

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0741.01 Yelana Love x2295

SENATE BILL 22-116

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SENATE SPONSORSHIP

Holbert and Pettersen,

HOUSE SPONSORSHIP

Van Winkle and Bird,

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Senate Committees

Business, Labor, & Technology

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF AN INDIVIDUAL TO OBTAIN AN  
102 OCCUPATIONAL CREDENTIAL THROUGH THE OCCUPATIONAL  
103 CREDENTIAL PORTABILITY PROGRAM.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Current law authorizes a regulator of a profession or occupation to approve an application for licensure, certification, registration, or enrollment by endorsement, reciprocity, or transfer through the occupational credential portability program (program). The bill amends the program by:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

- Removing the requirement that an applicant seeking a credential through the program must prove the applicant's substantially equivalent experience or credentials;
- Adding a military occupational specialty to the types of occupational credentials that qualify a person for a credential through the program; and
- Requiring an applicant to have held the license, certification, registration, enrollment, or military occupational specialty in another state for at least one year.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Short title.** The short title of this act is the "Red  
3 Tape Reduction Act of 2022".

4           **SECTION 2.** In Colorado Revised Statutes, 12-20-202, **amend**  
5 (3)(a), (3)(b), (3)(c), and (3)(d); and **add** (3)(d.5) as follows:

6           **12-20-202. Licenses, certifications, and registrations - renewal**  
7 **- reinstatement - fees - occupational credential portability program**  
8 **- temporary authority for military spouses - definitions - exceptions**  
9 **for military personnel - rules - consideration of criminal convictions**  
10 **or driver's history - executive director authority. (3) Occupational**  
11 **credential portability program.** (a) There is hereby created in the  
12 division the occupational credential portability program by which a  
13 regulator may approve an application for licensure, certification,  
14 registration, or enrollment by endorsement, reciprocity, or transfer. Each  
15 regulator shall strive to reduce barriers for applicants under the  
16 occupational credential portability program, including through reciprocity  
17 agreements, compacts, or other means to expedite licensure, certification,  
18 registration, or enrollment and shall adopt rules to implement the program  
19 in the least burdensome way necessary to protect the public. ~~Unless there~~  
20 ~~are specific reasons to withhold a license, certification, registration, or~~

1 ~~enrollment~~, A regulator shall issue a license, certification, registration, or  
2 enrollment, as applicable, to an applicant who meets the requirements of  
3 this subsection (3) and rules adopted by the regulator pursuant to this  
4 subsection (3).

5 (b) (I) Except as specified in subsections (3)(c) and (3)(f) of this  
6 section, a person duly licensed, certified, registered, or enrolled in good  
7 standing in another state or United States territory OR THROUGH THE  
8 FEDERAL GOVERNMENT to practice a particular profession or occupation  
9 is, upon application to the division for licensure, certification,  
10 registration, or enrollment in that profession or occupation in this state,  
11 entitled to the issuance of the applicable license, certification,  
12 registration, or enrollment ~~upon~~ IF ALL OF THE FOLLOWING APPLY:

13 (A) ~~Submission of satisfactory proof to the regulator, under~~  
14 ~~penalty of perjury, of the applicant's substantially equivalent experience~~  
15 ~~or credentials, as required by the part or article of this title 12 that~~  
16 ~~regulates the applicable profession or occupation, and that the applicant~~  
17 ~~has not committed an act that would be grounds for disciplinary action~~  
18 ~~under the law governing the applicable profession or occupation~~ THE  
19 APPLICANT HOLDS A CURRENT AND VALID OCCUPATIONAL LICENSE,  
20 CERTIFICATION, REGISTRATION, ENROLLMENT, OR MILITARY  
21 OCCUPATIONAL SPECIALTY, AS DEFINED IN SECTION 24-4-201, IN GOOD  
22 STANDING IN A LAWFUL OCCUPATION AND WITH A SIMILAR SCOPE OF  
23 PRACTICE, AS DETERMINED BY THE REGULATOR;

24 (B) ~~Payment of applicable fees established pursuant to section~~  
25 ~~12-20-105, and~~ EXCEPT AS PERMITTED UNDER SUBSECTION (3)(d) OF THIS  
26 SECTION, THE APPLICANT HAS HELD THE LICENSE, CERTIFICATION,  
27 REGISTRATION, ENROLLMENT, OR MILITARY OCCUPATIONAL SPECIALTY IN

1 THE OTHER STATE OR TERRITORY OR THROUGH THE FEDERAL  
2 GOVERNMENT FOR AT LEAST ONE YEAR;

3 (C) ~~Compliance with any other applicable requirement, including~~  
4 ~~passing an exam, of the part or article of this title 12 that regulates the~~  
5 ~~applicable profession or occupation~~ THE REGULATOR IN THE OTHER STATE  
6 OR TERRITORY OR THE FEDERAL GOVERNMENT REQUIRED THE APPLICANT  
7 TO PASS AN EXAMINATION OR TO MEET EDUCATION, TRAINING, OR  
8 EXPERIENCE STANDARDS;

9 (D) THE APPLICANT HAS NOT COMMITTED AN ACT THAT WOULD BE  
10 GROUNDS FOR DISCIPLINARY ACTION UNDER THE LAW GOVERNING THE  
11 APPLICABLE PROFESSION OR OCCUPATION;

12 (E) THE APPLICANT HAS PAID APPLICABLE FEES ESTABLISHED  
13 PURSUANT TO SECTION 12-20-105; AND

14 (F) THE APPLICANT COMPLIES WITH ANY OTHER APPLICABLE  
15 REQUIREMENT, INCLUDING PASSING AN EXAMINATION ON THE LAWS OF  
16 THIS STATE, IF THE REGULATOR REQUIRES SUCH AN EXAMINATION FOR  
17 INITIAL LICENSURE, REGISTRATION, OR CERTIFICATION.

18 (II) ~~For the purposes of this subsection (3)(b)~~ AS USED IN THIS  
19 SUBSECTION (3), "in good standing" means that a license, certification,  
20 registration, or enrollment has not been revoked or suspended and against  
21 which there are no outstanding disciplinary or adverse actions.

22 (c) An applicant is not entitled to licensure, certification,  
23 registration, or enrollment pursuant to this subsection (3) if: ~~approving the~~  
24 ~~licensure, certification, registration, or enrollment would violate an~~  
25 ~~existing compact or reciprocity agreement or if the regulator demonstrates~~  
26 ~~by a preponderance of evidence, after notice and opportunity for a~~  
27 ~~hearing, that the applicant:~~

1           (I) ~~Lacks the requisite substantially equivalent experience or~~  
2 ~~credentials to practice the applicable profession or occupation~~ THE  
3 APPLICANT'S LICENSE, CERTIFICATION, REGISTRATION, OR ENROLLMENT  
4 ISSUED BY ANOTHER STATE OR UNITED STATES TERRITORY OR THROUGH  
5 THE FEDERAL GOVERNMENT IS NOT IN GOOD STANDING; or

6           (II) THE APPLICANT has committed an act that would be grounds  
7 for disciplinary action under the law governing the applicable profession  
8 or occupation.

9           (d) A regulator ~~may specify by rule what constitutes substantially~~  
10 ~~equivalent experience or credentials and, unless otherwise prohibited by~~  
11 ~~this title 12,~~ shall allow an applicant for certification, registration, or  
12 licensure by endorsement to demonstrate competency in a specific  
13 profession or occupation as determined by the regulator in lieu of a  
14 requirement that the applicant has worked or practiced in that profession  
15 or occupation for a period of time prior to the application for  
16 endorsement.

17           (d.5) NOTHING IN THIS SUBSECTION (3) PROHIBITS A PERSON FROM  
18 APPLYING FOR AN OCCUPATIONAL LICENSE, REGISTRATION, OR  
19 CERTIFICATION PURSUANT TO ANOTHER STATUTE OR RULE.

20           **SECTION 3. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly; except  
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
24 of the state constitution against this act or an item, section, or part of this  
25 act within such period, then the act, item, section, or part will not take  
26 effect unless approved by the people at the general election to be held in

- 1 November 2022 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.