



GEORGIA DEPARTMENT OF LAW

40 Capitol Square SW
Atlanta, Georgia 30334-1300

CHRISTOPHER M. CARR
ATTORNEY GENERAL

www.law.ga.gov
(404) 458-3600

OFFICIAL OPINION

The Honorable Brian P. Kemp
Governor
State Capitol
Atlanta, Georgia 30334

Re: The Servicemembers Civil Relief Act deems certain professional licenses held by servicemembers or their spouses transferred to Georgia to be valid in this State subject only to compliance with the requirements set forth in 50 USC § 4025a.

Dear Governor Kemp:

This responds to your request for an Official Opinion of the Attorney General regarding the Servicemembers Civil Relief Act.

As you have noted in your request for an Opinion, in 2024, Congress amended the Servicemembers Civil Relief Act (SCRA) to simplify the process for licensure where a servicemember or his or her spouse that holds a professional license is transferred to another state. You have noted your understanding that these changes effectively mandate that Georgia's executive-branch professional licensing boards issue temporary licenses or otherwise authorize practice for servicemembers and their spouses upon the showing of a notarized affidavit in accordance with 50 U.S.C. § 4025a(c)(3), proof of military orders, and, in the case of a spouse of a servicemember, a copy of his or her marriage license. You have also indicated that you understand that the SCRA, as amended, prohibits Georgia's professional licensing boards from imposing additional requirements on servicemembers or their spouses—including, but not limited to, additional education or testing.¹ Finally, you have pointed out full compliance with the SCRA is not just required under federal law, it is the right thing to do for our servicemembers and their families. Before directing the licensing authorities of the executive branch to fully and promptly comply with the SCRA's updated requirements, you have requested an official opinion confirming that your understanding of the recent changes to the SCRA is correct.

¹ Additional testing or fees may, in some cases, be required if a servicemember or his or her spouse seeks a permanent license that would continue beyond the term of the military orders requiring presence in Georgia; however, professional licensing boards should not deny temporary authorization on these grounds even if the servicemember or spouse is concurrently seeking permanent licensure.

As you know, Georgia oversees the issuance of about 50 different professional licenses. All involve various qualifications and requirements before licensure. Most of these are issued by the various licensing boards under the administration of the Secretary of State. Other entities that issue professional licenses include the Georgia Board of Dentistry, the Georgia Board of Pharmacy, the State Accounting Board, the Georgia Composite Medical Board, the Georgia Real Estate Commission and Appraisers Board, the Georgia Professional Engineers and Land Surveyors Board, and the Professional Standards Commission, which licenses teachers.

In order to address the question raised, specific analysis is appropriate of several provisions of 50 USC § 4025a, which addresses the portability of professional licenses for servicemembers as well as their spouses.² 50 USC § 4025a is part of the Servicemembers Civil Relief Act (“SCRA”). 50 USC § 3901 *et seq.* The statutory purposes of the SCRA are “to provide for, strengthen, and expedite the national defense through protection extended ... to service members of the United States to enable such persons to devote their entire energy to the defense needs of the Nation; and ... to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.” 50 USC § 3902. In furtherance of the purposes of the SCRA, it is to “be liberally construed to protect those who have been obliged to drop their own affairs to take up the burdens of the nation.” *Boone v. Lightner*, 319 U.S. 561, 575 (1943).

50 USC § 4025a(a) specifically provides that:

[i]f a servicemember or the spouse of a servicemember has a covered license and relocates residence because such servicemember receives military orders for military service in a State other than the State of the licensing authority that issued the covered license, such covered license shall be considered valid for the scope of practice in the State of the new residence if such servicemember or spouse submits to the licensing authority of such State an application described in subsection (c).

Thus, as a matter of federal law, the professional license of a servicemember or a spouse of a servicemember that meets the definition of “covered license” in 50 USC § 4025a(f)(1) “shall be considered valid for the scope of practice in the State of the new residence.”³ The only statutory

² Issuance of an official opinion is appropriate here to address the issues of concern across state government particularly in light of the amendments to 50 USC § 4025a enacted in December of 2024. 2024 P.L. 118-159.

³ 1) The term “covered license” means a professional license that, with respect to a scope of practice—

- (A) is in good standing with the licensing authority that issued such license;
- (B) has not been revoked or had discipline imposed by any State;
- (C) does not have an investigation relating to unprofessional conduct pending in any State relating to it; and
- (D) has not been voluntarily surrendered while under investigation for unprofessional conduct in any State.

requirement to trigger this validity is that “such servicemember or spouse submits to the licensing authority of such State an application as described in subsection (c)” of 50 USC § 4025a.

Turning to 50 USC § 4025a(c), the servicemember or the spouse of a servicemember is required to submit an application to the licensing authority in the State of the new residence. That application has to include:

- (1) Proof of military orders described in subsection (a).
- (2) If the applicant is the spouse of a servicemember, a copy of the marriage certificate.
- (3) A notarized affidavit affirming, under the penalty of law, that—
 - (A) the applicant is the person described and identified in the application;
 - (B) all statements made in the application are true and correct and complete;
 - (C) the applicant has read and understands the requirements to receive a license, and the scope of practice, of the State of the licensing authority;
 - (D) the applicant certifies that the applicant meets and shall comply with requirements described in subparagraph (C); and
 - (E) the applicant is in good standing in all States in which the applicant holds or has held a license.

In the state of new residence, an applicant has to make two or three submissions. First, the applicant submits proof of military orders. Second, if the applicant is a spouse of a servicemember, the applicant submits a copy of his or her marriage certificate. Third, the applicant submits a notarized affidavit to the licensing authority affirming under penalty of law the statements set forth in subparagraphs A, B, C, D, and E of subsection (c). Once those submissions are made to the licensing authority, the licensing authority is then required to follow subsection (a) or (b) of 50 USC § 4025a. When Congress revised 50 USC § 4025a in 2024, it changed the statutory requirements to include the affidavit submission that is now required. The prior statutory language made reference to an applicant having to “submit[]to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline and fulfillment of any continuing education requirements.” As revised, 50 USC § 4025a only requires that the applicant submit an affidavit stating that “the applicant has read and understands the requirements to receive a license, and the scope of practice, of the State of the licensing authority” and to further state “that the applicant meets and shall comply with the requirements described in subsection (c).”

As discussed above, subsection (a) requires the licensing authority of the new state to consider the covered license to be valid. Subsection (b) merely provides that if the licensing authority of the new state is required to consider the covered license as valid, but cannot do so for some reason in the 30 days after receiving an application, the licensing authority is authorized to issue a temporary license that confers the same rights and privileges as a permanent license. Again, here it is important to be clear that the “permanent license” that is referred to is the license that is

deemed to be “considered valid” under subsection (a) upon satisfaction of the application requirement in subsection (c).⁴ Other pre-conditions to licensure under state law that are beyond those contemplated in 50 USC § 4025a do not serve to restrict the validity of the license that is deemed to be considered valid.⁵

Based on the foregoing, it is my official opinion that the Servicemembers Civil Relief Act deems certain professional licenses held by servicemembers and spouses of servicemembers relocated to Georgia due to military orders to be valid in this State subject only to compliance with the requirements set forth in 50 USC § 4025a.

Issued this 19th day of February, 2026.



CHRISTOPHER M. CARR
Attorney General

Prepared by:



Nathan D. Hovey
Assistant Attorney General

⁴ The only action that 50 USC § 4025a expressly authorizes the licensing authority to conduct prior to carrying out subsection (a) or (b) upon the applicant’s compliance with subsection (c) is a background check of the applicant. 50 USC § 4025a(d). Subsection (d) does not expressly contemplate pre-license education or testing.

⁵ In this regard, it is worth noting that Georgia has a couple of statutes that deal with servicemembers and spouses of servicemembers obtaining licenses upon military transfer to Georgia. See O.C.G.A. §§ 43-1-34 & 43-1-35. These statutes provide certain protections and benefits to servicemembers and their spouses and should be followed, but to the extent they conflict with or impose obligations on servicemembers or their spouses beyond those found in 50 U.S.C. § 4025a, the federal law prevails. While states have strong interests in regulating professions, those interests must yield to the policy objectives of the SCRA. *See Portee v. Morath*, 703 F. Supp. 3d 790, 801 (W.D. Tex. 2023).