

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 318

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO OCCUPATIONAL LICENSES; TO PROVIDE LEGISLATIVE INTENT; AMEND-
2 ING SECTION 67-2601, IDAHO CODE, TO REMOVE REFERENCE TO THE BUREAU OF
3 OCCUPATIONAL LICENSES, TO PROVIDE FOR THE DIVISION OCCUPATIONAL AND
4 PROFESSIONAL LICENSES, AND TO PROVIDE THAT THE GOVERNOR SHALL HAVE
5 CERTAIN AUTHORITY REGARDING THE ORGANIZATION OF STATE GOVERNMENT;
6 REPEALING SECTION 67-2602, IDAHO CODE, RELATING TO THE BUREAU OF OC-
7 CUPATIONAL LICENSES; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY
8 THE ADDITION OF A NEW SECTION 67-2602, IDAHO CODE, TO PROVIDE FOR THE
9 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION
10 67-2602A, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION
11 67-2603, IDAHO CODE, TO REMOVE REFERENCE TO THE BUREAU OF OCCUPATIONAL
12 LICENSES, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL
13 LICENSES, AND TO PROVIDE FOR THE DIVISION ADMINISTRATOR; AMENDING
14 SECTION 67-2604, IDAHO CODE, TO REMOVE REFERENCE TO THE BUREAU OF OC-
15 CUPATIONAL LICENSES, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND
16 PROFESSIONAL LICENSES, TO PROVIDE FOR CERTAIN RESPONSIBILITIES OF THE
17 DIVISION'S LEGAL COUNSEL, AND TO MAKE TECHNICAL CORRECTIONS; AMEND-
18 ING SECTION 67-2605, IDAHO CODE, TO REMOVE REFERENCE TO THE BUREAU OF
19 OCCUPATIONAL LICENSES AND TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
20 AND PROFESSIONAL LICENSES; AMENDING SECTION 67-2606, IDAHO CODE, TO
21 REMOVE REFERENCE TO THE BUREAU OF OCCUPATIONAL LICENSES AND TO PROVIDE
22 FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING
23 SECTION 67-2608, IDAHO CODE, TO PROVIDE FOR THE ADMINISTRATOR OF THE
24 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION
25 67-2609, IDAHO CODE, TO REMOVE REFERENCES TO THE BUREAU OF OCCUPATIONAL
26 LICENSES AND TO CERTAIN RULES AND EDUCATIONAL REQUIREMENTS, TO ESTAB-
27 LISH PROVISIONS REGARDING THE REGISTRATION OF OCCUPATIONS, AND TO MAKE
28 TECHNICAL CORRECTIONS; REPEALING SECTION 67-2610, IDAHO CODE, RELATING
29 TO EXAMINERS' REPORT; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE
30 ADDITION OF A NEW SECTION 67-2610, IDAHO CODE, TO PROVIDE FOR REEXAMINA-
31 TIONS; REPEALING SECTION 67-2611, IDAHO CODE, RELATING TO DESIGNATION
32 OF EXAMINERS; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION
33 OF A NEW SECTION 67-2611, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF
34 LICENSES AND DUPLICATE LICENSES AND TO PROVIDE FOR FEES; REPEALING SEC-
35 TION 67-2612, IDAHO CODE, RELATING TO REEXAMINATIONS; AMENDING CHAPTER
36 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2612,
37 IDAHO CODE, TO PROVIDE FOR THE RECORDING OF LICENSES; REPEALING SECTION
38 67-2613, IDAHO CODE, RELATING TO THE ISSUANCE OF LICENSES AND DUPLICATE
39 LICENSES; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION
40 OF A NEW SECTION 67-2613, IDAHO CODE, TO PROVIDE FOR LIMITED APPLICA-
41 TION OF THE CHAPTER; REPEALING SECTION 67-2614, IDAHO CODE, RELATING
42 TO RENEWAL OR REINSTATEMENT OF LICENSES; AMENDING CHAPTER 26, TITLE
43 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2614, IDAHO CODE, TO
44 PROVIDE FOR RENEWAL AND REINSTATEMENT OF LICENSES; REPEALING SECTION
45

1 67-2615, IDAHO CODE, RELATING TO LIMITED APPLICATION OF THE CHAPTER;
 2 AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
 3 TION 67-2615, IDAHO CODE, TO PROVIDE FOR REEXAMINATION AND PAYMENT OF
 4 CERTIFICATE FEES; REPEALING SECTION 67-2616, IDAHO CODE, RELATING TO
 5 THE RECORDING OF LICENSES; AMENDING CHAPTER 26, TITLE 67, IDAHO CODE,
 6 BY THE ADDITION OF A NEW SECTION 67-2616, IDAHO CODE, TO PROVIDE FOR
 7 THE CLARIFICATION OF CERTAIN DEFINITIONS; REPEALING SECTION 67-2617,
 8 IDAHO CODE, RELATING TO PAYMENT OF REEXAMINATION AND CERTIFICATE FEES;
 9 REPEALING SECTION 67-2618, IDAHO CODE, RELATING TO ATTORNEY GENERAL
 10 REPRESENTATION; REPEALING SECTION 67-2619, IDAHO CODE, RELATING TO
 11 CLARIFICATION OF DEFINITIONS; AND DECLARING AN EMERGENCY.

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that
 14 following the effective date of this Act any references to the Bureau of Oc-
 15 cupational Licenses in Idaho Code be understood to refer to the Division of
 16 Occupational and Professional Licenses.

17 SECTION 2. That Section 67-2601, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 67-2601. DEPARTMENT CREATED -- ORGANIZATION -- ~~BUREAU OF OCCUPATIONAL~~
 20 ~~LICENSES CREATED~~. (1) There is hereby created the department of self-gov-
 21 erning agencies. The department shall, for the purposes of section 20, arti-
 22 cle IV, of the constitution of the state of Idaho, be an executive department
 23 of the state government.

24 (2) The department shall consist of the following:

25 (a) Agricultural commodity commissions: Idaho apple commission, as
 26 provided by chapter 36, title 22, Idaho Code; Idaho bean commission,
 27 as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as
 28 provided by chapter 29, title 25, Idaho Code; Idaho cherry commission,
 29 as provided by chapter 37, title 22, Idaho Code; Idaho dairy products
 30 commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea
 31 and lentil commission, as provided by chapter 35, title 22, Idaho Code;
 32 Idaho potato commission, as provided by chapter 12, title 22, Idaho
 33 Code; the Idaho wheat commission, as provided by chapter 33, title 22,
 34 Idaho Code; and the Idaho alfalfa and clover seed commission, as pro-
 35 vided in chapter 42, title 22, Idaho Code.

36 (b) Professional and occupational licensing boards: Idaho state board
 37 of accountancy, as provided by chapter 2, title 54, Idaho Code; board
 38 of acupuncture, as provided by chapter 47, title 54, Idaho Code; board
 39 of architectural examiners, as provided by chapter 3, title 54, Idaho
 40 Code; state athletic commission, as provided by chapter 4, title 54,
 41 Idaho Code; board of commissioners of the Idaho state bar, as provided
 42 by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as
 43 provided by chapter 7, title 54, Idaho Code; Idaho state licensing board
 44 of professional counselors and marriage and family therapists, as pro-
 45 vided by chapter 34, title 54, Idaho Code; state board of dentistry, as
 46 provided by chapter 9, title 54, Idaho Code; state board of dentistry,
 47 as provided by chapter 33, title 54, Idaho Code; Idaho board of licen-

1 sure of professional engineers and professional land surveyors, as pro-
2 vided by chapter 12, title 54, Idaho Code; state board of registration
3 for professional geologists, as provided by chapter 28, title 54, Idaho
4 Code; speech and hearing services licensure board, as provided by chap-
5 ter 29, title 54, Idaho Code; Idaho physical therapy licensure board, as
6 provided by chapter 22, title 54, Idaho Code; Idaho state board of land-
7 scape architects, as provided by chapter 30, title 54, Idaho Code; liq-
8 uefied petroleum gas safety board, as provided by chapter 53, title 54,
9 Idaho Code; state board of medicine, as provided by chapter 18, title
10 54, Idaho Code; state board of morticians, as provided by chapter 11,
11 title 54, Idaho Code; board of naturopathic medical examiners, as pro-
12 vided by chapter 51, title 54, Idaho Code; board of nursing, as provided
13 by chapter 14, title 54, Idaho Code; board of examiners of nursing home
14 administrators, as provided by chapter 16, title 54, Idaho Code; state
15 board of optometry, as provided by chapter 15, title 54, Idaho Code;
16 Idaho outfitters and guides licensing board, as provided by chapter 21,
17 title 36, Idaho Code; board of pharmacy, as provided by chapter 17, ti-
18 tle 54, Idaho Code; state board of podiatry, as provided by chapter 6,
19 title 54, Idaho Code; Idaho state board of psychologist examiners, as
20 provided by chapter 23, title 54, Idaho Code; Idaho real estate commis-
21 sion, as provided by chapter 20, title 54, Idaho Code; real estate ap-
22 praiser board, as provided by chapter 41, title 54, Idaho Code; board
23 of social work examiners, as provided by chapter 32, title 54, Idaho
24 Code; the board of veterinary medicine, as provided by chapter 21, ti-
25 tle 54, Idaho Code; the board of examiners of residential care facil-
26 ity administrators, as provided by chapter 42, title 54, Idaho Code; the
27 certified shorthand reporters board, as provided by chapter 31, title
28 54, Idaho Code; the driving businesses licensure board, as provided by
29 chapter 54, title 54, Idaho Code; the board of drinking water and waste-
30 water professionals, as provided by chapter 24, title 54, Idaho Code;
31 the board of midwifery, as provided by chapter 55, title 54, Idaho Code;
32 and the barber and cosmetology services licensing board, as provided by
33 chapter 58, title 54, Idaho Code.

34 (c) The board of examiners, pursuant to section 67-2001, Idaho Code.

35 (d) The division of building safety: building code board, chapter 41,
36 title 39, Idaho Code; electrical board, chapter 10, title 54, Idaho
37 Code; public works contractors license board, chapter 19, title 54,
38 Idaho Code; plumbing board, chapter 26, title 54, Idaho Code; public
39 works construction management, chapter 45, title 54, Idaho Code; the
40 heating, ventilation and air conditioning board, chapter 50, title 54,
41 Idaho Code; and factory built structures advisory board, chapter 43,
42 title 39, Idaho Code.

43 (e) The division of veterans services to be headed by a division ad-
44 ministrator who shall be a nonclassified employee exempt from the pro-
45 visions of chapter 53, title 67, Idaho Code. The administrator of the
46 division shall administer the provisions of chapter 2, title 65, Idaho
47 Code, and chapter 9, title 66, Idaho Code, with the advice of the vet-
48 erans affairs commission established under chapter 2, title 65, Idaho
49 Code, and shall perform such additional duties as are imposed upon him
50 by law.

1 (f) The board of library commissioners, pursuant to section 33-2502,
2 Idaho Code.

3 (g) The Idaho state historical society, pursuant to section 67-4123,
4 Idaho Code.

5 (h) The state public defense commission, pursuant to section 19-849,
6 Idaho Code.

7 (3) ~~The bureau of occupational licenses~~ division of occupational and
8 professional licenses is hereby created within the department of self-gov-
9 erning agencies.

10 (4) Notwithstanding any other provision of law to the contrary, the
11 governor shall have the authority to assign entities listed in subsection
12 (2) of this section to divisions, sections, or units in such a manner as will
13 tend to provide an orderly arrangement in the administrative organization of
14 state government.

15 SECTION 3. That Section 67-2602, Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 4. That Chapter 26, Title 67, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
19 ignated as Section 67-2602, Idaho Code, and to read as follows:

20 67-2602. DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES. (1) The
21 division of occupational and professional licenses created in the depart-
22 ment of self-governing agencies by section 67-2601, Idaho Code, shall be em-
23 powered by written agreement between the division and each agency for which
24 it provides administrative or other services as provided by law to provide
25 such services. The division may charge a reasonable fee for such services
26 provided on behalf of and for any agency not otherwise provided for by law and
27 shall maintain proper accounting methods for all funds under its jurisdic-
28 tion.

29 (2) Notwithstanding the statutes governing specific boards, for any
30 board that contracts with the division of occupational and professional li-
31 censes, each board member shall hold office until a successor has been duly
32 appointed and qualified.

33 (3) For the purposes of proceedings authorized by law and held before
34 any agency that the division serves, including the revocation or suspension
35 of licenses, registrations, permits, or certifications, or the imposition
36 of fines or other discipline on persons holding such licenses, registra-
37 tions, permits, or certification notwithstanding any other provision of
38 law, the division may administer oaths, take depositions of witnesses within
39 or without the state in the manner provided by the administrative rules
40 adopted by the division, and shall have power throughout the state of Idaho
41 to issue subpoenas and compel the attendance of witnesses.

42 (4) Agencies that contract with the division of occupational and pro-
43 fessional licenses for administrative services may assess and the division
44 may collect costs, fees, and attorney's fees reasonably incurred in the in-
45 vestigation and prosecution or defense of a licensee or registrant, pursuant
46 to the provisions of section 12-117(5), Idaho Code.

1 SECTION 5. That Section 67-2602A, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 67-2602A. LICENSE FEES -- MILITARY EXEMPTION. All persons holding oc-
4 cupational or professional licenses issued by the state of Idaho and who are
5 serving in the armed forces of the United States, or their allies, or aux-
6 iliary services thereof, and any prisoners of war in custody of the enemy
7 countries of the United States or their allies, ~~including those in the armed~~
8 ~~services and auxiliary services and any prisoners of war as of July 1, 1942,~~
9 shall be exempt from the payment of any professional or occupational license
10 or renewal fee required by any law of this state for the period during which
11 such persons shall be engaged in the military services of the United States,
12 or its auxiliary branches, or held as prisoners. And during such period of
13 military service, or service in the auxiliary branches thereof, or servitude
14 and for six (6) months following the discharge from such military service or
15 auxiliary service ~~or servitude in the present war,~~ such license shall remain
16 in good standing without the necessity of renewal and during said period the
17 same shall not be cancelled, suspended or revoked.

18 SECTION 6. That Section 67-2603, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 67-2603. ~~BUREAU CHIEF DIVISION ADMINISTRATOR~~ -- EXPENSES. The chief
21 administrative officer of the ~~bureau of occupational licenses division of~~
22 ~~occupational and professional licenses~~ shall be the ~~bureau chief division~~
23 ~~administrator,~~ who shall be appointed by the governor and shall serve at the
24 pleasure of the governor. The expenses of the ~~bureau chief division admin-~~
25 ~~istrator,~~ and such ~~secretarial~~ administrative, technical or other person-
26 nel as he may ~~deem~~ be deemed necessary for the conduct of the affairs of the
27 ~~bureau division,~~ shall be paid from the occupational licenses fund.

28 SECTION 7. That Section 67-2604, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 67-2604. AUTHORITY GRANTED BY WRITTEN AGREEMENT. Unless otherwise
31 provided for by law, and pursuant to the terms of a written agreement exe-
32 cuted between the ~~bureau division~~ and the agency for which it shall act as
33 authorized agent, the ~~bureau of occupational licenses division of occupa-~~
34 ~~tional and professional licenses~~ shall provide such services, and have and
35 exercise such powers, duties and authority as the agreement shall specify.
36 Each agreement so executed shall specify the following:

37 (1) ~~The~~ specific statutory authority by which the ~~bureau division~~
38 shall act as authorized agent for the agency;

39 (2) ~~The~~ specific actions which the ~~bureau chief division administra-~~
40 ~~tor~~ may, as executive officer of the ~~bureau division,~~ take when acting in the
41 interest of such agency;

42 (3) ~~The~~ actions which may be taken by the ~~bureau chief division ad-~~
43 ~~ministrator~~ acting in discretion without specific authorization from the
44 agency for which the ~~bureau division~~ may act;

45 (4) ~~The~~ approximate cost of the services provided the agency by the
46 ~~bureau division,~~ if not otherwise provided by law, the terms of compensation

1 to the bureau division for services rendered, and the provision of bond for
 2 personnel of the bureau division pursuant to chapter 8, title 59, Idaho Code;

3 (5) ~~e~~Each agreement executed between the bureau division and the agency
 4 for which the bureau division is authorized to act shall include the terms,
 5 conditions and procedures by which the bureau chief division administrator
 6 may initiate proceedings to assure the collection and payment for services
 7 rendered by the bureau division which are not otherwise provided for by law;

8 (6) ~~t~~The terms and conditions under which either party executing the
 9 agreement shall be able, without penalty, to terminate said agreement;

10 (7) ~~t~~The provision that all funds transferred to the bureau division in
 11 compensation for services rendered shall be deposited in the occupational
 12 licenses fund against which warrants shall be drawn by the bureau chief
 13 division administrator in payment of expenses of the bureau division in the
 14 administration of this ~~a~~et chapter; and

15 (8) ~~t~~The provision that each such agreement so executed by the bureau
 16 division and agency for which it may provide said services shall be approved
 17 by the ~~attorney general~~ legal counsel for consistency with law before execu-
 18 tion shall be valid.

19 SECTION 8. That Section 67-2605, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 67-2605. OCCUPATIONAL LICENSES ACCOUNT CREATED -- DISPOSITION OF
 22 FEES. There is hereby created a special account to be known as the occupa-
 23 tional licenses account. All fees and renewal fees received by the ~~bureau of~~
 24 ~~occupational licenses~~ division of occupational and professional licenses
 25 for licenses to engage in trades, businesses, occupations or professions
 26 shall be deposited to the credit of the occupational licenses account.

27 SECTION 9. That Section 67-2606, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 67-2606. OCCUPATIONAL LICENSES ACCOUNT -- PAYMENT OF EXPENSES OF
 30 BUREAU DIVISION FROM -- MANNER. No moneys in the occupational license ac-
 31 count may be expended except by appropriation. All expenses of the ~~bureau of~~
 32 ~~occupational licenses~~ division of occupational and professional licenses,
 33 including salaries and/or wages of employees, incurred in administering the
 34 provisions of law relative to the licensing of trades, businesses, occupa-
 35 tions and professions shall be paid out of the occupational licenses account
 36 by warrants drawn by the state controller upon the treasurer upon allowance
 37 of verified claims by the state board of examiners in the manner provided by
 38 law, but no claim shall be allowed except by the approval of the ~~chief of the~~
 39 ~~bureau of occupational licenses~~ administrator of the division of occupa-
 40 tional and professional licenses.

41 SECTION 10. That Section 67-2608, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 67-2608. BUREAU CHIEF DIVISION ADMINISTRATOR TO COOPERATE WITH OTHER
 44 AGENCIES. The ~~chief of the bureau of occupational licenses~~ administrator of
 45 the division of occupational and professional licenses may, in the adminis-

1 tration of this chapter, share information and otherwise cooperate with gov-
2 ernment regulatory and law enforcement agencies.

3 SECTION 11. That Section 67-2609, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 67-2609. REGISTRATION OF OCCUPATIONS. ~~(a) The bureau of occupational~~
6 ~~licenses division of occupational and professional licenses shall, wherever~~
7 the several laws regulating professions, trades, and occupations which are
8 devolved upon the ~~bureau division~~ for administration so require or pursuant
9 to written agreement as provided in section 67-2604, Idaho Code, exercise,
10 in its name, or as authorized agent, but subject to the provisions of this
11 chapter, the following powers:

12 (1) To conduct examinations to ascertain the qualifications and fit-
13 ness of applicants to exercise the profession, trade, or occupation for
14 which an examination is held;

15 (2) To pass upon the qualifications of applicants for reciprocal li-
16 licenses, certificates, and authorities;

17 (3) To require applications to be verified under oath;

18 (4) To require applicants to provide a clear and legible copy of a gov-
19 ernment-issued photo identification;

20 (5) To pass to the agencies it serves complete applications, which in-
21 clude all required documentation and fees for licenses, certificates,
22 and authorities;

23 (6) To require all application materials be submitted to the division
24 at least seven (7) days in advance of the scheduled meeting of an agency
25 in order for the application to be reviewed by an agency for final ac-
26 tion;

27 (7) Notwithstanding any other provisions of law, to terminate an appli-
28 cation that has not had any activity within one (1) year;

29 (8) To issue a license, certificate, or authority only on behalf of an
30 agency that has administrative rules approved by the legislature;

31 ~~(29) To prescribe rules for a fair and wholly impartial method of exami-~~
32 ~~nation of candidates to exercise the respective professions, trades, or~~
33 ~~occupations;~~

34 ~~(3) To prescribe rules defining, for the respective professions,~~
35 ~~trades and occupations, what shall constitute a school, college or uni-~~
36 ~~versity, or department of a university, or other institution, reputable~~
37 ~~and in good standing and to determine the reputability and good standing~~
38 ~~of a school, college or university, or department of a university, or~~
39 ~~other institution, by reference to a compliance with such rules;~~

40 ~~(4) To establish a standard of preliminary education deemed requisite~~
41 ~~to admission to a school, college or university, and to require satis-~~
42 ~~factory proof of the enforcement of such standard by schools, colleges~~
43 ~~and universities;~~

44 ~~(510) To conduct hearings on proceedings to revoke or refuse renewal~~
45 ~~of licenses, certificates or authorities of persons exercising the re-~~
46 ~~spective professions, trades, or occupations, and to revoke or refuse~~
47 ~~to renew such licenses, certificates, or authorities;~~

48 ~~(611) To formulate rules for adoption by the boards allowing the boards~~
49 ~~to assess costs and fees incurred in the investigation and prosecution~~

1 or defense of a licensee in accordance with the provisions of section
2 12-117(5), Idaho Code, and with the contested case provisions of chap-
3 ter 52, title 67, Idaho Code, for an alleged violation of laws or rules
4 of the boards;

5 ~~(712)~~ To formulate rules for adoption by the boards establishing a
6 schedule of civil fines which may be imposed upon a licensee prosecuted
7 in accordance with the contested case provisions of chapter 52, title
8 67, Idaho Code, for a violation of laws or rules of the boards. Any civil
9 fine collected by a board for a violation of its laws or rules shall
10 not exceed one thousand dollars (\$1,000), unless otherwise provided by
11 statute, and shall be deposited in the ~~bureau~~ of occupational licensing
12 account;

13 ~~(813)~~ To formulate rules when required in any act to be administered;
14 and

15 ~~(914)~~ To collect and pay such fees as are required for criminal back-
16 ground checks of applicants, licensees, or registrants;

17 (15) To provide an honorarium as set forth in section 59-509(p), Idaho
18 Code;

19 (16) To receive a fee not to exceed twenty-five dollars (\$25.00) for the
20 making of copies of records or for a search of the files when no copies
21 are made;

22 (17) To implement application processes that provide for clear admin-
23 istration of all licenses, registrations, permits, and certificates,
24 including their status and history; and

25 (18) To ensure that fees collected by the division are not waived or re-
26 funded unless authorized by board rule or law.

27 ~~(b) None of the functions and duties in subsection (a) of this section~~
28 ~~shall be exercised by the bureau of occupational licenses except upon the~~
29 ~~action and report in writing of persons designated from time to time by the~~
30 ~~chief of the bureau of occupational licenses to take such action and to make~~
31 ~~such report, for the respective professions, trades and occupations.~~

32 SECTION 12. That Section 67-2610, Idaho Code, be, and the same is hereby
33 repealed.

34 SECTION 13. That Chapter 26, Title 67, Idaho Code, be, and the same is
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
36 ignated as Section 67-2610, Idaho Code, and to read as follows:

37 67-2610. REGISTRATION OF OCCUPATIONS -- REEXAMINATIONS. Whenever the
38 division administrator is satisfied that substantial justice has not been
39 done either in an examination or in the revocation of or refusal to renew a
40 license, certificate, or authority, he may order reexamination or rehear-
41 ings.

42 SECTION 14. That Section 67-2611, Idaho Code, be, and the same is hereby
43 repealed.

44 SECTION 15. That Chapter 26, Title 67, Idaho Code, be, and the same is
45 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
46 ignated as Section 67-2611, Idaho Code, and to read as follows:

1 67-2611. ISSUANCE OF LICENSES -- ISSUANCE OF DUPLICATE -- FEE. (1) All
2 certificates, licenses, and authorities, upon written application of the
3 owner of a certificate, license, or authority, shall be issued by the divi-
4 sion of occupational and professional licenses in the name of such division,
5 with the Idaho state seal attached.

6 (2) The division of occupational and professional licenses may assess
7 a reasonable fee for the issuance of an original or duplicate certificate,
8 license, or authority.

9 SECTION 16. That Section 67-2612, Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 17. That Chapter 26, Title 67, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 67-2612, Idaho Code, and to read as follows:

14 67-2612. RECORDING OF LICENSES. Every license that may be issued by
15 the division of occupational and professional licenses as a prerequisite to
16 engage in a trade, occupation, or profession shall be recorded in the of-
17 fice of the division, which shall relieve the licensee from being required
18 to record the same in the office of the county recorder in the county in which
19 the licensee intends to practice. No fee shall be charged for recording of
20 the license by the division.

21 SECTION 18. That Section 67-2613, Idaho Code, be, and the same is hereby
22 repealed.

23 SECTION 19. That Chapter 26, Title 67, Idaho Code, be, and the same is
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
25 ignated as Section 67-2613, Idaho Code, and to read as follows:

26 67-2613. LIMITED APPLICATION OF THIS CHAPTER. The provisions of this
27 chapter prescribing powers and duties of the division of occupational and
28 professional licenses concerning regulation, examination, licensure, fees,
29 and deposit thereof for trades, occupations, or professions shall be appli-
30 cable only where such powers and duties are not invested by other provisions
31 of law in any other board, commission, department, or agency.

32 SECTION 20. That Section 67-2614, Idaho Code, be, and the same is hereby
33 repealed.

34 SECTION 21. That Chapter 26, Title 67, Idaho Code, be, and the same is
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
36 ignated as Section 67-2614, Idaho Code, and to read as follows:

37 67-2614. RENEWAL OR REINSTATEMENT OF LICENSES. (1) All licenses or
38 registrations issued by the boards served by the division of occupational
39 and professional licenses as a prerequisite to engaging in a trade, occu-
40 pation, or profession shall be subject to annual renewal and shall expire
41 and be canceled unless renewed prior to expiration as provided by this sec-
42 tion. The required fees for annual renewals and reinstatements shall be
43 the amounts set forth in the rules of the governing board. As used in this

1 section, the term "person," unless otherwise indicated, shall mean a natural
2 person or an entity applying for licensure or registration pursuant to the
3 laws or rules of a board served by the division.

4 (2) All natural persons required to procure a license or registration
5 must annually renew the same on or before the birthday of the holder of the
6 license or registration in the manner prescribed in subsection (4) of this
7 section. However, the first renewal of the license or registration shall not
8 be required until twelve (12) months after the holder's next birthday fol-
9 lowing the initial licensure or registration.

10 (3) All persons required to procure a license or registration for an
11 entity or a facility as a prerequisite for operating a business or place of
12 business in which a trade, occupation, or profession is practiced must annu-
13 ally renew the same on or before the anniversary of the original issue date
14 of the license or registration in the manner prescribed in subsection (4) of
15 this section.

16 (4) Licenses or registrations may be renewed up to six (6) weeks prior
17 to the expiration date.

18 (a) Submission of an approved and completed paper or electronic renewal
19 application prior to expiration is the responsibility of each licensee
20 or registrant. Failure to receive a renewal application or notice shall
21 not excuse failure to comply with renewal requirements.

22 (b) The renewal application shall be submitted to the division along
23 with the required renewal fee and confirmation of compliance with re-
24 newal requirements of the relevant board, including but not limited to
25 insurance, completion of any continuing education, and payment of all
26 fines, costs, fees, including attorney's fees, or other amounts that
27 are due and owing to the board or in compliance with a payment arrange-
28 ment with the board.

29 (5) Applicants, licensees, permittees, and registrants are responsi-
30 ble for keeping their information up to date as follows:

31 (a) Whenever a change of the applicant's, licensee's, or registrant's
32 address of record occurs, the licensee or registrant must immediately
33 notify the division in writing of the change. The division will use the
34 most recent mailing or electronic mail address it has on file for pur-
35 poses of written communication with a licensee or registrant. It is the
36 responsibility of each applicant, licensee, and registrant to keep the
37 division informed of a current mailing and electronic mail address and
38 any other contact information; and

39 (b) All substantive changes in professional status must be reported to
40 the division in writing within ninety (90) days. Substantive changes
41 may include but are not limited to:

42 (i) Any criminal convictions of felonies or misdemeanors other
43 than traffic violations;

44 (ii) Administrative adjudicative proceedings against the appli-
45 cant, licensee, or registrant in other states or jurisdictions;

46 (iii) Adjudicated ethics violations or other sanctions levied
47 against the applicant, licensee, or registrant by a professional
48 association or specialty association; and

1 (iv) Any civil proceedings adjudicated against the applicant,
2 licensee, or registrant related to his license, registration, or
3 certificate.

4 (6) Fees for renewal and reinstatement cannot be waived or refunded un-
5 less otherwise provided by board law or rule.

6 (7) If a license or registration is not renewed on or before the expi-
7 ration date, it shall be immediately canceled by the division following the
8 date of expiration. Within five (5) years of the date of expiration, the di-
9 vision may reinstate a license or registration canceled for failure to re-
10 new upon receiving documentation of compliance with requirements for timely
11 renewal as set forth in subsection (4) (b) of this section and any other re-
12 instatement requirements of the board plus payment of a reinstatement fee as
13 provided by board rule.

14 (8) (a) When a license or registration has been canceled for a period of
15 more than five (5) years, the person so affected shall be required to
16 make application for a new license or registration to the division. The
17 application shall consist of the following:

18 (i) All forms and information required of an application for a new
19 license or registration; and

20 (ii) The fee currently required of an applicant for a new license
21 or registration.

22 (b) In addition to the application, the person shall provide all moneys
23 due and owing to the board or proof that the person is in compliance with
24 a payment arrangement made with the board.

25 (c) The person shall fulfill certain requirements as determined by the
26 board that demonstrate the person's competency to resume practice in
27 this state. Such requirements may include but are not limited to educa-
28 tion, supervised practice, and examination. The board may consider the
29 person's practice in another jurisdiction in determining the person's
30 competency.

31 (d) Persons who fulfill the conditions and requirements of this subsec-
32 tion shall be issued a new license or registration.

33 SECTION 22. That Section 67-2615, Idaho Code, be, and the same is hereby
34 repealed.

35 SECTION 23. That Chapter 26, Title 67, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 67-2615, Idaho Code, and to read as follows:

38 67-2615. REEXAMINATION AND PAYMENT OF CERTIFICATE FEES. Should an ap-
39 plicant who is required to procure a license from the division of occupa-
40 tional and professional licenses as a prerequisite for engaging in a trade,
41 occupation, or profession fail to pass the required examination, the appli-
42 cant may be reexamined at any regular or special meeting of the division as
43 it may be authorized to act for such board of examiners. Every person who is
44 licensed by the division of occupational and professional licenses as a pre-
45 requisite to engage in a trade, occupation, or profession may, upon the pay-
46 ment of a fee, receive a certificate setting forth that the holder thereof
47 is duly registered and licensed to practice his profession in the state of
48 Idaho.

1 SECTION 24. That Section 67-2616, Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 25. That Chapter 26, Title 67, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 67-2616, Idaho Code, and to read as follows:

6 67-2616. CLARIFICATION OF DEFINITIONS. Solely for the purposes of
7 chapter 14, title 67, Idaho Code, the associations created in chapters 36
8 and 43, title 41, Idaho Code, shall be considered self-governing entities
9 as defined in this chapter, which creates the department of self-governing
10 agencies.

11 SECTION 26. That Section 67-2617, Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 27. That Section 67-2618, Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 28. That Section 67-2619, Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 29. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after its
19 passage and approval.