

2022 Regular Session

SENATE BILL NO. 483

BY SENATOR CATHEY

FEES/LICENSES/PERMITS. Provides relative to occupational licenses. (gov sig)

1 AN ACT

2 To enact Chapter 1-E of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 37:51 through 59, relative to occupational licenses; to provide for licensure;
4 to provide for certain criteria; to provide for an appeals process; to provide for a
5 rulemaking process; to provide for exceptions; to provide for definitions; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 1-E of Title 37 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 37:51 through 59, is hereby is to read as follows:

10 **CHAPTER 58-A. PROFESSIONAL OR OCCUPATIONAL LICENSING**

11 **§51. Definitions**

12 **A. As used in this Chapter, the following terms shall have the following**
13 **meaning:**

14 **(1) "Lawful occupation" means a course of conduct, pursuit, or**
15 **profession that includes the sale of goods or services that are not illegal to sell**
16 **regardless of whether the individual selling the goods or services is subject to**
17 **an occupational license.**

1 **(2) "Military" means the United States Armed Forces, including the Air**
2 **Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard,**
3 **and all reserve components and auxiliaries. "Military" shall also include the**
4 **military reserves and militia of any United States territory or state.**

5 **(3) "Occupational license" is a nontransferable authorization in law for**
6 **an individual to perform exclusively a lawful occupation based on meeting**
7 **personal qualifications, including a military occupational specialty. In an**
8 **occupation for which a license is required, it is illegal for an individual who does**
9 **not possess a valid occupational license to perform the occupation.**

10 **(4) "Other state" or "another state" means any United States territory**
11 **or state in the United States other than this state. It also means any branch or**
12 **unit of the military.**

13 **(5) "Person" means a natural person who is a legal resident of the state.**
14 **For the purposes of this Chapter, proof of residency shall be indicated by either**
15 **a valid Louisiana voter registration card or a valid Louisiana driver's license or**
16 **identification card.**

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

22 **(7) "Professional or occupational licensing board" means any state**
23 **agency, board, commission, department, or substantially similar entity involved**
24 **in the licensing, certification, or registration of any regulated profession or**
25 **occupation within this state.**

26 **(8) "Scope of practice" means the procedures, actions, processes, and**
27 **work that a person may perform under an occupational license issued in this**
28 **state.**

29 **§52. Licensure by another state; recognition**

1 Notwithstanding any other provisions of law, the board shall issue an
2 occupational license to a person upon application, if all of the following apply:

3 (1) The person holds a current and valid occupational license in another
4 state for a lawful occupation with a similar scope of practice, as determined by
5 the professional or occupational licensing board in this state.

6 (2) The person has held the occupational license in the other state for at
7 least one year.

8 (3) The person was required by the other state to pass an examination or
9 to meet education, training, or experience standards.

10 (4) The board in the other state holds the person in good standing.

11 (5) The person does not have a disqualifying criminal record under the
12 laws of this state as determined by the professional or occupational licensing
13 board.

14 (6) No board in another state has revoked the person's occupational
15 license because of negligence or intentional misconduct related to the person's
16 work in the occupation.

17 (7) The person did not surrender his occupational license because of
18 negligence or intentional misconduct related to his work in the occupation in
19 another state.

20 (8) The person does not have a complaint, allegation, or investigation
21 pending before a board in another state which relates to unprofessional conduct
22 or an alleged crime. The professional or occupational licensing board may
23 require, when applicable, the applicant to furnish a signed affidavit or notarized
24 letter from the other state board or certifying agency of the relevant jurisdiction
25 confirming the applicant is in good standing.

26 (9) The person pays all applicable fees in this state, including any board
27 required background checks.

28 §53. Licensure based on work experience

29 Notwithstanding any other provisions of law, the professional or

1 occupational licensing board shall issue an occupational license to a person
2 based on work experience in another state, if all of the following apply:

3 (1) The person worked in a state that does not use an occupational license
4 to regulate a lawful occupation, but this state requires the issuance of an
5 occupational license to engage in a lawful occupation with a similar scope of
6 practice, as determined by the professional or occupational licensing board.

7 (2) The person worked for at least three years in the lawful occupation.

8 (3) The person meets all the criteria provided in R.S. 37:52.

9 §54. Private certification

10 Notwithstanding any other provisions of law, the professional or
11 occupational licensing board shall issue an occupational license to a person
12 based on holding a private certification and work experience in another state,
13 if all the following apply:

14 (1) The person holds a private certification and worked in a state that
15 does not use an occupational license to regulate a lawful occupation, but this
16 state uses an occupational license to regulate a lawful occupation with a similar
17 scope of practice, as determined by the professional or occupational licensing
18 board.

19 (2) The person worked for at least two years in the lawful occupation.

20 (3) The person holds a current and valid private certification in the
21 lawful occupation.

22 (4) The private certification organization holds the person in good
23 standing.

24 (5) The person meets all the criteria provided in R.S. 37:52.

25 §55. State examination

26 Notwithstanding any other provision of law to the contrary, a
27 professional or occupational licensing board may require a person to pass a
28 jurisprudential examination specific to relevant state laws that regulate the
29 occupation if an occupational license in this state requires a person to pass a

1 jurisprudential examination specific to relevant state statutes and
2 administrative rules that regulate the occupation.

3 §56. State laws and jurisdiction; exceptions

4 A. Any person who obtains an occupational license pursuant to this
5 Chapter is subject to the laws regulating the occupation in this state and the
6 jurisdiction of the professional or occupational licensing board that issued the
7 occupational license.

8 B. This Chapter shall not apply to an occupation regulated by the
9 Louisiana Supreme Court.

10 §57. Limitations

11 A. Nothing in this Chapter shall prohibit a person from applying for an
12 occupational license under another statute or rule in state law.

13 B. An occupational license issued pursuant to this Chapter is valid only
14 in this state and possession of an occupational license shall not make the person
15 eligible to work in another state under an interstate compact or reciprocity
16 agreement unless otherwise provided in law.

17 C. Nothing in this Chapter shall prevent the state from entering into a
18 licensing compact or reciprocity agreement with another state, foreign province,
19 foreign country, international organization or other entity.

20 D. Nothing in this Chapter shall prevent the state from recognizing
21 occupational credentials issued by a private certification organization, foreign
22 province, foreign country, international organization, or other entity.

23 E. Nothing in this Chapter shall require a private certification
24 organization to grant or deny private certification to any individual.

25 F. The provisions of this Chapter shall not apply to the Louisiana State
26 Board of Medical Examiners, the State Board of Certified Public Accountants
27 of Louisiana, the State Board of Architectural Examiners, the Louisiana Real
28 Estate Commission, the State Board of Veterinary Medicine Examiners, the
29 Louisiana Professional Engineering and Land Surveying Board, the Louisiana

State Board of Dentistry, and the State Board of Nursing.**§58. Preemption**

This Chapter preempts any law by a local municipality, parish, and any other governing authority in this state that regulates occupational licenses.

§59. Decisions and appeals

A. The professional or occupational licensing board shall provide the person with a written decision regarding the application within forty-five days after receiving a complete application.

B. Each professional or occupational licensing board shall adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Chapter.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 483 Engrossed

2022 Regular Session

Cathey

Proposed law defines "lawful occupation", "military", "occupational license", "other state", "person", "private certification", "professional or occupational licensing board", and "scope of practice".

Proposed law provides that the professional or occupational licensing board (board) shall issue an occupational license if all of the following apply:

- (1) The person holds a current and valid occupational license in another state in a lawful occupation with a similar scope of practice, as determined by the board.
- (2) The person has held the occupational license 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 under state law.

- (6) No board in another state has revoked the person's occupational license because of negligence or intentional misconduct related to the person's work in the occupation.
- (7) The person did not surrender his occupational license because of negligence or intentional misconduct related to his 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. The professional or occupational licensing board may require, when applicable, the applicant to furnish a signed affidavit or notarized letter from the out of state board or certifying agency of the relevant jurisdiction confirming the applicant is in good standing.
- (9) The person pays all applicable fees in this state including any board required background checks.

Proposed law provides that the board shall issue an occupational license to a person based on work experience in another state if all of the following apply:

- (1) The person worked in a state that does not use an occupational license to regulate a lawful occupation, but this state uses an occupational license 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.
- (3) The person satisfies all requirements under proposed law.

Proposed law provides that the board shall issue an occupational license to a person based on holding a private certification and work experience in another state if all of the following apply:

- (1) The person holds a private certification and worked in a state that does not use an occupational license to regulate a lawful occupation, but this state uses an occupational license 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.
- (5) The person satisfies all requirements under proposed law.

Proposed law provides that the board may require a person to pass an examination specific to the occupation if the license issued in this state requires an examination.

Proposed law provides that a person who obtains an occupational licence is subject to all laws regulating the occupation and jurisdiction of this state.

Proposed law provides for exceptions.

Proposed law provides for the following limitations:

- (1) Nothing in proposed law shall prohibit a person from applying for an occupational license under another statute or rule in state law.
- (2) An occupational license issued pursuant to proposed law is valid only in Louisiana.

It does not make the person eligible to work in another state under an interstate compact or reciprocity agreement unless otherwise provided in law.

- (3) Nothing in proposed law shall prevent Louisiana from entering into a licensing compact or reciprocity agreement with another state, foreign province, foreign country, international organization, or other entity.
- (4) Nothing in proposed law shall prevent Louisiana from recognizing occupational credentials issued by a private certification organization, foreign province, foreign country, international organization, or other entity.
- (5) Nothing in proposed law shall require a private certification organization to grant or deny private certification to any individual.

Proposed law provides that the board will provide the person with a written decision regarding the application within 45 days of receiving a completed application.

Proposed law excludes the Louisiana State Board of Medical Examiners, the State Board of Certified Public Accountants of Louisiana, the State Board of Architectural Examiners, the Louisiana Real Estate Commission, the State Board of Veterinary Medicine Examiners, the Louisiana Professional Engineering and Land Surveying Board, the Louisiana State Board of Dentistry, and the State Board of Nursing.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 37:51-59)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Makes technical changes.
2. Defines "person".
3. Removes the definition of government certification from proposed law and makes conforming changes throughout proposed law.
4. Provides that the board may require a signed affidavit from an out of state board or agency that confirms the applicant is in good standing in order to receive a license in Louisiana.
5. Excludes from proposed law the Louisiana State Board of Medical Examiners, the State Board of Certified Public Accountants of Louisiana, the State Board of Architectural Examiners, the Louisiana Real Estate Commission, the State Board of Veterinary Medicine Examiners, the Louisiana Professional Engineering and Land Surveying Board, the Louisiana State Board of Dentistry, and the State Board of Nursing.