

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1301

5 By: Representative Cozart
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For An Act To Be Entitled

8 AN ACT TO CREATE THE RED TAPE REDUCTION EXPEDITED
9 TEMPORARY AND PROVISIONAL LICENSURE ACT; TO AUTHORIZE
10 OCCUPATIONAL LICENSING ENTITIES TO GRANT EXPEDITED
11 TEMPORARY AND PROVISIONAL LICENSING FOR CERTAIN
12 INDIVIDUALS; AND FOR OTHER PURPOSES.
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Subtitle

15 TO CREATE THE RED TAPE REDUCTION
16 EXPEDITED TEMPORARY AND PROVISIONAL
17 LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL
18 LICENSING ENTITIES TO GRANT EXPEDITED
19 TEMPORARY AND PROVISIONAL LICENSING FOR
20 CERTAIN INDIVIDUALS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. DO NOT CODIFY. Title.

27 This act shall be known and may be cited as the "Red Tape Reduction
28 Expedited Temporary and Provisional Licensure Act."
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30 SECTION 2. DO NOT CODIFY. Legislative findings and intent.

31 (a) The General Assembly finds that:

32 (1) Arkansas is taking a leading role in the nationwide pursuit
33 of reforms to the system of occupational licensing;

34 (2) Arkansas became one (1) of eleven (11) states chosen to
35 participate in the Occupational Licensing Policy Learning Consortium, an
36 initiative funded by a grant from the United States Department of Labor and



1 supported in partnership with the National Conference of State Legislatures,
 2 the Council of State Governments, and the National Governors Association;

3 (3) Governor Asa Hutchinson appointed seventeen (17) individuals
 4 to the Red Tape Reduction Working Group to review and address occupational
 5 licensing regulations that create unnecessary barriers to labor market entry;
 6 and

7 (4) The Red Tape Reduction Working Group issued a final report
 8 to the Governor in the fall of 2018 with five (5) recommendations for
 9 substantive legislative reform, which are to:

10 (A) Establish an expedited procedure for occupational
 11 licensing entities to collectively submit administrative rules that are
 12 responsive to new legislation;

13 (B) Extend Acts 2017, No. 781, to allow repeal of
 14 subsections of rules;

15 (C) Establish provisions to allow certain agencies to
 16 consider occupational relevance with regard to criminal background issues;

17 (D) Authorize occupational licensing entities to identify
 18 types of individuals or entities that may be issued temporary or provisional
 19 licenses; and

20 (E) Establish a systematic process for review of:

21 (i) New occupational licensure and occupational
 22 licensing entities; and

23 (ii) Existing occupational licensure and
 24 occupational licensing entities.

25 (b) It is the intent of the General Assembly to authorize occupational
 26 licensing entities to identify types of individuals or entities that may be
 27 issued temporary or provisional licenses.

28
 29 SECTION 3. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
 30 to add an additional section to read as follows:

31 17-1-108. Expedited temporary and provisional licensure.

32 (a) As used in this section:

33 (1) "Individual" means a natural person, firm, association,
 34 partnership, corporation, or other entity that may hold an occupational
 35 licensure;

36 (2) "Occupational licensing entity" means an office, board,

1 commission, department, council, bureau, or other agency of state government
 2 having authority to license, certify, register, permit, or otherwise
 3 authorize an individual to engage in a particular occupation or profession;
 4 and

5 (3) "Occupational licensure" means a license, certificate,
 6 registration, permit, or other form of authorization required by law or rule
 7 that is required for an individual to engage in a particular occupation or
 8 profession.

9 (b) An occupational licensing entity shall by rule adopt the least
 10 restrictive requirements for occupational licensure for an individual who:

11 (1) Demonstrates that he or she:

12 (A) Holds an occupational licensure that is substantially
 13 similar to practice in the field of his or her occupation or profession in
 14 another state, territory, or district of the United States;

15 (B) Holds his or her occupational licensure in good
 16 standing;

17 (C) Has not had his or her occupational licensure revoked
 18 for:

19 (i) An act of bad faith; or

20 (ii) A violation of law, rule, or ethics;

21 (D) Is not holding a suspended or probationary
 22 occupational licensure in any state, territory, or district of the United
 23 States; and

24 (E) Is sufficiently competent in his or her field; and

25 (2) Pays any occupational licensure fee required by law or rule.

26 (c)(1)(A) An occupational licensing entity shall comply with the
 27 requirements under subsection (b) of this section by adopting the least
 28 restrictive rule that allows for reciprocity or licensure by endorsement.

29 (B) The rule adopted under subdivision (c)(1)(A) of this
 30 section shall provide the procedure by which an occupational licensing entity
 31 shall grant a one-year temporary and provisional occupational licensure to an
 32 individual under subsection (b) of this section if presented with evidence of
 33 a current and active occupational licensure in another state, territory, or
 34 district of the United States.

35 (2) If a state, territory, or district of the United States does
 36 not require occupational licensure for a profession that requires

1 occupational licensure in this state, an occupational licensing entity shall
2 adopt a rule that is least restrictive to permit an individual to obtain
3 occupational licensure for that occupation or profession in this state.

4 (3) The occupational licensing entity may require additional
5 state-specific education for an individual with an occupational licensure in
6 another state, territory, or district of the United States that does not
7 offer reciprocity similar to reciprocity under this section to individuals
8 with occupational licensure in this state.

9 (d)(1) Except as provided under subdivision (d)(2) of this section, an
10 occupational licensing entity shall not require an individual who meets the
11 requirements of subsection (b) of this section to participate in the
12 apprenticeship, education, or training required as a prerequisite to
13 occupational licensure of a new professional in the field.

14 (2) The occupational licensing entity may require the individual
15 to participate in continuing education or training if the continuing
16 education or training is required for all professionals in the field to
17 maintain the occupational licensure.

18 (e) If a criminal background check is required of an applicant for an
19 initial occupational licensure or of a person currently holding an
20 occupational licensure, then the occupational licensing entity may require a
21 person seeking his or her occupational licensure under this section to meet
22 the same criminal background check requirements as the applicant for an
23 initial occupational licensure or as the person currently holding an
24 occupational licensure.

25 (f) The occupational licensing entity may require the individual
26 applying for occupational licensure under this section to meet any bonding,
27 financial statement, or insurance requirements that are applicable to all
28 applicants.

29 (g) This section shall not apply to:

30 (1) Reciprocity or license by endorsement provisions under §§
31 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-43-307,
32 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308, 17-93-414,
33 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

34 (2) The occupational licensing entities that administer the
35 reciprocity provisions under subdivision (g)(1) of this section.

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