

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—

(1) engages in a pattern or practice of violating this chapter; or

(2) engages in a violation of this chapter that raises an issue of significant public importance.

#### (b) Relief

In a civil action commenced under subsection (a), the court may—

(1) grant any appropriate equitable or declaratory relief with respect to the violation of this chapter;

(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

(3) may, to vindicate the public interest, assess a civil penalty—

(A) in an amount not exceeding \$55,000 for a first violation; and

(B) in an amount not exceeding \$110,000 for any subsequent violation.

#### (c) Intervention

Upon timely application, a person aggrieved by a violation of this chapter with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under section 4042 of this title with respect to that violation, along with costs and a reasonable attorney fee.

(Oct. 17, 1940, ch. 888, title VIII, §801, as added Pub. L. 111-275, title III, §303(a), Oct. 13, 2010, 124 Stat. 2877.)

#### CODIFICATION

Section was formerly classified to section 597 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

### § 4042. Private right of action

#### (a) In general

Any person aggrieved by a violation of this chapter may in a civil action—

(1) obtain any appropriate equitable or declaratory relief with respect to the violation;

(2) recover all other appropriate relief, including monetary damages; and