

CHAPTER 146

PROFESSIONS AND OCCUPATIONS

SENATE BILL 22-116

BY SENATOR(S) Holbert and Pettersen, Bridges, Buckner, Coleman, Cooke, Coram, Donovan, Gardner, Ginal, Gonzales, Hansen, Hinrichsen, Hisey, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Liston, Lundeen, Moreno, Priola, Rankin, Rodriguez, Simpson, Smallwood, Sonnenberg, Fenberg;
 also REPRESENTATIVE(S) Van Winkle and Bird, Amabile, Bennett, Cutter, Duran, Esgar, Gray, Hooton, Kipp, Lindsay, Lynch, McCormick, McKean, Ortiz, Ricks, Roberts, Sandridge, Sirota, Snyder, Soper, Titone, Weissman.

AN ACT

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

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

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

SECTION 2. In Colorado Revised Statutes, 12-20-202, **amend** (3)(b)(I) introductory portion, (3)(b)(I)(A), (3)(c) introductory portion, and (3)(c)(I); and **add** (3)(d.5) and (3)(e)(II.5) as follows:

12-20-202. Licenses, certifications, and registrations - renewal - reinstatement - fees - occupational credential portability program - temporary authority for military spouses - definitions - exceptions for military personnel - rules - consideration of criminal convictions or driver's history - executive director authority. (3) Occupational credential portability program. (b) (I) Except as specified in subsections (3)(c) and (3)(f) of this section, a person duly licensed, certified, registered, or enrolled in good standing in another state or United States territory OR THROUGH THE FEDERAL GOVERNMENT to practice a particular profession or occupation, OR WHO HOLDS A MILITARY OCCUPATIONAL SPECIALTY, AS DEFINED IN SECTION 24-4-201, is, upon application to the division for licensure, certification, registration, or enrollment in that profession or occupation in this state, entitled to the issuance of the applicable license, certification, registration, or enrollment ~~upon~~ IF ALL OF THE FOLLOWING APPLY:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(A) Submission of satisfactory proof to the regulator, under penalty of perjury, of the applicant's substantially equivalent experience or credentials, as required by the part or article of this title 12 that regulates the applicable profession or occupation OR SATISFACTORY PROOF THAT THE APPLICANT HAS HELD FOR AT LEAST ONE YEAR A CURRENT AND VALID LICENSE, CERTIFICATION, REGISTRATION, OR ENROLLMENT UNDER A JURISDICTION WITH A SCOPE OF PRACTICE THAT IS SUBSTANTIALLY SIMILAR TO THE SCOPE OF PRACTICE OF THE PROFESSION OR OCCUPATION AS SPECIFIED IN THIS TITLE 12, and that the applicant has not committed an act that would be grounds for disciplinary action under the law governing the applicable profession or occupation;

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

(I) Lacks the requisite substantially equivalent EDUCATION, experience, or credentials to practice the applicable profession or occupation; or

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

(e) Subsections (3)(a) to (3)(d) of this section do not apply to the following professions or occupations:

(II.5) ENGINEERS, SURVEYORS, AND ARCHITECTS, REGULATED PURSUANT TO ARTICLE 120 OF THIS TITLE 12;

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 2, 2022