

ACT No. 644

2024 Regular Session

HOUSE BILL NO. 954

BY REPRESENTATIVES MENA AND CHASSION

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AN ACT

To amend and reenact R.S. 37:698(A)(3), 711.23(A)(3), 846(A)(9), 1061(A)(4), 1241(A)(4), 1360.108(A)(2), 1437(B)(introductory paragraph) and (1), 1437.1(B)(introductory paragraph) and (2), 1450(A)(3), 1526(A)(5), 1554(A)(9), 2585(2), 2838(1), 2848(e), 3396(D)(3), 3409(E)(3), 3429(A)(1), 3449(A)(1), and 3507(A)(3), to enact R.S. 37:2950(C), and to repeal R.S. 37:921(8), 1360.33(7), 1565(A)(2), 2453(1), and 2557(A)(1)(b), relative to licensing boards and occupations; to provide for licenses, certificates, and permits of certain professions; to provide for disciplinary proceedings and disciplinary action; to provide for certain offenses and violations; to remove moral turpitude convictions from occupational licensing disqualifications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:698(A)(3), 711.23(A)(3), 846(A)(9), 1061(A)(4), 1241(A)(4), 1360.108(A)(2), 1437(B)(introductory paragraph) and (1), 1437.1(B)(introductory paragraph) and (2), 1450(A)(3), 1526(A)(5), 1554(A)(9), 2585(2), 2838(1), 2848(e), 3396(D)(3), 3409(E)(3), 3429(A)(1), 3449(A)(1), and 3507(A)(3) are hereby amended and reenacted and R.S. 37:2950(C) is hereby enacted to read as follows:

§698. Disciplinary proceedings against licensees and certificate holders; procedure
A. The board shall have the power to take disciplinary action against any licensee or certificate holder found by the board to be guilty of any of the following acts or offenses:

* * *

1 (3) Conviction of a felony ~~or of any crime of moral turpitude~~ or entry of a
 2 plea of guilty or nolo contendere to a felony charge ~~or to a crime of moral turpitude~~
 3 under the laws of the United States or any state, territory, or district of the United
 4 States.

5 * * *

6 §711.23. Disciplinary proceedings against licensees and certificate holders;
 7 procedure

8 A. The board shall have the power to take disciplinary action against any
 9 licensee or certificate holder found by the board to be guilty of any of the following
 10 acts or offenses:

11 * * *

12 (3) Conviction of a felony ~~or of any crime of moral turpitude~~ or entry of a
 13 plea of guilty or nolo contendere to a felony charge ~~or to a crime of moral turpitude~~
 14 under the laws of the United States or any state, territory, or district of the United
 15 States.

16 * * *

17 §846. Refusal to grant or renew licenses; revocation or suspension; grounds;
 18 hearings

19 A. The board may refuse to grant, refuse to renew, suspend, or revoke any
 20 license, or impose a sanction or fine in keeping with the penalty provision of this Part
 21 for any licensee or registrant when he is found guilty of any of the following acts or
 22 omissions:

23 * * *

24 (9) Conviction of any felony ~~or of any offense involving moral turpitude.~~

25 * * *

26 §1061. Violations and causes for refusal, suspension, or revocation of certificate

27 A. The board may, after due notice and hearing, assess a fine not to exceed
 28 the sum of five thousand dollars for each offense, refuse to license, register, certify,
 29 or permit any applicant, refuse to renew the license or permit of any person, or may
 30 revoke, summarily suspend, suspend, place on probation, reprimand, issue a warning

1 against the person who was issued the license, registration, certificate, permit, or any
2 other designation deemed necessary to engage in the practice of optometry upon
3 proof that the person:

4 * * *

5 (4) Has been convicted of a felony that the board finds is directly related to
6 the practice of optometry pursuant to R.S. 37:2950 ~~or other public offense involving~~
7 ~~moral turpitude~~ in the courts of any state, territory or country. Conviction, as used
8 in this Paragraph, shall include a finding or verdict of guilty, an admission of guilt,
9 or plea of nolo contendere.

10 * * *

11 §1241. Refusal, restriction, suspension, or revocation of license

12 A. The board may, after due notice and hearing, assess a fine not to exceed
13 the sum of five thousand dollars for each offense, refuse to license, register, certify,
14 or permit any applicant, refuse to renew the license or permit of any person, or may
15 revoke, summarily suspend, suspend, place on probation, reprimand, issue a warning
16 against the person who was issued the license, registration, certificate, permit, or any
17 other designation deemed necessary to engage in the practice of pharmacy upon
18 proof that the person:

19 * * *

20 (4) Has been convicted of a felony that the board finds is directly related to
21 the practice of pharmacy pursuant to R.S. 37:2950 ~~or other public offense involving~~
22 ~~moral turpitude~~ in the courts of any state, territory, or country. Conviction, as used
23 in this Paragraph, shall include a finding or verdict of guilty, an admission of guilt,
24 or a plea of nolo contendere.

25 * * *

26 §1360.108. Improper and unprofessional conduct

27 A. The board may, after a hearing conducted pursuant to the Administrative
28 Procedure Act or by consent of the parties, deny or refuse to issue, revoke, suspend,
29 or cancel a license or place on probation, reprimand, censure, or otherwise discipline

1 a licensee upon proof satisfactory to the board that the person has done or been any
2 of the following:

3 * * *

4 (2) He has been convicted of a felony under state or federal law ~~or~~
5 ~~committed any other offense involving moral turpitude.~~

6 * * *

7 §1437. Application for license

8 * * *

9 B. Licenses shall be granted only to persons, partnerships, limited liability
10 companies, associations, corporations, or other legal entities ~~that bear a good~~
11 ~~reputation for honesty, trustworthiness, integrity, and competence~~ to transact the real
12 estate activities defined in this Chapter, in such a manner as to safeguard the interest
13 of the public, and only after satisfactory proof of such qualifications has been
14 presented to the commission.

15 (1) When an applicant has been convicted of forgery, embezzlement,
16 obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or
17 theft, or has been convicted of a felony that the commission finds is directly related
18 to real estate activity pursuant to R.S. 37:2950, ~~or a crime involving moral turpitude~~
19 ~~in any court of competent jurisdiction, such untrustworthiness of the applicant, and~~
20 the conviction, may in itself be sufficient grounds for refusal of a license.

21 * * *

22 §1437.1. Timeshare registration

23 * * *

24 B. The application for registration shall be in such form as may be required
25 by the commission and in accordance with R.S. 9:1131.9 ~~so that only persons who~~
26 ~~have a good reputation for honesty, trustworthiness, and integrity may be so~~
27 ~~registered.~~

28 * * *

29 (2) When an applicant has been convicted of forgery, embezzlement,
30 obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or

1 theft, or has been convicted of a felony that the commission finds is directly related
 2 to real estate activity pursuant to R.S. 37:2950, ~~or a crime involving moral turpitude~~
 3 ~~in any court of competent jurisdiction, such untrustworthiness of the applicant, and~~
 4 the conviction, may in itself be sufficient grounds for refusal of a timeshare interest
 5 sales registration.

6 * * *

7 §1450. Duty of licensees, registrants, and certificate holders to report legal action
 8 pertaining to real estate activities

9 A. It shall be the duty of every licensee, registrant, and certificate holder to
 10 notify the commission within ten days by registered or certified mail or by hand
 11 delivery of the following actions:

12 * * *

13 (3) Any final conviction of him by a court of competent jurisdiction for
 14 forgery, embezzlement, obtaining money under false pretenses, larceny, extortion,
 15 conspiracy to defraud, theft, or any other felony, ~~or any crime involving moral~~
 16 ~~turpitude.~~

17 * * *

18 §1526. Discipline of licensees

19 A. Upon written complaint sworn to by any person, the board may, after a
 20 hearing held pursuant to R.S. 37:1518(5) and by a concurrence of three members,
 21 assess a fine not to exceed the sum of one thousand dollars, revoke or suspend for
 22 a specified time the license of or otherwise discipline, any licensed veterinarian for
 23 any of the following reasons:

24 * * *

25 (5) Conviction or cash compromise of a felony, ~~or other public offense~~
 26 ~~involving moral turpitude.~~

27 * * *

28 §1554. Discipline of CAETS

29 A. After a hearing held in compliance with the Administrative Procedure
 30 Act, the board may deny, suspend, or revoke the certificate of approval held by any

1 technician or impose any other penalty authorized by this Chapter, when it finds that
2 the provisions of this Chapter or any of the rules and regulations adopted by the
3 board are not being complied with or upon the grounds that the certified animal
4 euthanasia technician has:

5 * * *

6 (9) Been convicted of or entered a plea of nolo contendere to a felony or
7 ~~other offense involving moral turpitude~~ or controlled dangerous substances under
8 state or federal law.

9 * * *

10 §2585. Qualifications for license

11 Upon the filing of the application and the approval of such bond and the
12 payment of the specified fees, if the director shall, upon investigation, find:

13 * * *

14 (2) That the applicant, if an individual, and the members thereof, if the
15 applicant be a partnership or association, and the officers and directors thereof, if the
16 application be a corporation, ~~has not been convicted of any crime involving moral~~
17 ~~turpitude~~, or if such person or persons have not had a record of having defaulted in
18 the payment of money collected for others, including the discharge of such debts
19 through bankruptcy proceedings; the director shall thereupon issue and deliver a
20 license to the applicant to engage in the financial planning and management service
21 business in accordance with the provisions of this Chapter at the location specified
22 in the said application, which license shall remain in full force and effect until it is
23 surrendered by the licensee or revoked by the director as hereinafter provided,
24 however, that each license shall expire by the terms hereof on January ~~1~~ first next
25 following the issuance thereof unless the same be renewed as hereinafter provided.

26 * * *

27 §2838. Polygraphist's certification qualifications

28 A person shall be qualified to receive a certificate as a polygraphist, upon
29 satisfying the following:

1 (1) Has not been convicted of a felony that the board finds is directly related
2 to work as a certified polygraphist pursuant to R.S. 37:2950 ~~or misdemeanor~~
3 ~~involving moral turpitude.~~

4 * * *

5 §2848. Refusal, suspension, revocation; grounds

6 The board may refuse to issue, or may suspend or revoke a certificate on any
7 one or more of the following grounds:

8 * * *

9 (e) If the holder of any certificate has been adjudged guilty of the
10 commission of a felony that the board finds is directly related to work as a certified
11 polygraphist pursuant to R.S. 37:2950 ~~or misdemeanor involving moral turpitude.~~

12 * * *

13 §2950. Criminal record effect on trade, occupational, and professional licensing

14 * * *

15 C. Licensing boards shall not use vague or generic terms including but not
16 limited to the phrases "moral turpitude" and "good character".

17 * * *

18 §3396. Applications

19 * * *

20 D.

21 * * *

22 (3) When an applicant has been convicted of forgery, embezzlement,
23 obtaining money under false pretense, larceny, extortion, conspiracy to defraud, or
24 theft, or has been convicted of a felony that the board finds is directly related to the
25 practice of real estate appraisal pursuant to R.S. 37:2950, ~~or a crime of moral~~
26 ~~turpitude in any court of competent jurisdiction, such untrustworthiness of the~~
27 ~~applicant~~ ~~or~~ the conviction itself may be sufficient grounds for refusal to issue a
28 license.

29 * * *

1 §3409. Disciplinary proceedings

2 * * *

3 E. It shall be the duty of each registered or licensed real estate appraiser to
4 notify the board within ten days by registered or certified mail or by hand delivery
5 of the following actions:

6 * * *

7 (3) Any conviction of the appraiser by a court of competent jurisdiction for
8 forgery, embezzlement, obtaining money under false pretenses, larceny, extortion,
9 conspiracy to defraud, theft, or any other felony, ~~or any crime involving moral~~
10 ~~turpitude.~~

11 * * *

12 §3429. Denial, revocation, or suspension of license

13 A. The board may withhold, suspend, restrict, revoke, or refuse to issue or
14 renew any license issued or applied for in accordance with this Chapter or otherwise
15 discipline a licensed clinical exercise physiologist after notice and opportunity for
16 hearing pursuant to the Administrative Procedure Act, upon proof that the applicant
17 or licensed clinical exercise physiologist:

18 (1) Has been convicted in a court of competent jurisdiction of a felony that
19 the board finds is directly related to the practice of clinical exercise physiology
20 pursuant to R.S. 37:2950 ~~or any offense involving moral turpitude, the record of~~
21 ~~conviction being conclusive evidence thereof.~~

22 * * *

23 §3449. Denial, revocation, or suspension of license

24 A. The board, by affirmative vote of at least four of its five members, shall
25 withhold, deny, revoke, or suspend any license issued or applied for in accordance
26 with the provisions of this Chapter or otherwise discipline a licensed professional
27 vocational rehabilitation counselor upon proof that the applicant or licensed
28 professional vocational rehabilitation counselor:

29 (1) Has been convicted in a court of competent jurisdiction of a felony that
30 the board finds is directly related to the practice of rehabilitation counseling pursuant

