

§18540. Oversight, dispute resolution and enforcement

1. Oversight. Oversight of the compact is governed by this subsection.

A. The executive and judicial branches of state government in each participating state shall enforce this compact and take all actions necessary and appropriate to implement the compact. [PL 2023, c. 670, §1 (NEW).]

B. Venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this paragraph affects or limits the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter. [PL 2023, c. 670, §1 (NEW).]

C. The commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact or the commission's rules and has standing to intervene in such a proceeding for all purposes. Failure to provide the commission with service of process renders a judgment or order in such a proceeding void as to the commission, this compact or commission rules. [PL 2023, c. 670, §1 (NEW).]

[PL 2023, c. 670, §1 (NEW).]

2. Default and technical assistance. If the commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this compact or the commission rules, the commission shall:

A. Provide written notice to the defaulting state and other participating states. The notice must describe the default, the proposed means of curing the default and any other action that the commission may take; and [PL 2023, c. 670, §1 (NEW).]

B. Provide remedial training and specific technical assistance regarding the default. [PL 2023, c. 670, §1 (NEW).]

[PL 2023, c. 670, §1 (NEW).]

3. Termination from compact. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the participating states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

[PL 2023, c. 670, §1 (NEW).]

4. Termination regulation. Termination of participation in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and to the licensing boards of each of the participating states.

[PL 2023, c. 670, §1 (NEW).]

5. Responsibilities after termination. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

[PL 2023, c. 670, §1 (NEW).]

6. Costs. The commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

[PL 2023, c. 670, §1 (NEW).]

7. Appeal. A defaulting state that has been terminated may appeal its termination from the compact by the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member must be awarded all costs of that litigation, including reasonable attorney's fees.

[PL 2023, c. 670, §1 (NEW).]

8. Notice of termination to licensees. Upon the termination of a state's participation in the compact, that state shall immediately provide notice to all licensees within that state of the termination and that:

A. Licensees who have been granted a compact privilege in that state retain the compact privilege for 180 days following the effective date of the termination; and [PL 2023, c. 670, §1 (NEW).]

B. A licensee who is licensed in that state who has been granted a compact privilege in a participating state retains the compact privilege for 180 days unless the licensee also has a qualifying license in a participating state or obtains a qualifying license in a participating state before the 180-day period ends, in which case the compact privilege continues. [PL 2023, c. 670, §1 (NEW).]

[PL 2023, c. 670, §1 (NEW).]

9. Dispute resolution. Dispute resolution is governed by this subsection.

A. Upon request by a participating state, the commission shall attempt to resolve disputes related to the compact that arise among participating states and between participating and nonparticipating states. [PL 2023, c. 670, §1 (NEW).]

B. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. [PL 2023, c. 670, §1 (NEW).]

[PL 2023, c. 670, §1 (NEW).]

10. Enforcement. Enforcement of the compact is governed by this subsection.

A. The commission, in the reasonable exercise of its discretion, shall enforce the provisions of the compact and the rules of the commission. [PL 2023, c. 670, §1 (NEW).]

B. If compliance is not secured after all means to secure compliance have been exhausted, the commission may, by majority vote, initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a participating state in default to enforce compliance with the provisions of this compact and the commission's rules and bylaws. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees. [PL 2023, c. 670, §1 (NEW).]

C. The remedies in this subsection are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law. [PL 2023, c. 670, §1 (NEW).]

[PL 2023, c. 670, §1 (NEW).]

11. Legal action against commission. Legal action against the commission is governed by this subsection.

A. A participating state may initiate legal action against the commission in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its rules. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees. [PL 2023, c. 670, §1 (NEW).]

B. A person other than a participating state may not enforce this compact against the commission.
[PL 2023, c. 670, §1 (NEW).]
[PL 2023, c. 670, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 670, §1 (NEW).

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