



# State of Tennessee

## PUBLIC CHAPTER NO. 848

SENATE BILL NO. 2458

By Roberts

Substituted for: House Bill No. 2537

By Howell, Ragan, Daniel

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 76, Part 2, relative to apprenticeship programs.

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

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 76, Part 2, is amended by deleting the part and substituting instead the following:

### 62-76-201.

As used in this part:

(1) "Apprenticeship" means a program that:

(A) Meets the federal guidelines set out in 29 CFR Part 29 and 29 U.S.C. § 50; and

(B) Complies with this part and the guidelines established pursuant to § 62-76-202;

(2) "Licensing authority" means any state agency with the authority to impose training, education, or licensure fees to practice in a profession; and

(3) "State agency" means a state board, agency, or commission attached to the division of regulatory boards, as listed in § 4-3-1304(a).

### 62-76-202.

(a) Notwithstanding any law to the contrary and in addition to any other process by which a person may be granted a license pursuant to state law, a licensing authority shall also grant a license, unless other cause for denial of the issuance of the license exists, to any applicant who:

(1) Possesses a high school diploma or its equivalent, which shall include a general educational development (GED®) certificate;

(2) Has completed an apprenticeship that requires the applicant to learn the skills and knowledge relevant to the chosen profession under the direct supervision and instruction of a person duly licensed, registered, or certified to practice in the applicant's chosen profession and provides sufficient documentation to the licensing authority of completion of the apprenticeship;

(3) Has passed any examination required under law to become licensed, registered, or certified to practice in the applicant's chosen profession; and

(4) Has paid any fees required by the licensing authority for the license.

(b)

(1) Each licensing authority may limit the amount of time or number of attempts following completion of an apprenticeship that an applicant has to pass any required examinations. However, the amount of time or number of attempts to pass any required examination must not be more restrictive than any limits placed on any other person attempting to pass the examination after otherwise qualifying to take the examination.

(2) If the relevant licensing authority does not require an examination of any other person applying to practice in that profession, no examination is required for applicants who complete an apprenticeship under this part.

(c) Each licensing authority shall determine the duration of any apprenticeship for the profession that the authority regulates. A licensing authority shall grant apprentice status to a person only once under this part.

(d) Each licensing authority shall require that an apprentice register with the licensing authority and may set reasonable fees for registration or other transactions, such as changes of address or issuance of duplicate credentials. An apprentice is authorized to engage in acts requiring licensure by the licensing authority under the direct supervision and instruction of a professional licensed to practice in the applicant's chosen profession. However, the licensing authority may set limits on the apprentice's practice as are reasonably necessary to protect the health, safety, and welfare of the public.

(e) Any licensing authority creating an apprentice program under this part shall promulgate rules to effectuate this part, including guidelines for any apprenticeship program created pursuant to this part. All rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(f) Nothing in this part requires any state agency to create an apprenticeship.

(g) A licensing authority may refuse to issue an apprentice registration to any person for any reason, other than experience or education, that the licensing authority could deny issuance of a regular license in the apprentice's chosen profession. Further, no apprentice registration may be issued to any person who could not be issued a regular license in the apprentice's chosen profession.

(h) This section does not apply to licensing authorities providing licensure pursuant to the Contractors Licensing Act of 1994, compiled in chapter 6, part 1 of this title.

**62-76-203.**

(a) Nothing in this part overrides any of the requirements of the following:

(1) Instructor trainee programs, junior instructor programs, or apprenticeships under the Tennessee Cosmetology and Barbering Act, compiled in chapter 4 of this title;

(2) Apprenticeships under chapter 5 of this title;

(3) Apprenticeships under the Locksmith Licensing Act of 2006, compiled in chapter 11 of this title;

(4) Affiliate broker programs under the Tennessee Real Estate Broker License Act of 1973, compiled in chapter 13 of this title;

(5) Apprenticeships under chapter 19 of this title;

(6) Apprenticeships under the Private Investigators Licensing and Regulatory Act, compiled in chapter 26 of this title;

(7) Internships under the Polygraph Examiners Act, compiled in chapter 27 of this title; or

(8) Appraiser trainee programs under the State Licensing and Certified Real Estate Appraisers Law, compiled in chapter 39 of this title.

(b) If a program, apprenticeship, or internship as described in subsection (a) or by rule exists for a profession, then a licensing authority shall not create a separate apprentice program under this part for that profession.

SECTION 2. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2019, the public welfare requiring it.

SENATE BILL NO. 2458

PASSED: April 12, 2018

  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 26<sup>th</sup> day of April 2018

  
BILL HASLAM, GOVERNOR