

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1460

By: Echols

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5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 creating the Freedom to Prosper Act; defining terms;  
9 limiting authority of political subdivisions to  
10 create new occupational licenses; providing for cap  
11 on license fees; providing for waiver of occupational  
licensing fees; providing for reciprocity for out-of-  
state residents; authorizing licensing authority to  
adopt certain rules; providing for codification; and  
providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 7001 of Title 59, unless there  
17 is created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Freedom to  
19 Prosper Act".

20 SECTION 2. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 7002 of Title 59, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. As used in the Freedom to Prosper Act:  
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1        1. "Licensing authority" means a state agency, examining board,  
2        credentialing board or other office with the authority to impose  
3        occupational fees or licensing requirements on any profession;

4        2. "Low-income individual" means a person whose annual salary  
5        before taxes is below Thirty Thousand Dollars (\$30,000.00) per year  
6        or a threshold to be set by the executive branch department that  
7        oversees occupational and business licensing. "Low-income  
8        individual" shall also apply to any person enrolled in a state or  
9        federal public assistance program including, but not limited to,  
10       Temporary Assistance for Needy Families, Medicaid or the  
11       Supplemental Nutrition Assistance Program; and

12       3. "Political subdivision" means a city, town, municipality or  
13       county.

14       B. Limitations on new occupational licensing regulations.

15       1. Beginning on November 1, 2017, a political subdivision of  
16       this state shall not impose any occupational fees or licensing  
17       requirements on any profession if the political subdivision does not  
18       already impose occupational fees or licensing requirements on that  
19       profession. The political subdivision may continue to so regulate  
20       any profession or occupation that is subject to occupational fees or  
21       licensing requirements on or before November 1, 2017.

22       2. A political subdivision of this state shall not impose any  
23       requirements on professions that are more stringent than the  
24       requirements already imposed by the licensing authority.

1           3. Beginning on November 1, 2017, if a licensing authority  
2 imposes any new occupational licensing fees or regulations on any  
3 profession that was previously unregulated by the state, and if the  
4 political subdivision regulates the profession when the state  
5 regulations take effect the political subdivision shall not continue  
6 to regulate the profession on or after November 1, 2017, when the  
7 state regulations take effect and the existing regulations imposed  
8 by the political subdivision shall not apply and shall not be  
9 enforced.

10           B. Cap on Licensing Fees.

11           1. Beginning on November 1, 2017, a licensing authority shall  
12 not impose new occupational licensing fees on any profession if that  
13 profession is not already subject to occupational licensing fees.

14           2. When a profession is already subject to occupational  
15 licensing fees imposed by a licensing authority, local licensing  
16 fees shall not exceed Twenty-five Dollars (\$25.00) per applicable  
17 licensing period. If a profession is already subject to local  
18 occupational licensing fees that exceed Twenty-five Dollars (\$25.00)  
19 per applicable licensing period, the existing licensing fees imposed  
20 shall not apply, and the licensing authority shall immediately  
21 reduce licensing fees in accordance with the limits set by the  
22 Freedom to Prosper Act.

23           C. Waiver of Licensing Fees for Low-Income Individuals.  
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1           1. A licensing authority shall waive the initial licensing,  
2 application or unlicensed activity fee for low-income individuals  
3 whose annual salary before taxes is less than Thirty Thousand  
4 Dollars (\$30,000.00) per year or a threshold set by the executive  
5 branch department that oversees occupational and business licensing.  
6 The waiver shall also apply to any person enrolled in a state or  
7 federal public assistance program.

8           2. Individuals seeking a waiver of initial licensing,  
9 application or unlicensed activity fee shall apply to the  
10 appropriate licensing authority in a format prescribed by the  
11 licensing authority. The licensing authority shall process the  
12 application within thirty (30) days of receiving it from the  
13 applicant.

14           D. Reciprocity for Occupational Licenses Issued by Other  
15 States.

16           1. A licensing authority, within thirty (30) days of receiving  
17 an application for an occupational license from a resident of this  
18 state who is currently licensed to practice that occupation in  
19 another state shall:

- 20           a. process the application, and
- 21           b. issue the license to the applicant provided that the  
22           applicant's license is in good standing with the  
23           licensing authority of the other state that issued the  
24           license.

1           2. A license issued pursuant to this section shall not be a  
2 provisional license and shall confer the same rights, privileges and  
3 responsibilities as a license issued by the licensing authority of  
4 this state.

5           3. The licensing authority shall adopt necessary rules for the  
6 implementation of this section.

7           SECTION 3. This act shall become effective November 1, 2017.

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9           56-1-6426           LRB           01/08/17

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