GOLDWATER
INSTITUTE

Breaking Down Barriers to Work:
Universal Recognition of Occupational Licenses Act

AN ACT relating to occupational regulation; adding provisions for occupational licenses or government certification by recognition for qualified applicants from other states.

Section 1. Definitions.

(A) The words defined in this section have the meanings given them for purposes of this chapter unless the context clearly requires otherwise.

(B) "Board" means a government agency, board, department or other government entity that regulates a lawful occupation and issues an occupational license or government certification to an individual.

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

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

(E) "Military" means the Armed Forces of the United States including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and all reserve components and auxiliaries. It also includes the military reserves and militia of any United States territory or state.

(F) "Occupational license" is a nontransferable authorization in law for an individual to perform exclusively a lawful occupation based on meeting personal qualifications. It includes a military occupational specialty. In an occupation for which a license is required, it is illegal for an individual who does not possess a valid occupational license to perform the occupation.

(G) "Other state" or "another state" means any territory, or state other than this state in the United States. It also means any branch or unit of the military.

(H) "Private certification" is a voluntary program in which a private organization grants nontransferable recognition to an individual who meets personal qualifications and standards relevant to performing the occupation as determined by the private organization. The individual may use the designated title of "certified," as permitted by the private organization.

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

Section 2. Recognition of Another Occupational License or Government Certification.

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

1. The person holds a current and valid occupational license or government certification in another state in a lawful occupation with a similar scope of practice, as determined by the board in this state;
2. The person has held the occupational license or government certification in the other state for at least one year;
3. The board in the other state required the person pass an examination, or to meet education, training or experience standards;
4. The board in the other state holds the person in good standing;
5. The person does not have a disqualifying criminal record as determined by the board in this state under state law;
6. No board in another state revoked the person's occupational license or government certification because of negligence or intentional misconduct related to the person's work in the occupation;
7. The person did not surrender an occupational license or government certification because of negligence or intentional misconduct related to the person's work in the occupation in another state;
8. The person does not have a complaint, allegation or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If the person has a complaint, allegation or investigation pending, the board in this state shall not issue or deny an occupational license or government certification to the person until the complaint, allegation or investigation is resolved or the person otherwise meets the criteria for an occupational license or government certification in this state to the satisfaction of the board in this state; and
9. The person pays all applicable fees in this state.

(B) If another state issued the person a government certification but this state requires an occupational license to work, the board in this state shall issue an occupational license to the person if the person otherwise satisfies Section 2(A)(5) through (9).

Section 3. Recognition of Work Experience.

Notwithstanding any other law, the board shall issue an occupational license or government certification to a person upon application based on work experience in another state, if all the following apply:

1. The person worked in a state that does not use an occupational license or government certification to regulate a lawful occupation, but this state uses an occupational

license or government certification to regulate a lawful occupation with a similar scope of practice, as determined by the board;

2. The person worked for at least three years in the lawful occupation; and
3. The person satisfies section Section 2(A)(5) through (9).

Section 4. Recognition of Private Certification.

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

1. The person holds a private certification and worked in a state that does not use an occupational license or government certification to regulate a lawful occupation, but this state uses an occupational license or government certification to regulate a lawful occupation with a similar scope of practice, as determined by the board;
2. The person worked for at least two years in the lawful occupation;
3. The person holds a current and valid private certification in the lawful occupation;
4. The private certification organization holds the person in good standing; and
5. The person satisfies section 100.02 subdivision 1(5)-(9).

Section 5. State Law Examination.

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

Section 6. Decision.

The board will provide the person with a written decision regarding the application within 30 days after receiving a complete application.

Section 7. Appeal.

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

(B) The person may appeal the board's:

1. Denial of an occupational license or government certification;
2. Determination of the occupation;
3. Determination of the similarity of the scope of practice of the occupational license or government certification issued; or
4. Other determinations under this chapter.

Section 8. State Laws and Jurisdiction.

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

1. the laws regulating the occupation in this state; and
2. the jurisdiction of the board in this state.

Section 9. Exception.

This chapter does not apply to an occupation regulated by the state supreme court.

Section 10. Limitations.

(A) Nothing in this chapter shall be construed to prohibit a person from applying for an occupational license or government certification under another statute or rule in state law.

(B) An occupational license or government certification issued pursuant to this chapter is valid only in this state. It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in law.

(C) Nothing in this chapter shall be construed to prevent this state from entering into a licensing compact or reciprocity agreement with another state, foreign province or foreign country.

(D) Nothing in this chapter shall be construed to prevent this state from recognizing occupational credentials issued by a private certification organization, foreign province, foreign country, international organization or other entity.

(E) Nothing in this chapter shall be construed to require a private certification organization to grant or deny private certification to any individual.

Section 11. Costs.

The board may charge a fee to the person to recoup its costs not to exceed $100 for each application.

Section 12. Preemption.

This chapter preempts laws by township, municipal, county and other governments in the state which regulate occupational licenses and government certification.

Section 13. Emergency Powers.

(A) During a declared emergency, the governor may order the recognition of an occupational license from another state or foreign country as if the license is issued in this state.

(B) The governor may expand any license's scope of practice and may authorize any licensee to provide services in this state in person, telephonically or by other means for the duration of the emergency.