may be, the judgment or decree as to a surety, guarantor, endorser, accommodation