

assignee of the policy (except the insurer in connection with a policy loan) may not exercise, during a period of military service of the servicemember or within one year thereafter, any right or option obtained under the assignment without a court order.

**(b) Exception**

The prohibition in subsection (a) shall not apply—

- (1) if the assignee has the written consent of the insured made during the period described in subsection (a);
- (2) when the premiums on the policy are due and unpaid; or
- (3) upon the death of the insured.

**(c) Order refused because of material affect**

A court which receives an application for an order required under subsection (a) may refuse to grant such order if the court determines the ability of the servicemember to comply with the terms of the obligation is materially affected by military service.

**(d) Treatment of guaranteed premiums**

For purposes of this subsection, premiums guaranteed under the provisions of subchapter IV of this chapter shall not be considered due and unpaid.

**(e) Misdemeanor**

A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, or imprisoned for not more than one year, or both.

(Oct. 17, 1940, ch. 888, title III, §306, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2850; amended Pub. L. 111-275, title III, §303(b)(6), Oct. 13, 2010, 124 Stat. 2878.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 536 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 306 of act Oct. 17, 1940, ch. 888, art. III, as added Oct. 6, 1942, ch. 581, §12, 56 Stat. 773, related to extension of benefits to dependents, prior to the general amendment of this Act by Pub. L. 108-189. See section 3959 of this title.

AMENDMENTS

2010—Subsec. (e). Pub. L. 111-275 amended subsec. (e) generally. Prior to amendment, subsec. (e) related to penalties.

**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.

**§ 3958. Enforcement of storage liens**

**(a) Liens**

**(1) Limitation on foreclosure or enforcement**

A person holding a lien on the property or effects of a servicemember may not, during

any period of military service of the servicemember and for 90 days thereafter, foreclose or enforce any lien on such property or effects without a court order granted before foreclosure or enforcement.

**(2) Lien defined**

For the purposes of paragraph (1), the term “lien” includes a lien for storage, repair, or cleaning of the property or effects of a servicemember or a lien on such property or effects for any other reason.

**(b) Stay of proceedings**

In a proceeding to foreclose or enforce a lien subject to this section, the court may on its own motion, and shall if requested by a servicemember whose ability to comply with the obligation resulting in the proceeding is materially affected by military service—

- (1) stay the proceeding for a period of time as justice and equity require; or
- (2) adjust the obligation to preserve the interests of all parties.

The provisions of this subsection do not affect the scope of section 3953 of this title.

**(c) Misdemeanor**

A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, or imprisoned for not more than one year, or both.

(Oct. 17, 1940, ch. 888, title III, §307, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2851; amended Pub. L. 111-275, title III, §303(b)(7), Oct. 13, 2010, 124 Stat. 2878.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 537 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-275 amended subsec. (c) generally. Prior to amendment, subsec. (c) related to penalties.

**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.

**§ 3959. Extension of protections to dependents**

Upon application to a court, a dependent of a servicemember is entitled to the protections of this subchapter if the dependent’s ability to comply with a lease, contract, bailment, or other obligation is materially affected by reason of the servicemember’s military service.

(Oct. 17, 1940, ch. 888, title III, §308, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2851.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 538 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**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 IV—LIFE INSURANCE

**§ 3971. Definitions**

For the purposes of this subchapter:

**(1) Policy**

The term “policy” means any individual contract for whole, endowment, universal, or term life insurance (other than group term life insurance coverage), including any benefit in the nature of such insurance arising out of membership in any fraternal or beneficial association which—

(A) provides that the insurer may not—

(i) decrease the amount of coverage or require the payment of an additional amount as premiums if the insured engages in military service (except increases in premiums in individual term insurance based upon age); or

(ii) limit or restrict coverage for any activity required by military service; and

(B) is in force not less than 180 days before the date of the insured’s entry into military service and at the time of application under this subchapter.

**(2) Premium**

The term “premium” means the amount specified in an insurance policy to be paid to keep the policy in force.

**(3) Insured**

The term “insured” means a servicemember whose life is insured under a policy.

**(4) Insurer**

The term “insurer” includes any firm, corporation, partnership, association, or business that is chartered or authorized to provide insurance and issue contracts or policies by the laws of a State or the United States.

(Oct. 17, 1940, ch. 888, title IV, §401, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2851.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 541 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

## PRIOR PROVISIONS

A prior section 401 of act Oct. 17, 1940, ch. 888, art. IV, 54 Stat. 1183; Oct. 6, 1942, ch. 581, §13, 56 Stat. 774; Pub. L. 102-12, §9(12), Mar. 18, 1991, 105 Stat. 40, related to persons entitled to benefits, applications, and amount of insurance protected, prior to the general amendment of this Act by Pub. L. 108-189. See section 3972 of this title.

Provisions similar to this section were contained in section 400 of act Oct. 17, 1940, ch. 888, art. IV, 54 Stat. 1183; Oct. 6, 1942, ch. 581, §13, 56 Stat. 773; July 11, 1956, ch. 570, §1, 70 Stat. 528; Pub. L. 102-12, §9(11), Mar. 18, 1991, 105 Stat. 40, 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.

**§ 3972. Insurance rights and protections****(a) Rights and protections**

The rights and protections under this subchapter apply to the insured when—

(1) the insured,

(2) the insured’s legal representative, or

(3) the insured’s beneficiary in the case of an insured who is outside a State,

applies in writing for protection under this subchapter, unless the Secretary of Veterans Affairs determines that the insured’s policy is not entitled to protection under this subchapter.

**(b) Notification and application**

The Secretary of Veterans Affairs shall notify the Secretary concerned of the procedures to be used to apply for the protections provided under this subchapter. The applicant shall send the original application to the insurer and a copy to the Secretary of Veterans Affairs.

**(c) Limitation on amount**

The total amount of life insurance coverage protection provided by this subchapter for a servicemember may not exceed \$250,000, or an amount equal to the Servicemember’s Group Life Insurance maximum limit, whichever is greater, regardless of the number of policies submitted.

(Oct. 17, 1940, ch. 888, title IV, §402, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2852.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 542 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

## PRIOR PROVISIONS

A prior section 402 of act Oct. 17, 1940, ch. 888, art. IV, 54 Stat. 1183; Oct. 6, 1942, ch. 581, §13, 56 Stat. 774; Pub. L. 102-12, §9(13), Mar. 18, 1991, 105 Stat. 40, related to form of application, reports to Secretary of Veterans Affairs by insurer, and deeming of policy modified upon application for protection, prior to the general amendment of this Act by Pub. L. 108-189. See section 3973 of this title.

**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.

**§ 3973. Application for insurance protection****(a) Application procedure**

An application for protection under this subchapter shall—

(1) be in writing and signed by the insured, the insured’s legal representative, or the insured’s beneficiary, as the case may be;

(2) identify the policy and the insurer; and