

HOUSE BILL No. 1245

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1; IC 36-1.

Synopsis: Occupational licensing. Provides that the state and a local governmental unit (unit) shall explicitly list the crimes that will disqualify an individual from receiving an occupational license. Provides that the use of an individual's conviction of a crime as a disqualifying criminal conviction is limited to a crime that specifically and directly relates to the duties and responsibilities of the occupation for which the individual is applying for or holds a license. Provides that the period of disqualification may not exceed five years unless the individual: (1) was convicted of a crime of violence or an offense relating to a criminal sexual act; or (2) is convicted of a second or subsequent crime during the disqualification period. Provides that an individual having a criminal conviction may at any time petition the board or unit requiring a license for a determination as to whether the individual's criminal conviction will disqualify the individual from receiving that license. Provides that the state or a unit shall grant a license for an occupation that an individual qualifies for or learns by the completion of an apprenticeship program to any applicant who successfully: (1) completes the eighth grade; (2) completes the apprenticeship program; and (3) passes an examination required by the apprenticeship program with a passing score established by the board. Provides that, if an applicant successfully completes an apprenticeship program that does not require an examination, the state or a unit may not require the applicant to take and pass an examination before granting the applicant a license. Provides that the length of an apprenticeship program may not exceed four years. Provides that, after June 30, 2018, a unit does not have the power to: (1) license, register, (Continued next page)

Effective: July 1, 2018.

DeVon

January 16, 2018, read first time and referred to Committee on Employment, Labor and Pensions.



Digest Continued

or certify an individual to practice the individual's occupation; or (2) impose fees and taxes related to the issuance, renewal, or reinstatement of an occupational license; unless the unit's licensing requirement is in effect on June 30, 2018, and the occupation is not subject to, and does not become subject to, licensure, registration, or certification under the Indiana Code. Provides that a unit, after June 30, 2018, does not have the power to impose or enforce occupational licensing fees and taxes that exceed \$25 per year, and if the fees and taxes imposed by a unit before July 1, 2018, exceed that amount, the unit shall reduce the fees and taxes to \$25 or less.



Introduced

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1245

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-1.1-6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]: **Sec. 6. (a) This section applies to a license or certificate**
4 **under this title that is in effect on July 1, 2018, or created on or**
5 **established after that date.**
6 **(b) As used in this section, "crime" has the meaning set forth in**
7 **IC 33-23-1-4.**
8 **(c) As used in this section, "criminal history information" has**
9 **the meaning set forth in IC 5-2-4-1.**
10 **(d) Not later than November 1, 2018, a board, commission, or**
11 **committee shall revise its licensing or certification requirements to**
12 **the extent necessary to explicitly list the crimes that will disqualify**
13 **an individual from receiving a license or certificate under this title.**
14 **The board, commission, or committee may not:**
15 **(1) use nonspecific terms, such as moral turpitude or good**



1 character, as a licensing or certification requirement; or

2 (2) consider an arrest that does not result in a conviction.

3 (e) A board's, commission's, or committee's use of an
4 individual's conviction of a crime as a disqualifying criminal
5 conviction is limited to a crime that is specifically and directly
6 related to the duties and responsibilities of the occupation or
7 profession for which the individual is applying for or holds a
8 license or certification.

9 (f) If an individual has a disqualifying criminal conviction, the
10 period of disqualification may not exceed five (5) years after the
11 date of the conviction, unless the individual:

12 (1) was convicted of a crime of violence (as defined by
13 IC 35-50-1-2(a));

14 (2) was convicted of an offense relating to a criminal sexual
15 act (as defined by IC 35-31.5-2-216); or

16 (3) is convicted of a second or subsequent crime during the
17 disqualification period.

18 (g) An individual having a misdemeanor or felony criminal
19 conviction may at any time petition a board, commission, or
20 committee requiring a license or certificate for a determination as
21 to whether the individual's misdemeanor or felony criminal
22 conviction will disqualify the individual from receiving the license
23 or certification. An individual filing a petition under this subsection
24 must submit:

25 (1) the individual's criminal history information or an
26 authorization for the board, commission, or committee to
27 obtain the individual's criminal history information; and

28 (2) any additional information requested by the board,
29 commission, or committee to assist the board, commission, or
30 committee in its review of the individual's petition.

31 (h) The board, commission, or committee shall inform the
32 individual of its determination concerning the individual's petition
33 not later than thirty (30) days after the petition, criminal history
34 information, and any other information requested under
35 subsection (g) is received by the board, commission, or committee.

36 (i) The board, commission, or committee may charge a fee
37 established under IC 25-1-8 that does not exceed twenty-five
38 dollars (\$25) to pay its costs of reviewing a petition filed under
39 subsection (g).

40 (j) A board, commission, or committee may adopt rules under
41 IC 4-22-2 to implement this section, including emergency rules
42 under IC 4-22-2-37.1.



1 SECTION 2. IC 25-1-19 IS ADDED TO THE INDIANA CODE AS
 2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2018]:

4 **Chapter 19. Licensure of Individuals Completing**
 5 **Apprenticeship Programs**

6 **Sec. 1. This chapter applies to an occupation or profession that**
 7 **an individual qualifies for or learns by the completion of an**
 8 **apprenticeship program.**

9 **Sec. 2. As used in this chapter, "applicant" means an individual**
 10 **who applies for a license under this chapter.**

11 **Sec. 3. As used in this chapter, "apprenticeship" or**
 12 **"apprenticeship program" means:**

- 13 (1) an apprenticeship program registered under the federal
 14 National Apprenticeship Act (29 U.S.C. 50 et seq.) or another
 15 federal apprenticeship program approved and administered
 16 by the United States Department of Labor; or
 17 (2) an apprenticeship program approved by a board or a state
 18 agency.

19 **Sec. 4. As used in this chapter, "board" has the meaning set**
 20 **forth in IC 25-1-7-1.**

21 **Sec. 5. As used in this chapter, "license" has the meaning set**
 22 **forth in IC 25-1-2-6.**

23 **Sec. 6. As used in this chapter, "state agency" has the meaning**
 24 **set forth IC 4-13-1-1(b).**

25 **Sec. 7. (a) After June 30, 2018, a board shall grant a license to**
 26 **any applicant who meets the following criteria:**

- 27 (1) The applicant has successfully completed the eighth grade.
 28 (2) The applicant has successfully completed an
 29 apprenticeship program.
 30 (3) The applicant has passed an examination required by the
 31 apprenticeship program with a passing score established by
 32 the board.

33 (b) A board may not establish a passing score for the
 34 examination described in subsection (a)(3) that is higher than the
 35 passing score required by the apprenticeship program.

36 (c) If an applicant successfully completes an apprenticeship
 37 program that does not require an examination, a board may not
 38 require the applicant to take and pass an examination before
 39 granting the applicant a license under this chapter.

40 (d) The length of an apprenticeship program may not exceed
 41 four (4) years.

42 **Sec. 8. A board may adopt rules under IC 4-22-2 to implement**



1 **this chapter, including emergency rules under IC 4-22-2-37.1.**

2 SECTION 3. IC 36-1-3-12 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2018]: **Sec. 12. (a) As used in this section, "license" means any
5 license, registration, certification, permit, or endorsement required
6 by a unit for an individual to practice an occupation or profession
7 in an area over which the unit has jurisdiction.**

8 **(b) After June 30, 2018, except as provided in subsection (c), a
9 unit does not have the power to:**

- 10 **(1) license, register, or certify an individual to practice the
11 individual's occupation or profession; or
12 (2) impose fees and taxes related to the issuance, renewal, or
13 reinstatement of an occupational or professional license.**

14 **(c) Subject to subsections (d) and (e), a unit that, before July 1,
15 2018:**

- 16 **(1) requires an individual to obtain a license, registration,
17 certification, permit, or endorsement for the individual to
18 practice an occupation or profession; or
19 (2) imposes fees and taxes related to the issuance, renewal, or
20 reinstatement of an occupational or professional license;**

21 **may, after June 30, 2018, continue to enforce the unit's
22 occupational and professional licensing requirements, including
23 fees and taxes related to an occupational or professional license,
24 that are in effect on June 30, 2018.**

25 **(d) A unit, after June 30, 2018, does not have the power to:**

- 26 **(1) license, register, or certify an individual to practice the
27 individual's occupation or profession; or
28 (2) impose fees and taxes related to the issuance, renewal, or
29 reinstatement of an occupational or professional license;**

30 **if the occupation or profession is subject to, or becomes subject to,
31 licensure, registration, or certification under the Indiana Code.**

32 **(e) A unit, after June 30, 2018, does not have the power to
33 impose or enforce fees and taxes that exceed twenty-five dollars
34 (\$25) per year related to the issuance, renewal, or reinstatement of
35 an occupational or professional license. If the fees and taxes
36 imposed by a unit before July 1, 2018, for an occupational or
37 professional license exceed twenty-five dollars (\$25) per year, the
38 unit shall reduce the fees and taxes for that license to an amount
39 that does not exceed twenty-five dollars (\$25) per year in the
40 manner required by section 6 of this chapter.**

41 SECTION 4. IC 36-1-25 IS ADDED TO THE INDIANA CODE AS
42 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY



- 1, 2018]:
- Chapter 25. Licensure of Individuals Completing Apprenticeship Programs**
- Sec. 1. This chapter applies to an occupation or profession:**
- (1) for which a unit requires a license; and
 - (2) that an individual qualifies for or learns by the completion of an apprenticeship program.
- Sec. 2. As used in this chapter, "applicant" means an individual who applies for a license under this chapter.**
- Sec. 3. As used in this chapter, "apprenticeship" or "apprenticeship program" means:**
- (1) an apprenticeship program registered under the federal National Apprenticeship Act (29 U.S.C. 50 et seq.) or another federal apprenticeship program approved and administered by the United States Department of Labor; or
 - (2) an apprenticeship program approved by a state agency.
- Sec. 4. As used in this chapter, "license" means any license, registration, certification, permit, or endorsement required by a unit for an individual to practice an occupation or profession in an area over which the unit has jurisdiction.**
- Sec. 5. As used in this chapter, "state agency" has the meaning set forth IC 4-13-1-1(b).**
- Sec. 6. (a) After June 30, 2018, a unit shall grant a license to any applicant who meets the following criteria:**
- (1) The applicant has successfully completed the eighth grade.
 - (2) The applicant has successfully completed an apprenticeship program.
 - (3) The applicant has passed an examination required by the apprenticeship program with a passing score established by the unit.
- (b) A unit may not establish a passing score for the examination described in subsection (a)(3) that is higher than the passing score required by the apprenticeship program.**
- (c) If an applicant successfully completes an apprenticeship program that does not require an examination, a unit may not require the applicant to take and pass an examination before granting the applicant a license under this chapter.**
- (d) The length of an apprenticeship program may not exceed four (4) years.**
- SECTION 5. IC 36-1-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:



1 **Chapter 26. Effect of Criminal Convictions on Licensed Persons**

2 **Sec. 1. As used in this chapter, "crime" has the meaning set**
 3 **forth in IC 33-23-1-4.**

4 **Sec. 2. As used in this chapter, "criminal history information"**
 5 **has the meaning set forth in IC 5-2-4-1.**

6 **Sec. 3. As used in this chapter, "license" means any license,**
 7 **registration, certification, permit, or endorsement required by a**
 8 **unit for an individual to practice an occupation or profession in an**
 9 **area over which the unit has jurisdiction.**

10 **Sec. 4. (a) Not later than November 1, 2018, a unit shall revise**
 11 **its licensing requirements to the extent necessary to explicitly list**
 12 **the crimes that will disqualify an individual from receiving a**
 13 **license required by the unit. The unit may not:**

14 **(1) use nonspecific terms, such as moral turpitude or good**
 15 **character, as a licensing requirement; or**

16 **(2) consider an arrest that does not result in a conviction.**

17 **(b) A unit's use of an individual's conviction of a crime as a**
 18 **disqualifying criminal conviction is limited to a crime that is**
 19 **specifically and directly related to the duties and responsibilities of**
 20 **the occupation or profession for which the individual is applying**
 21 **for or holds a license.**

22 **(c) If an individual has a disqualifying criminal conviction, the**
 23 **period of disqualification may not exceed five (5) years after the**
 24 **date of the conviction, unless the individual:**

25 **(1) was convicted of a crime of violence (as defined by**
 26 **IC 35-50-1-2(a));**

27 **(2) was convicted of an offense relating to a criminal sexual**
 28 **act (as defined by IC 35-31.5-2-216); or**

29 **(3) is convicted of a second or subsequent crime during the**
 30 **disqualification period.**

31 **Sec. 5. (a) An individual having a misdemeanor or felony**
 32 **criminal conviction may at any time petition a unit requiring a**
 33 **license for a determination as to whether the individual's**
 34 **misdemeanor or felony criminal conviction will disqualify the**
 35 **individual from receiving a license. An individual filing a petition**
 36 **under this subsection must submit:**

37 **(1) the individual's criminal history information or an**
 38 **authorization for the unit to obtain the individual's criminal**
 39 **history information; and**

40 **(2) any additional information requested by the unit to assist**
 41 **the unit in its review of the individual's petition.**

42 **(b) The unit shall inform the individual of its determination**



1 **concerning the individual's petition not later than thirty (30) days**
2 **after the petition, criminal history information, and any other**
3 **information requested under subsection (a) are received by the**
4 **unit.**

5 (c) The unit may charge a fee established under IC 36-1-3-6 that
6 does not exceed twenty-five dollars (\$25) to pay the unit's costs of
7 reviewing a petition filed under subsection (a).

