

SECOND REGULAR SESSION

# SENATE BILL NO. 988

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Read 1st time February 5, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5069S.011

## AN ACT

To amend chapter 324, RSMo, by adding thereto two new sections relating to professional registration.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 324, RSMo, is amended by adding thereto two new sections, to be known as sections 324.004 and 324.030, to read as follows:

**324.004. 1. For the purposes of this section, the following terms mean:**

**(1) "Licensing", any required training, education, or fee to work in a specific profession;**

**(2) "Licensing authority", an agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any profession;**

**(3) "Low-income individuals", individuals whose household adjusted gross income is below one hundred thirty percent of the federal poverty line, or a higher threshold to be set by the executive branch department that oversees business regulation. This term shall also apply to any person enrolled in a state or federal public assistance program including, but not limited to, Temporary Assistance for Needy Families (TANF), Medicaid, and Supplemental Nutrition Assistance Program (SNAP);**

**(4) "Military families", any active duty service members and their spouses and honorably discharged veterans and their spouses. Surviving spouses of deceased service members who have not remarried are also included;**

**(5) "Occupational fee", a fee or tax on professionals or businesses that is charged for the privilege of providing goods or services within**

22 a certain jurisdiction;

23 (6) "Political subdivision", a city, town, village, or county;

24 (7) "Young workers", any applicants who are between the ages of  
25 eighteen and twenty-five.

26 2. All state and political subdivision licensing authorities shall  
27 waive all occupational fees and fees from licensing requirements, for  
28 the first year of licensure, for low-income families, military families,  
29 and young workers.

30 3. Individuals seeking a waiver of occupational fees and fees  
31 from licensing requirements shall apply to the appropriate licensing  
32 authority in a format prescribed by such licensing authority. The  
33 licensing authority shall process such applications within thirty days  
34 of receiving them.

35 4. The division of professional registration within the  
36 department of insurance, financial institutions and professional  
37 registration shall promulgate rules to implement this section. Any rule  
38 or portion of a rule, as that term is defined in section 536.010, that is  
39 created under the authority delegated in this section shall become  
40 effective only if it complies with and is subject to all of the provisions  
41 of chapter 536, and, if applicable, section 536.028. This section and  
42 chapter 536 are nonseverable and if any of the powers vested with the  
43 general assembly pursuant to chapter 536 to review, to delay the  
44 effective date, or to disapprove and annul a rule are subsequently held  
45 unconstitutional, then the grant of rulemaking authority and any rule  
46 proposed or adopted after August 28, 2018, shall be invalid and void.

324.030. 1. For the purposes of this section, the following terms  
2 mean:

3 (1) "Criminal record", any type of felony conviction or  
4 misdemeanor conviction;

5 (2) "Licensing", the same as in section 324.004;

6 (3) "Licensing authority", the same as in section 324.004;

7 (4) "Occupational fee", the same as in section 324.004;

8 (5) "Political subdivision", the same as in section 324.004;

9 2. All state and political subdivision licensing authorities shall  
10 revise their existing licensing requirements to explicitly list the  
11 criminal records that would disqualify an applicant from receiving a  
12 license. This prohibits licensing authorities' use of non-specific terms

13 including, but not limited to, "moral turpitude" and "good character",  
14 and consideration of arrests that are not followed by a valid conviction.

15       3. Licensing authorities shall only list disqualifying criminal  
16 records that are specific and directly related to the duties and  
17 responsibilities for the licensed occupation.

18       4. All licensing authorities shall meet the requirements listed in  
19 subsections 2 and 3 of this section within one hundred and twenty days  
20 after August 28, 2018.

21       5. For state licensing authorities, the requirements listed in  
22 subsections 2 and 3 shall also apply to any new occupational licenses  
23 that are created after August 28, 2018. Political subdivisions are  
24 prohibited from creating any new occupational licenses after August 28,  
25 2018.

26       6. An individual with a criminal record may petition a licensing  
27 authority at any time for a determination of whether the individual's  
28 criminal record shall disqualify the individual from obtaining a  
29 license. This petition shall include details on the individual's criminal  
30 record. The licensing authority shall inform the individual of his or  
31 her standing within thirty days of receiving the individual's  
32 petition. The licensing authority may charge a fee to recoup its costs  
33 not to exceed twenty-five dollars per petition.

34       7. The division of professional registration within the  
35 department of insurance, financial institutions and professional  
36 registration shall adopt necessary rules for the implementation of this  
37 section. Any rule or portion of a rule, as that term is defined in section  
38 536.010, that is created under the authority delegated in this section  
39 shall become effective only if it complies with and is subject to all of  
40 the provisions of chapter 536, and, if applicable, section 536.028. This  
41 section and chapter 536 are nonseverable and if any of the powers  
42 vested with the general assembly pursuant to chapter 536 to review, to  
43 delay the effective date, or to disapprove and annul a rule are  
44 subsequently held unconstitutional, then the grant of rulemaking  
45 authority and any rule proposed or adopted after August 28, 2018, shall  
46 be invalid and void.