

§2179. Oversight, dispute resolution and enforcement -- Article 9

1. Oversight. This subsection governs enforcement and proceedings under the compact.

A. Each party state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purposes and intent. [PL 2017, c. 258, Pt. A, §1 (NEW).]

B. The commission is entitled to receive service of process in any proceeding that may affect the powers, responsibilities or actions of the commission and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process in a proceeding to the commission renders a judgment or order void as to the commission, this compact or promulgated rules. [PL 2017, c. 258, Pt. A, §1 (NEW).]

[PL 2017, c. 258, Pt. A, §1 (NEW).]

2. Default, technical assistance and termination. This subsection governs default, technical assistance and termination under the compact.

A. If the commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(1) Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission; and

(2) Provide remedial training and specific technical assistance regarding the default. [PL 2017, c. 258, Pt. A, §1 (NEW).]

B. If a party state in default fails to cure the default, the defaulting state's membership in this compact may be terminated upon an affirmative vote of a majority of the administrators, 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 2017, c. 258, Pt. A, §1 (NEW).]

C. Termination of membership in this 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 of the defaulting state and to the executive officer of the defaulting state's licensing board and each of the party states. [PL 2017, c. 258, Pt. A, §1 (NEW).]

D. A party state whose membership in this compact 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 2017, c. 258, Pt. A, §1 (NEW).]

E. The commission may not bear any costs related to a party state that is found to be in default or whose membership in this compact has been terminated unless agreed upon in writing between the commission and the defaulting state. [PL 2017, c. 258, Pt. A, §1 (NEW).]

F. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices. The prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees. [PL 2017, c. 258, Pt. A, §1 (NEW).]

[PL 2017, c. 258, Pt. A, §1 (NEW).]

3. Dispute resolution. This subsection governs dispute resolution under the compact.

A. Upon request by a party state, the commission shall attempt to resolve disputes related to the compact that arise among party states and between party and nonparty states. [PL 2017, c. 258, Pt. A, §1 (NEW).]

B. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate. [PL 2017, c. 258, Pt. A, §1 (NEW).]

C. In the event the commission cannot resolve disputes among party states arising under this compact:

(1) The party states may submit the issues in dispute to an arbitration panel composed of individuals appointed by the compact administrator in each of the affected party states and an individual mutually agreed upon by the compact administrators of all the party states involved in the dispute; and

(2) The decision of a majority of the arbitrators under this paragraph is final and binding. [PL 2017, c. 258, Pt. A, §1 (NEW).]

[PL 2017, c. 258, Pt. A, §1 (NEW).]

4. Enforcement. This subsection governs enforcement under the compact.

A. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. [PL 2017, c. 258, Pt. A, §1 (NEW).]

B. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district in which the commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees. [PL 2017, c. 258, Pt. A, §1 (NEW).]

C. The remedies provided in this section are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law. [PL 2017, c. 258, Pt. A, §1 (NEW).]

[PL 2017, c. 258, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 258, Pt. A, §1 (NEW).

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