

Stricken language would be deleted from and underlined language would be added to present law.
Act 426 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H2/13/19
A Bill

HOUSE BILL 1301

By: Representative Cozart

For An Act To Be Entitled

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

Subtitle

TO CREATE THE RED TAPE REDUCTION
EXPEDITED TEMPORARY AND PROVISIONAL
LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL
LICENSING ENTITIES TO GRANT EXPEDITED
TEMPORARY AND PROVISIONAL LICENSING FOR
CERTAIN INDIVIDUALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Red Tape Reduction
Expedited Temporary and Provisional Licensure Act."

SECTION 2. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

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

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



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

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

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

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

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

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

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

(E) Establish a systematic process for review of:

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

(ii) Existing occupational licensure and occupational licensing entities.

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

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

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

(a) As used in this section:

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

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

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

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

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

(1) Demonstrates that he or she:

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

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

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

(i) An act of bad faith; or

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

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

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

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

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

(B) The rule adopted under subdivision (c)(1)(A) of this section shall provide the procedure by which an occupational licensing entity shall grant a temporary and provisional occupational licensure for ninety (90) days or longer to an individual under subsection (b) of this section if presented with evidence of a current and active occupational licensure that is substantially similar to practice in the field of his or her occupation or profession in another state, territory, or district of the United States.

(2) If a state, territory, or district of the United States does

not require occupational licensure for a profession that requires occupational licensure in this state, an occupational licensing entity shall adopt a rule that is least restrictive to permit an individual who is sufficiently competent in his or her field to obtain occupational licensure for that occupation or profession in this state.

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

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

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

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

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

(g) This section shall not apply to:

(1) Reciprocity or license by endorsement provisions under §§ 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305, 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308, 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

(2) The occupational licensing entities that administer the

reciprocity provisions under subdivision (g)(1) of this section.

(h) An occupational licensing entity may enter into written agreements with similar occupational licensing entities of another state, territory, or district of the United States as necessary to assure for licensees in this state have comparable nonresident licensure opportunities as those opportunities available to nonresidents by occupational licensing entities in this state.

/s/Cozart

APPROVED: 3/12/19