

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1679

By: Bergstrom

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6 AS INTRODUCED

7 An Act relating to occupational regulation; providing
8 short title; creating the "Interstate-Mobility and
9 Universal-Recognition Occupational Licensing Act;
10 defining terms; adding provisions for occupational
11 licenses or government certification by recognition
12 for qualified applicants from other states; setting
13 certain criteria; providing recognition of work
14 experience; authorizing recognition of private
15 certifications; providing for jurisprudential
16 examination; requiring certain written decision
17 within certain time; allowing certain appeals;
18 directing compliance with certain laws; exempting
19 supreme court occupations; stating and construing
20 certain license limitations; setting certain
21 application costs; stating certain preemption;
22 providing for codification; and providing an
23 effective date.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 802 of Title 40, unless there is
21 created a duplication in numbering, reads as follows:

22 This act shall be called and may be cited as the "Interstate-
23 Mobility and Universal-Recognition Occupational Licensing Act".
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 802.1 of Title 40, unless there
3 is created a duplication in numbering, reads as follows:

4 Definitions.

5 A. The words defined in this section have the meanings given
6 them for purposes of this act unless the context clearly requires
7 otherwise.

8 1. "Board" means a government agency, board, department or
9 other government entity that regulates a lawful occupation and
10 issues an occupational license or government certification to an
11 individual.

12 2. "Government certification" means a voluntary, government-
13 granted and nontransferable recognition to an individual who meets
14 personal qualifications related to a lawful occupation. Upon the
15 government's initial and continuing approval, the individual may use
16 "government certified" or "state certified" as a title. A non-
17 certified individual also may perform the lawful occupation for
18 compensation but may not use the title "government certified" or
19 "state certified". In this chapter, the term "government
20 certification" is not synonymous with "occupational license". It
21 also is not intended to include credentials, such as those used for
22 medical board certification or held by a certified public
23 accountant, that are prerequisites to working lawfully in an
24 occupation.

1 3. "Lawful occupation" means a course of conduct, pursuit or
2 profession that includes the sale of goods or services that are not
3 themselves illegal to sell irrespective of whether the individual
4 selling them is subject to an occupational license.

5 4. "Occupational license" means a nontransferable authorization
6 in law for an individual to perform exclusively a lawful occupation
7 based on meeting personal qualifications established by the
8 legislature. In an occupation for which a license is required, it
9 is illegal for an individual who does not possess a valid
10 occupational license to perform the occupation.

11 5. "Other state" or "another state" means any U.S. territory or
12 state in the United States other than this state.

13 6. "Private certification" means a voluntary program in which a
14 private organization grants nontransferable recognition to an
15 individual who meets personal qualifications and standards relevant
16 to performing the occupation as determined by the private
17 organization. The individual may use the designated title of
18 "certified" as permitted by the private organization.

19 7. "Scope of practice" means the procedures, actions, processes
20 and work that a person may perform under an occupational license or
21 government certification issued in this state.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 802.2 of Title 40, unless there
24 is created a duplication in numbering, reads as follows:

1 Occupational license or government certification.

2 A. Notwithstanding any other law, the board shall issue an
3 occupational license or government certification to a person upon
4 application, if all the following apply:

5 1. The person holds a current and valid occupational license or
6 government certification in another state in a lawful occupation
7 with a similar scope of practice, as determined by the board in this
8 state;

9 2. The person has held the occupational license or government
10 certification in the other state for at least one (1) year;

11 3. The board in the other state required the person to pass an
12 examination or to meet education, training or experience standards;

13 4. The board in the other state holds the person in good
14 standing;

15 5. The person does not have a disqualifying criminal record as
16 determined by the board in this state under state law;

17 6. No board in another state has revoked the person's
18 occupational license or government certification because of
19 negligence or intentional misconduct related to the person's work in
20 the occupation;

21 7. The person did not surrender an occupational license or
22 government certification because of negligence or intentional
23 misconduct related to the person's work in the occupation in another
24 state;

1 8. The person does not have a complaint, allegation or
2 investigation pending before a board in another state which relates
3 to unprofessional conduct or an alleged crime. If the person has a
4 complaint, allegation or investigation pending, the board in this
5 state shall not issue or deny an occupational license or government
6 certification to the person until the complaint, allegation or
7 investigation is resolved or the person otherwise meets the criteria
8 for an occupational license or government certification in this
9 state to the satisfaction of the board in this state; and

10 9. The person pays all applicable fees in this state.

11 B. If another state has issued the person a government
12 certification but this state requires an occupational license to
13 work, the board in this state shall issue an occupational license to
14 the person if the person otherwise satisfies the provisions of
15 subsection A of this section.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 802.3 of Title 40, unless there
18 is created a duplication in numbering, reads as follows:

19 Work experience.

20 Notwithstanding any other law, the board shall issue an
21 occupational license or government certification to a person upon
22 application based on work experience in another state, if all the
23 following apply:
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1 1. The person worked in a state that does not use an
2 occupational license or government certification to regulate a
3 lawful occupation, but this state uses an occupational license or
4 government certification to regulate a lawful occupation with a
5 similar scope of practice, as determined by the board;

6 2. The person worked for at least three (3) years in the lawful
7 occupation; and

8 3. The person satisfies paragraphs 5-9 of subsection A of
9 Section 3 of this act.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 802.4 of Title 40, unless there
12 is created a duplication in numbering, reads as follows:

13 Private certification.

14 Notwithstanding any other law, the board shall issue an
15 occupational license or government certification to a person based
16 on holding a private certification and work experience in another
17 state, if all the following apply:

18 1. The person holds a private certification and worked in a
19 state that does not use an occupational license or government
20 certification to regulate a lawful occupation, but this state uses
21 an occupational license or government certification to regulate a
22 lawful occupation with a similar scope of practice, as determined by
23 the board;

1 2. The person worked for at least two (2) years in the lawful
2 occupation;

3 3. The person holds a current and valid private certification
4 in the lawful occupation;

5 4. The private certification organization holds the person in
6 good standing; and

7 5. The person satisfies paragraphs 5-9 of subsection A of
8 Section 3 of this act.

9 SECTION 6. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 802.5 of Title 40, unless there
11 is created a duplication in numbering, reads as follows:

12 State law examination.

13 A board may require a person to pass a jurisprudential
14 examination specific to relevant state laws that regulate the
15 occupation if an occupational license or government certification in
16 this state requires a person to pass a jurisprudential examination
17 specific to relevant state statutes and administrative rules that
18 regulate the occupation.

19 SECTION 7. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 802.6 of Title 40, unless there
21 is created a duplication in numbering, reads as follows:

22 Decision.

1 The board will provide the person with a written decision
2 regarding the application within sixty (60) days after receiving a
3 complete application.

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 802.7 of Title 40, unless there
6 is created a duplication in numbering, reads as follows:

7 Appeal.

8 A. The person may appeal the board's decision to a court of
9 general jurisdiction.

10 B. The person may appeal the board's:

- 11 1. Denial of an occupational license or government
12 certification;
- 13 2. Determination of the occupation;
- 14 3. Determination of the similarity of the scope of practice of
15 the occupational license or government certification issued; or
- 16 4. Other determinations under this act.

17 SECTION 9. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 802.8 of Title 40, unless there
19 is created a duplication in numbering, reads as follows:

20 State laws and jurisdiction.

21 A person who obtains an occupational license or government
22 certification pursuant to this act is subject to:

- 23 1. The laws regulating the occupation in this state; and
- 24 2. The jurisdiction of the board in this state.

1 SECTION 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 802.9 of Title 40, unless there
3 is created a duplication in numbering, reads as follows:

4 Exception.

5 This act does not apply to an occupation regulated by the state
6 Supreme Court.

7 SECTION 11. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 802.10 of Title 40, unless there
9 is created a duplication in numbering, reads as follows:

10 Limitations.

11 A. An occupational license or government certification issued
12 pursuant to this act is valid only in this state. It does not make
13 the person eligible to work in another state under an interstate
14 compact or reciprocity agreement unless otherwise provided in law.

15 B. Nothing in this act shall be construed to prevent this state
16 from entering into a licensing compact or reciprocity agreement with
17 another state, foreign province or foreign country.

18 C. Nothing in this act shall be construed to prevent this state
19 from recognizing occupational credentials issued by a private
20 certification organization, foreign province, foreign country,
21 international organization or other entity.

22 D. Nothing in this act shall be construed to require a private
23 certification organization to grant or deny private certification to
24 any individual.

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SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 802.11 of Title 40, unless there is created a duplication in numbering, reads as follows:

Cost.

The board may charge a fee to the person to recoup its costs not to exceed One Hundred Dollars (\$100.00) for each application.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 802.12 of Title 40, unless there is created a duplication in numbering, reads as follows:

Preemption.

This state has an overriding interest in protecting the welfare of the citizens of this state and therefore this act preempts laws by township, municipal, county and other governments in the state which regulate occupational licenses and government certification.

SECTION 14. This act shall become effective November 1, 2020.

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