

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1460

 By: Echols

7 AS INTRODUCED

8 An Act relating to professions and occupations;
9 creating the Freedom to Prosper Act; defining terms;
10 limiting authority of political subdivisions to
 create new occupational licenses; providing for cap
11 on license fees; providing for waiver of occupational
 licensing fees; providing for reciprocity for out-of-
12 state residents; authorizing licensing authority to
 adopt certain rules; providing for codification; and
 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 7001 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Freedom to
20 Prosper Act".

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 7002 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

24 A. As used in the Freedom to Prosper Act:

1 1. "Licensing authority" means a state agency, examining board,
2 credentialing board or other office with the authority to impose
3 occupational fees or licensing requirements on any profession;

4 2. "Low-income individual" means a person whose annual salary
5 before taxes is below Thirty Thousand Dollars (\$30,000.00) per year
6 or a threshold to be set by the executive branch department that
7 oversees occupational and business licensing. "Low-income
8 individual" shall also apply to any person enrolled in a state or
9 federal public assistance program including, but not limited to,
10 Temporary Assistance for Needy Families, Medicaid or the
11 Supplemental Nutrition Assistance Program; and

12 3. "Political subdivision" means a city, town, municipality or
13 county.

14 B. Limitations on new occupational licensing regulations.

15 1. Beginning on November 1, 2017, a political subdivision of
16 this state shall not impose any occupational fees or licensing
17 requirements on any profession if the political subdivision does not
18 already impose occupational fees or licensing requirements on that
19 profession. The political subdivision may continue to so regulate
20 any profession or occupation that is subject to occupational fees or
21 licensing requirements on or before November 1, 2017.

22 2. A political subdivision of this state shall not impose any
23 requirements on professions that are more stringent than the
24 requirements already imposed by the licensing authority.

1 3. Beginning on November 1, 2017, if a licensing authority
2 imposes any new occupational licensing fees or regulations on any
3 profession that was previously unregulated by the state, and if the
4 political subdivision regulates the profession when the state
5 regulations take effect the political subdivision shall not continue
6 to regulate the profession on or after November 1, 2017, when the
7 state regulations take effect and the existing regulations imposed
8 by the political subdivision shall not apply and shall not be
9 enforced.

10 B. Cap on Licensing Fees.

11 1. Beginning on November 1, 2017, a licensing authority shall
12 not impose new occupational licensing fees on any profession if that
13 profession is not already subject to occupational licensing fees.

14 2. When a profession is already subject to occupational
15 licensing fees imposed by a licensing authority, local licensing
16 fees shall not exceed Twenty-five Dollars (\$25.00) per applicable
17 licensing period. If a profession is already subject to local
18 occupational licensing fees that exceed Twenty-five Dollars (\$25.00)
19 per applicable licensing period, the existing licensing fees imposed
20 shall not apply, and the licensing authority shall immediately
21 reduce licensing fees in accordance with the limits set by the
22 Freedom to Prosper Act.

23 C. Waiver of Licensing Fees for Low-Income Individuals.
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1 1. A licensing authority shall waive the initial licensing,
2 application or unlicensed activity fee for low-income individuals
3 whose annual salary before taxes is less than Thirty Thousand
4 Dollars (\$30,000.00) per year or a threshold set by the executive
5 branch department that oversees occupational and business licensing.
6 The waiver shall also apply to any person enrolled in a state or
7 federal public assistance program.

8 2. Individuals seeking a waiver of initial licensing,
9 application or unlicensed activity fee shall apply to the
10 appropriate licensing authority in a format prescribed by the
11 licensing authority. The licensing authority shall process the
12 application within thirty (30) days of receiving it from the
13 applicant.

14 D. Reciprocity for Occupational Licenses Issued by Other
15 States.

16 1. A licensing authority, within thirty (30) days of receiving
17 an application for an occupational license from a resident of this
18 state who is currently licensed to practice that occupation in
19 another state shall:

- 20 a. process the application, and
- 21 b. issue the license to the applicant provided that the
- 22 applicant's license is in good standing with the
- 23 licensing authority of the other state that issued the
- 24 license.

1 2. A license issued pursuant to this section shall not be a
2 provisional license and shall confer the same rights, privileges and
3 responsibilities as a license issued by the licensing authority of
4 this state.

5 3. The licensing authority shall adopt necessary rules for the
6 implementation of this section.

7 SECTION 3. This act shall become effective November 1, 2017.

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9 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,
10 dated 02/15/2017 - DO PASS.
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