
OLR Bill Analysis

sHB 6445

AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS LICENSED BY THE DEPARTMENT OF CONSUMER PROTECTION.

SUMMARY

This bill generally makes it easier for tradespeople credentialed in other states to obtain a Connecticut credential if they reside here. It does so by generally requiring the Department of Consumer Protection (DCP) to issue the appropriate license or other credential to a state resident, or a spouse of an active duty service member permanently stationed here, if that person meets specified requirements (e.g., has practiced under a valid credential in another jurisdiction for at least four years, passes an examination, and has no disciplinary history). It allows the DCP commissioner to deny a credential if she finds the denial to be in the state's best interest.

The bill specifies that, for certain professions, the DCP commissioner may deny a license, or issue one under a consent order with conditions that an applicant must meet, if the applicant reports that he or she has been found guilty or convicted of what constitutes a felony under Connecticut or federal law at the time of the application, or the laws of another jurisdiction that would be a felony under Connecticut law (see BACKGROUND). This authority applies to electricians; plumbers; solar, heating, piping, and cooling contractors and journeymen; elevator and fire protection sprinkler craftsmen; irrigation contractors and journeymen; gas hearth installer contractors and journeymen; and residential stair lift technicians. The bill also eliminates a requirement that applicants for these licenses demonstrate good moral character.

By January 1, 2022, the bill requires various state agencies to report to the Office of Policy and Management (OPM) secretary on certain

information related to background checks.

EFFECTIVE DATE: October 1, 2021

DCP CREDENTIALING

The bill generally requires DCP to issue an occupational or professional license, permit, certification, or registration (hereinafter, “credential”) to a person who is a state resident for income tax purposes, or an accompanying spouse of an active duty service member permanently stationed here, if that person:

1. holds a valid credential in the applicable occupation or profession in at least one other jurisdiction and has practiced under that credential for at least four years;
2. is in good standing in all jurisdictions where credentialed and has no disciplinary history (including credential revocation or other discipline; pending complaints, allegations, or investigations related to unprofessional conduct; or voluntary surrender of a credential during an investigation);
3. satisfies any background, character, or fitness check required of other applicants;
4. pays any credentialing fees required of other applicants; and
5. takes and passes all or a portion of any examination required of others applying for the credential.

The bill creates an exception to the first requirement (holding a credential and practicing under it for at least four years) for certain applicants relocating from states that do not require a credential to practice the occupation or profession. The bill deems these applicants as satisfying this requirement if (1) at least 25 states do not require the credential and (2) the applicant establishes to DCP’s satisfaction that he or she has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the application date.

The bill specifies that anyone issued a credential under these provisions is subject to Connecticut law and DCP jurisdiction. It also allows the DCP commissioner to deny an application if she finds it to be in the state's best interest.

AGENCY REPORTING

By January 1, 2022, the bill requires the departments of Administrative Services, Agriculture, Consumer Protection, Correction, Emergency Services and Public Protection, Labor, and Public Health, and the Office of Early Childhood, to report to the OPM secretary on certain information related to background checks. The report must include:

1. the number of employees who perform background checks related to the department's or office's licensing functions, their job classifications, and the background checks' type or level of clearance;
2. the average number of hours these employees spend weekly performing background checks; and
3. for any licenses requiring some pre-licensure education or training, the feasibility of assessing criminal history to preclear potential applicants before they begin the education or training.

The recommendations must also (1) assess the feasibility of centralizing and standardizing background checks state agencies perform and (2) address any related issues of these agencies delegating authority.

BACKGROUND ***Related Bill***

HB 6449 (File 203), reported favorably by the Public Health Committee, makes similar changes for health care professionals.

sHB 6474, § 32, reported favorably by the Labor and Public Employees Committee, requires the agencies to make the same report and recommendations.

Felony Conviction and Credentials

With limited exceptions, the law prohibits the state from disqualifying a person from engaging in an occupation, profession, or business that requires a state credential solely because of a prior criminal conviction (CGS § 46a-80).

State agencies may deny someone a credential to practice an occupation, trade, profession or business, after considering (1) the nature of the crime and its relationship to the job; (2) information pertaining to the degree of the person's rehabilitation; and (3) how much time has passed since the person's conviction or release.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 15 Nay 3 (03/23/2021)