

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2894

By: Taylor

AS INTRODUCED

An Act relating to professions and occupations;
defining terms; requiring revision of licensing
restrictions; placing limitation on disqualification;
providing exception; requiring compliance within
certain date; providing for petition to challenge
disqualification; providing for fee; authorizing
adoption of rules; providing for codification; and
providing an effective date.

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

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

A. As used in this section:

1. "Licensing" means any required training, education, or fee
to work in a specific profession;

2. "Occupational fee" means a fee or tax on professionals or
businesses that is charged for the privilege of providing goods or
services within a certain jurisdiction;

3. "Political subdivision" means a city, town or county;

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

4 5. "Criminal record" means any type of felony conviction or
5 misdemeanor conviction.

6 B. All state and political subdivision licensing authorities
7 shall revise their existing licensing requirements to explicitly
8 list the specific criminal records that would disqualify an
9 applicant from receiving a license. Licensing authorities shall not
10 use nonspecific terms including, but not limited to, "moral
11 turpitude" and "good character", or consider arrests that are not
12 followed by a valid conviction.

13 C. Licensing authorities shall only list disqualifying criminal
14 records that are specific and directly related to the duties and
15 responsibilities for the licensed occupation.

16 D. If an individual has a valid criminal conviction for a crime
17 that would disqualify the individual from receiving a license, the
18 disqualification shall not last longer than five (5) years from the
19 date of conviction, provided that the conviction is not for a crime
20 that is violent or sexual in nature and the individual has not been
21 convicted of any other crime during the five-year disqualification
22 period.

1 E. All licensing authorities shall meet the requirements listed
2 in this section within 120 days after the effective date of this
3 act.

4 F. For state licensing authorities, the requirements listed in
5 this section shall also apply to any new occupational licenses that
6 are created after the effective date of this act. Political
7 subdivisions are prohibited from creating any new occupational
8 licenses after the effective date of this act.

9 G. An individual with a criminal record may petition a
10 licensing authority at any time for a determination of whether the
11 individual's criminal record will disqualify the individual from
12 obtaining a license. This petition shall include details on the
13 individual's criminal record. The licensing authority shall inform
14 the individual of his standing within thirty (30) days of receiving
15 the petition from the applicant. The board may charge a fee not to
16 exceed Twenty-five Dollars (\$25.00) for each petition.

17 H. The licensing authority shall adopt necessary rules for the
18 implementation of this section.

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