

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2894

By: Taylor

8 COMMITTEE SUBSTITUTE

9 An Act relating to professions and occupations;
10 requiring revision of licensing restriction rules;
11 placing limitation on disqualification; providing
12 exception; requiring compliance within certain date;
13 providing for petition to challenge disqualification;
14 providing for fee; directing certain entities to
15 promulgate rules; defining terms; providing for
16 codification; and providing an effective date.

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

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

21 A. All licensing authorities shall revise their existing
22 licensing requirement rules to explicitly list the specific criminal
23 records that would disqualify an applicant from receiving a license
24 or certification. Licensing authorities shall not use nonspecific
 terms including, but not limited to, "moral turpitude" and "good

1 character" or consider arrests that are not followed by a valid
2 conviction.

3 B. Licensing authorities shall only list disqualifying criminal
4 records that are specific and directly related to the duties and
5 responsibilities for the licensed occupation.

6 C. If an individual has a valid criminal conviction for a crime
7 that would disqualify the individual from receiving a license, the
8 disqualification shall not last longer than five (5) years from the
9 date of conviction, provided that the conviction is not for a crime
10 that is violent or sexual in nature and the individual has not been
11 convicted of any other crime during the five-year disqualification
12 period.

13 D. All licensing authorities shall meet the requirements listed
14 in this section on or before June 1, 2019.

15 E. An individual with a criminal record may petition a
16 licensing authority at any time for a determination of whether the
17 individual's criminal record will disqualify the individual from
18 obtaining a license. This petition shall include details on the
19 individual's criminal record. The licensing authority shall inform
20 the individual of his or her standing within sixty (60) days of
21 receiving the petition from the applicant. The licensing authority
22 may charge a fee not to exceed Ninety-five Dollars (\$95.00) for each
23 petition.

1 F. All licensing authorities shall promulgate rules to
2 implement the provisions of this section.

3 G. As used in this section:

4 1. "Licensing authority" means every administrative body, state
5 agency director or official with authority over any occupational or
6 professional license or certification, and each of the respective
7 examining and licensing boards; and

8 2. "Criminal record" means any type of felony conviction or
9 misdemeanor conviction.

10 SECTION 2. This act shall become effective November 1, 2018.

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12 COMMITTEE REPORT BY: COMMITTEE ON BANKING AND BUSINESS, dated
13 02/28/2018 - DO PASS, As Amended.
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