

Military Spouse License Transfer Options

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SOUTH CAROLINA

STATUTORY SUMMARY:

State agencies shall issue temporary licenses to military spouses licensed in good standing in another state, so long as the military spouse submits to a criminal record check if the same is standardly required. Said temporary license expires after one year and cannot be renewed. State agencies shall, within 15 days of receipt of an application, issue full licenses to military spouses licensed in good standing in another state with substantially equivalent requirements as South Carolina. Said full licensure does not apply to attorneys or educators. Special rules for military spouse attorneys.

RELEVANT LAW:

S.C. Code Ann. § 27-1-170. Licenses and certificates for military spouses licensed in other jurisdictions.

- (A) Except as provided in subsection (G), and notwithstanding other provisions of law, this section applies to a board, agency, commission, or other entity providing professional licenses or certificates, or both, for the purpose of employment in the State of South Carolina. A board, commission, or agency providing professional licenses or certificates, or both, may promulgate rules in conformity with this section for the purpose of implementing its requirements.
- (B) Except as provided in subsection (G), and notwithstanding another provision of law, this section applies to individuals who:
 - (1) are married to and living with an active duty member of the United States Armed Forces who is relocated to and stationed in this State under official military orders;
 - (2) have not committed or participated in an act that would constitute grounds for refusal, suspension, or revocation of a professional license or certificate;
 - (3) have not been disciplined by an authorized entity or are under investigation, in any jurisdiction, in relation to a professional license or certificate; and
 - (4) pay any required fee and submit to any required criminal or other background check by an authorized board, commission, or agency in this State.



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- (C) An eligible individual under subsection (B) who possesses a valid professional or occupational license or certificate in another state, district, or territory of the United States with licensing or certification requirements greater than or substantially similar to the licensing or certification requirements of the appropriate board, commission, or agency in this State must be approved to continue work in that profession or occupation upon relocation to this State for such time as normally allotted with receipt of a license or certificate from the appropriate board, commission, or agency.
- (D) Upon completion of an application that documents compliance with the receiving agency's requirements for a certificate or license, an authorized board, commission, or agency shall process the application and issue a license within fifteen business days after receipt of the application.
- (E) In addition to general personal information about the applicant, and other documentation satisfying the receiving agency's requirements for a certificate or license, the application must include proof that he:
 - (1) is married to and living with an active duty member of the United States Armed Forces who is relocated to and stationed in this State under official military orders;
 - (2) possesses a valid license or certificate in another state, district, or territory of the United States; and
 - (3) holds the license in subsection (B) in "good standing" as evidenced by a certificate of good standing from the state, district, or territory of the United States that issued the license.
- (F) A board, commission, or agency in this State may establish reciprocity with other states for military spouse professional licensing and certification.
- (G) This section does not apply to:
 - (1) the practice of law or the regulation of attorneys; and
 - (2) educators.
- (H) A license or certificate issued pursuant to this section is valid for the same period of time as a license or certificate issued pursuant to the requirements of the applicable title for the particular profession or occupation.
- (I) Nothing in this section prevents a board, commission, or agency from revoking, penalizing, or suspending a license pursuant to the appropriate code sections regulating the particular profession.



S.C. Code Ann. § 40-1-40. Purpose of division; domain.

- (A) The purpose of the Division of Professional and Occupational Licensing, South Carolina Department of Labor, Licensing and Regulation, is to protect the public through the regulation of professional and occupational licensees and the administration of boards charged with the regulation of professional and occupational practitioners.
- (B) The following boards and the professions and occupations they license or otherwise regulate must be administered by the Department of Labor, Licensing and Regulation pursuant to this article:

Board of Accountancy

Board of Architectural Examiners

Athletic Commission

Auctioneers Commission

Board of Barber Examiners

Accessibility Committee of the Building Codes Council

Building Code Council

Board of Chiropractic Examiners

Contractors' Licensing Board

Board of Cosmetology

Board of Dentistry

Engineers and Land Surveyors Board

Environmental Certification Board

Board of Registration for Foresters

Board of Funeral Service

Board of Registration for Geologists

Manufactured Housing Board

Board of Medical Examiners

Modular Buildings Board of Appeals

Board of Nursing

Long Term Health Care Administrators Board

Board of Occupational Therapy

Board of Examiners in Opticianry

Board of Examiners in Optometry

Board of Pharmacy



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Board of Physical Therapy Examiners

Pilotage Commission

Board of Podiatry Examiners

Board of Examiners for Licensure of Professional Counselors and Marital and Family Therapists

Board of Examiners in Psychology

Board of Pyrotechnic Safety

Real Estate Appraisers Board

Real Estate Commission

Residential Builders Commission

Board of Social Work Examiners

Board of Examiners in Speech-Language Pathology and Audiology

Board of Veterinary Medical Examiners

- (C) Each regulatory board within the department is a separate board.
- (D) The Department of Labor, Licensing and Regulation is a member of the Governor's executive cabinet and must be headed by a director who must be appointed by the Governor with the advice and consent of the Senate, subject to removal from office by the Governor pursuant to Section 1-3-240(B). The director shall supervise the department under the direction and control of the Governor and shall exercise other powers and perform other duties as the Governor requires.

S.C. Code Ann. § 40-1-630. Temporary professional licenses; application.

- (A) A board or commission that regulates the licensure of a profession or occupation under Title 40 shall issue a temporary professional license for a profession or occupation it regulates to the spouse of an active-duty member of the United States Armed Forces if the member is assigned to a duty station in this State pursuant to the official active-duty military orders of the member. Nothing in this section should be construed as requiring a board or commission to grant licensure to the spouse of an active-duty member of the United States Armed Forces absent evidence that all state law requirements for licensure have been met.
- (B)(1) A person seeking a temporary professional license under subsection (A) shall submit an application to the board or commission from which it is seeking the temporary license on forms the board or commission shall create and provide. In addition to general personal information about the applicant, the application must include proof that the:
 - (a) applicant is married to a member of the United States Armed Forces who is on active duty;



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- (b) applicant holds a valid license issued by another state, the District of Columbia, a possession or territory of the United States, or a foreign jurisdiction for the profession for which temporary licensure is sought;
 - (c) applicant holds the license in subitem (b) in “good standing” as evidenced by a certificate of good standing from the state, possession or territory of the United States, or foreign jurisdiction that issued the license;
 - (d)
 - (i) applicant submitted at his expense to a fingerprint-based background check conducted by the State Law Enforcement Division to determine if the applicant has a criminal history in this State and a fingerprint-based background check conducted by the Federal Bureau of Investigation to determine if the person has other criminal history, and the official results of these checks must be provided to the board or commission to which application for temporary licensure is made; and
 - (ii) the provisions of this subitem only apply if a similar background check is required to obtain ordinary licensure in the profession or occupation for which temporary licensure is sought by the applicant; and
 - (e) spouse of the applicant is assigned to a duty station in this State pursuant to the official active-duty military orders of the member.
- (C) A temporary license issued under this section expires one year from the date of issue and may not be renewed.

Rule 430, SCACR. Limited Certificate of Admission for Military Spouse Attorneys.

- (a) Purpose. The purpose of this rule is allow military spouse attorneys to obtain a limited certificate to practice law to represent clients before a court or administrative tribunal in South Carolina.
- (b) Qualifications for Admission. The Supreme Court may issue a limited certificate of admission to practice in South Carolina to any person who:
 - (1) is at least twenty-one (21) years of age;
 - (2) is a person of good moral character;
 - (3) has received a JD or LLB degree from a law school which was approved by the Council of Legal Education of the American Bar Association at the time the degree was conferred;
 - (4) has been admitted to practice law in the highest court of another state, the District of Columbia, or a territory of the United States;



- (5) is a member in good standing in each jurisdiction where the attorney is admitted to practice law;
 - (6) has not been disbarred or suspended from the practice of law and is not the subject of any pending disciplinary proceeding in any other jurisdiction;
 - (7) is the dependent spouse of an active duty service member of the United States Uniformed Services as defined by the Department of Defense (or, for the Coast Guard when it is not operating as a service in the Navy, by the Department of Homeland Security) and the service member is on Permanent Change of Station (PCS) orders stationed in South Carolina;
 - (8) has never failed the South Carolina Bar Examination;
 - (9) is physically residing in South Carolina;
 - (10) has completed the Course of Study on South Carolina Law specified by Rule 402(c) of the South Carolina Appellate Court Rules. The Course of Study may not be taken prior to the filing of a complete application with the Clerk of the Supreme Court. An applicant who has completed the Bridge the Gap program administered by the South Carolina Bar prior to March 29, 2017, may use this completion to satisfy the requirement of this subsection; and
 - (11) has completed or has registered for and will attend within the first year of practice an Essential Series Course administered by the South Carolina Bar.
- (c) Application. An attorney desiring a limited certificate of admission to practice law under this rule shall file an application with the Clerk of the Supreme Court. This application shall be on a form approved by the Supreme Court. The application shall be accompanied by:
- (1) a certificate of good standing from each jurisdiction in which the attorney has been admitted to practice law;
 - (2) a copy of his or her United States Uniformed Services Identification and Privilege Card evidencing marriage to the active duty service member; and
 - (3) a copy of the active duty service member spouse's orders.
- No filing fee shall be required for the application.
- (d) Reference to the Committee on Character and Fitness. Any questions concerning the fitness or qualifications of the attorney may be referred by the Supreme Court to the Committee on Character and Fitness for a hearing and recommendation.
- (e) Confidentiality. The confidentiality provisions of Rule 402(n), SCACR, shall apply to all files and records of the Committee on Character and Fitness, and the Clerk of the Supreme Court relating to a limited certificate to practice law under this rule.
- (f) Scope of Representation and Adherence to Rules. An attorney issued a limited certificate under this rule and meeting the requirements of Rule 403, SCACR, may represent clients before a court or administrative tribunal of this State in any proceeding. In providing representation, the attorney shall comply with the rules of practice and procedure



applicable to the court or tribunal, and shall adhere to the South Carolina Rules of Professional Conduct and any other ethical rules applicable to this matter. The attorney shall also comply with the continuing legal education requirements of Rule 408, SCACR, and the mandatory mentorship requirements of Rule 425, SCACR. Attorneys issued a limited certificate shall pay a licensing fee as provided in Rule 410(j)(8), SCACR. The failure to do so may result in administrative suspension under Rule 419, SCACR.

- (g) **Unauthorized Practice.** If an attorney granted a limited certificate engages in the practice of law in excess of that permitted by this rule, the attorney may be subject to discipline under Rule 413, SCACR, a revocation of the limited certificate by the Supreme Court, or being held in contempt of the Supreme Court for engaging in the unauthorized practice of law.
- (h) **Misconduct and Incapacity.** Except as otherwise provided in this rule, the procedures provided by Rule 413, SCACR, shall be used for resolving allegations that the attorney has committed ethical misconduct or suffers from a physical or mental condition which adversely affects the attorney's ability to practice law. If, however, the Supreme Court imposes a definite suspension or disbarment, or transfers the attorney to incapacity inactive status, the limited certificate shall be terminated as provided in (i) below. Unless otherwise ordered by the Court, the lawyer may not seek to be readmitted under this rule or any other rule until the period of suspension has expired, or, in the case of disbarment, until five years after the date of the opinion or order imposing the disbarment.
- (i) **Termination of Certificate.** A limited certificate issued under this rule is valid for a maximum of five years from the date of issuance. The limited certificate of admission to practice law shall terminate if:
 - (1) The limited certificate is revoked by the Supreme Court under (h) above.
 - (2) The attorney is suspended or disbarred in this or any other jurisdiction. This does not include interim suspensions under Rule 17 of the Rules for Lawyer Disciplinary Enforcement contained in Rule 413, SCACR, or a similar rule in another jurisdiction. For an administrative suspension under Rule 419, SCACR, the attorney may seek reinstatement as provided in that rule.
 - (3) The attorney is admitted to practice in South Carolina under another rule.
 - (4) The attorney fails the South Carolina Bar Examination.
 - (5) The attorney is denied admission to practice in South Carolina under another rule.
 - (6) The attorney's spouse is no longer on active duty or is no longer assigned to a military installation located in South Carolina. Attorneys have six months from the date of the issuance of a spouse's permanent change of station (PCS) orders, retirement orders or other separation from the active military service to surrender the Certificate.
- (j) **Resignation.** Any request by an attorney licensed under this rule shall be processed as provided by Rule 409, SCACR.



- (k) Surrender of Certificate. Except as provided in paragraph (i)(6), upon the termination of the limited certificate or acceptance of a resignation, the attorney granted the limited certificate shall surrender the certificate to the Clerk of the Supreme Court. The failure to surrender the certificate upon termination or the acceptance of a resignation may subject the attorney to discipline under Rule 413, SCACR, or to being held in contempt of the Supreme Court.



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