

action against such servicemember under subsection (f)(1) shall terminate on the date of the death of such servicemember; and

(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased servicemember in the same manner and to the same extent as such carrier would be liable if the servicemember had died while covered by such insurance but before the claim was filed.

**(i) Definitions**

For purposes of this section:

**(1) Active duty**

The term “active duty” has the meaning given that term in section 101(d)(1) of title 10.

**(2) Profession**

The term “profession” includes occupation.

**(3) Professional**

The term “professional” includes occupational.

(Oct. 17, 1940, ch. 888, title VII, §703, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2862.)

CODIFICATION

Section was formerly classified to section 593 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 703 of act Oct. 17, 1940, ch. 888, art. VII, as added Pub. L. 102-12, §5(b), Mar. 18, 1991, 105 Stat. 37, related to reinstatement of health coverage upon release from service, prior to the general amendment of this Act by Pub. L. 108-189. See section 4024 of this title.

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.

**§ 4024. Health insurance reinstatement**

**(a) Reinstatement of health insurance**

A servicemember who, by reason of military service as defined in section 4023(a)(1) of this title, is entitled to the rights and protections of this chapter shall also be entitled upon termination or release from such service to reinstatement of any health insurance that—

(1) was in effect on the day before such service commenced; and

(2) was terminated effective on a date during the period of such service.

**(b) No exclusion or waiting period**

The reinstatement of health care insurance coverage for the health or physical condition of a servicemember described in subsection (a), or any other person who is covered by the insurance by reason of the coverage of the servicemember, shall not be subject to an exclusion or a waiting period, if—

(1) the condition arose before or during the period of such service;

(2) an exclusion or a waiting period would not have been imposed for the condition during the period of coverage; and

(3) in a case in which the condition relates to the servicemember, the condition has not

been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38).

**(c) Exceptions**

Subsection (a) does not apply to a servicemember entitled to participate in employer-offered insurance benefits pursuant to the provisions of chapter 43 of title 38.

**(d) Time for applying for reinstatement**

An application under this section must be filed not later than 120 days after the date of the termination of or release from military service.

**(e) Limitation on premium increases**

**(1) Premium protection**

The amount of the premium for health insurance coverage that was terminated by a servicemember and required to be reinstated under subsection (a) may not be increased, for the balance of the period for which coverage would have been continued had the coverage not been terminated, to an amount greater than the amount chargeable for such coverage before the termination.

**(2) Increases of general applicability not precluded**

Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by the carrier of the health care insurance for the same health insurance coverage for persons similarly covered by such insurance during the period between the termination and the reinstatement.

(Oct. 17, 1940, ch. 888, title VII, §704, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2864; amended Pub. L. 109-233, title III, §302, June 15, 2006, 120 Stat. 406.)

CODIFICATION

Section was formerly classified to section 594 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 704 of act Oct. 17, 1940, ch. 888, art. VII, as added Pub. L. 107-107, div. A, title XVI, §1603, Dec. 28, 2001, 115 Stat. 1276, related to guarantee of residency for military personnel, prior to the general amendment of this Act by Pub. L. 108-189. See section 4025 of this title.

AMENDMENTS

2006—Subsec. (b)(3). Pub. L. 109-233, §302(b), substituted “in a case in which the” for “if the”.

Subsec. (e). Pub. L. 109-233, §302(a), added subsec. (e).

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.

**§ 4025. Guarantee of residency for military personnel and spouses of military personnel**

**(a) In general**

For the purposes of voting for any Federal office (as defined in section 30101 of title 52) or a State or local office, a person who is absent from a State in compliance with military or

naval orders shall not, solely by reason of that absence—

- (1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;
- (2) be deemed to have acquired a residence or domicile in any other State; or
- (3) be deemed to have become a resident in or a resident of any other State.

**(b) Spouses**

For the purposes of voting for any Federal office (as defined in section 30101 of title 52) or a State or local office—

- (1) a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

(A) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

(B) be deemed to have acquired a residence or domicile in any other State; or

(C) be deemed to have become a resident in or a resident of any other State; and

- (2) the spouse of a servicemember may elect to use the same residence as the servicemember regardless of the date on which the marriage of the spouse and the servicemember occurred.

(Oct. 17, 1940, ch. 888, title VII, §705, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2865; amended Pub. L. 111-97, §2(a), Nov. 11, 2009, 123 Stat. 3007; Pub. L. 115-407, title III, §303(a), Dec. 31, 2018, 132 Stat. 5373.)

CODIFICATION

Section was formerly classified to section 595 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-407 substituted “State or local office—” for “State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—” in introductory provisions, added pars. (1) and (2), and struck out former pars. (1) to (3) which read as follows:

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”

2009—Pub. L. 111-97 inserted “and spouses of military personnel” after “military personnel” in section catchline, designated existing provisions as subsec.(a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-407, title III, §303(b), Dec. 31, 2018, 132 Stat. 5374, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date that is 90 days after the date of the enactment of this Act [Dec. 31, 2018].”

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-97, §2(c), Nov. 11, 2009, 123 Stat. 3007, provided that: “Subsection (b) of section 705 of such Act

[Servicemembers Civil Relief Act] (50 U.S.C. App. 595) [now 50 U.S.C. 4025], as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act [Nov. 11, 2009], regardless of the date of the military or naval order concerned.”

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.

**§ 4026. Business or trade obligations**

**(a) Availability of non-business assets to satisfy obligations**

If the trade or business (without regard to the form in which such trade or business is carried out) of a servicemember has an obligation or liability for which the servicemember is personally liable, the assets of the servicemember not held in connection with the trade or business may not be available for satisfaction of the obligation or liability during the servicemember's military service.

**(b) Relief to obligors**

Upon application to a court by the holder of an obligation or liability covered by this section, relief granted by this section to a servicemember may be modified as justice and equity require.

(Oct. 17, 1940, ch. 888, title VII, §706, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2865.)

CODIFICATION

Section was formerly classified to section 596 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

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.

**§ 4027. Guarantee of residency for spouses of servicemembers**

For the purposes of establishing the residency of a spouse of a servicemember for any purpose (including the registration of a business), the spouse of a servicemember may elect to use the same residence as the servicemember regardless of the date on which the marriage of the spouse and the servicemember occurred.

(Oct. 17, 1940, ch. 888, title VII, §707, as added Pub. L. 116-92, div. A, title XVII, §1739(a), Dec. 20, 2019, 133 Stat. 1820.)

CODIFICATION

Section 1739(a) of Pub. L. 116-92, which directed amendment of title VI of the Servicemembers Civil Relief Act by adding this section at the end, was executed by adding this section at the end of title VII of the Act, to reflect the probable intent of Congress.

SUBCHAPTER VIII—CIVIL LIABILITY

**§ 4041. Enforcement by the Attorney General**

**(a) Civil action**

The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—