

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 317

By: Deevers

AS INTRODUCED

An Act relating to occupation certification; defining terms; allowing for the private certification of professionals; requiring certain organizations to register with the Secretary of State; allowing the Secretary to impose fees in order to maintain registry; requiring participating organizations to publish certain information for applicants; requiring certain certifications; allowing an organization to require individuals to obtain a bond for liability and pay fees to the organization during certification; permitting an individual privately licensed by an organization to participate in his or her privately licensed occupation lawfully; prohibiting the government from imposing a penalty, fine, or fee on individuals privately licensed; requiring signage of privately licensed individuals; providing necessary information on signage; providing allowable terms for privately licensed individuals to use; establishing conditions for violations by the individual; authorizing the Secretary to terminate registration or participation of organization in violation of consumer protections; providing exceptions not limiting government enactment and enforcement; prohibiting certain actions; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4160 of Title 59, unless there is created a duplication in numbering, reads as follows:

1 As used in this act:

2 1. "Government" means this state and its political
3 subdivisions;

4 2. "Lawful occupation" means a course of conduct, pursuit, or
5 profession that includes the sale of goods or services that is not
6 itself illegal irrespective of an occupational regulation;

7 3. "Occupational regulation" means a statute, ordinance, rule,
8 or other requirement in law that requires an individual to possess
9 certain personal qualifications to work in a lawful occupation;

10 4. "Qualifications" means criteria related to an individual's
11 personal background that may include completion of an approved
12 educational program, satisfactory performance on an examination,
13 work experience, criminal history, moral standing, completion of
14 continuing education, a standard of ethical behavior, or other
15 criteria as determined by a private certifying organization to
16 qualify the individual to perform a service to an acceptable
17 standard as determined by the private certifying organization;

18 5. "Private certification" means a nontransferable recognition
19 by a private certifying organization that an individual meets
20 qualifications determined by the private certifying organization;

21 6. "Private certifying organization" means a nongovernmental
22 organization that allows any individual to apply for private
23 certification regardless of the individual's race, creed, color,
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1 ethnicity, national origin, religion, sex, sexual orientation, or
2 marital status;

3 7. "Participating private certifying organization" means a
4 private certifying organization that registers and otherwise meets
5 the criteria specified in subsection C of Section 2 of this act; and

6 8. "Privately certified" is a designated title that an
7 individual may use if the individual is certified by a participating
8 private certifying organization.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 4160.1 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 A. A private certifying organization may voluntarily
13 participate and register with the government under this section.

14 B. To participate, a private certifying organization shall
15 register with the Secretary of State. It shall provide the
16 Secretary with the organization's name, address, officers, and the
17 names of individuals initially privately certified. The Secretary
18 may impose a registration fee to recoup its costs and promulgate
19 rules and forms to facilitate registration.

20 C. A participating private certifying organization shall:

21 1. Publish on a publicly accessible website all of the
22 following:

23 a. the scope of practice of each lawful occupation that
24 the organization certifies,

- 1 b. the qualifications that an individual must possess to
2 become certified by the private certifying
3 organization,
4 c. other factors the private certifying organization uses
5 to certify individuals, which may include consumer
6 comments, rankings, and other consumer-initiated
7 elements,
8 d. the names, business addresses, and websites of all
9 individuals privately certified by the organization,
10 and
11 e. the state in which the private certifying organization
12 is registered;

13 2. Require qualifications that are related to the lawful
14 occupation for which an individual is certified;

15 3. Verify an individual's qualifications before certification
16 and annually verify that the certified individual remains eligible
17 for certification;

18 4. Require a privately certified individual to prominently
19 display the private certification and make available material about
20 the qualification and other factors required for the private
21 certification on request; and

22 5. Have at least fifty privately certified individuals in
23 active practice in the United States after one (1) year of applying
24 for registration with the Secretary.

1 D. A participating private certifying organization may require
2 individuals it certifies to obtain and maintain a bond for liability
3 that is related to the practice of the individual's privately
4 certified lawful occupation.

5 E. A participating private certifying organization may require
6 a privately certified individual to pay initial and ongoing fees.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 4160.2 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 A. An individual who is certified by a participating private
11 certifying organization may engage in the lawful occupation for
12 which that individual is privately certified notwithstanding any
13 other occupational regulation enacted by the government.

14 B. The government shall not prohibit or impose a penalty, fine,
15 or fee on an individual who is certified by a participating private
16 certifying organization for engaging in a lawful occupation in
17 compliance with this act.

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 4160.3 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 A. An individual who is certified by a participating private
22 certifying organization and who engages in a lawful occupation for
23 which the government has otherwise enacted an occupation regulation
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1 shall prominently display a sign with lettering that is at least one
2 (1) inch in height stating:

3 1. The government licenses the service;

4 2. The individual is not licensed by the government;

5 3. The individual is privately certified with the name of the
6 private certifying organization; and

7 4. The contact information for the private certifying
8 organization.

9 B. An individual who is certified by a participating private
10 certifying organization and who is not licensed, registered, or
11 certified by the government shall not use the term "licensed",
12 "certified", or "registered" to describe the individual's credential
13 or any words, titles, abbreviations, or letters that would induce a
14 reasonably knowledgeable consumer of such services to believe the
15 privately certified individual is occupationally regulated by the
16 government.

17 C. An individual who is certified by a participating private
18 certifying organization may use the term "privately certified" to
19 describe the individual's credentials or as part of a title or
20 designation.

21 SECTION 5. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 4160.4 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

1 An individual who knowingly and falsely claims to be privately
2 certified pursuant to this act is guilty of fraud and subject to
3 penalties under the Oklahoma Consumer Protection Act.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 4160.5 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The Secretary of State shall enforce this act and has the
8 authority to terminate the government's registration of the
9 participating private certifying organization for failure to
10 continue to meet the requirements of subsection C of Section 2 of
11 this act.

12 B. The participating private certifying organization that
13 continues to operate ninety (90) days after failing to meet the
14 requirements of subsection C of Section 2 of this act is guilty of
15 fraud and subject to punishment under the Oklahoma Consumer
16 Protection Act.

17 C. Except to the extent that this act requires a privately
18 certified individual to possess qualifications established by the
19 government to perform a lawful occupation, this act shall not limit
20 the government's authority to enact and enforce laws relating to:

21 1. A business license or permit, facility license, building
22 permit, or land use regulation; and

23 2. Public health, safety, and environmental regulations through
24 the enforcement of regulations other than occupational licenses

1 including the sale and use of substances that endanger public health
2 and safety if mishandled or improperly dispensed including
3 chemicals, explosives, and pharmaceuticals.

4 D. Nothing in this act shall be construed to:

5 1. Change the government's sole authority to require an
6 individual to obtain and maintain a government-issued driver license
7 and related insurance for personal or commercial vehicle use;

8 2. Limit damages in a private civil action against an
9 individual who is privately certified or who knowingly and falsely
10 claims to be privately certified;

11 3. Require a private party or the government to do business
12 with an individual who is not licensed, certified, or registered
13 with the government;

14 4. Create a cause of action against a private party or the
15 government;

16 5. Allow for private certification of occupations regulated by
17 the federal government or required by federal law to be
18 occupationally licensed by the government;

19 6. Require a private certifying organization to participate and
20 register with the government under this act;

21 7. Increase the authority of the government to regulate
22 nonparticipating private certifying organizations;

1 8. Require doctors and other medical professionals to obtain
2 operating room privileges or other credentials from the state,
3 hospitals, or clinics to perform surgery or an operation; or

4 9. Reduce the authority of the Supreme Court to regulate who
5 may issue subpoenas, serve discovery, and litigate cases before
6 state judges.

7 SECTION 7. This act shall become effective November 1, 2025.

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