

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 49.¹

(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.)

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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 See References in Text note below.