

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2883

BY DELEGATES HOUSEHOLDER, O'NEAL, SYPOLT,

UPSON, G. FOSTER, HIGGINBOTHAM AND BLAIR

[Introduced March 9, 2017; Referred
to the Committee on Political Subdivisions then the
Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §30-1E-1, §30-1E-2, §30-1E-3, §30-1E-4 and §30-1E-5, all relating to
 3 professions and occupations; creating the Freedom to Prosper Act; and limiting the
 4 authority of political subdivisions of the state to create new occupations fees or licensing
 5 requirements or otherwise regulated certain professions.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 article, designated §30-1E-1, §30-1E-2, §30-1E-3, §30-1E-4 and §30-1E-5, all to read as follows:

**ARTICLE 1E: LOCAL AUTHORITY TO LICENSE PROFESSIONS AND
 OCCUPATIONS.**

§30-1E-1: Short Title.

1 This article shall be known as the “Freedom to Prosper” Act.

§30-1E-2: General Purpose.

1 The purpose of this article is to limit the authority of political subdivisions of this state to
 2 create new occupational fees or licensing requirements or to continue to regulate certain
 3 professions.

§30-1E-3: Definitions.

1 As used in this article:

2 (a) “Licensing authority” means an agency, examining board, credentialing board or other
 3 office with the authority to impose occupational fees or licensing requirements on any profession.

4 (b) “Licensing” means any required training, education or fee to work in a specific
 5 profession.

6 (c) “Occupational fee” means a fee or tax on professionals or businesses that is charged
 7 for the privilege of providing goods or services within a certain jurisdiction.

8 (d) “Political subdivision” means a city, municipality, town, village, or county.

§30-1E-4: Limitation on new occupational fees or licensing regulations.

1 (a) Beginning on July 1, 2017, a political subdivision of this state may not impose any
2 occupational fees or licensing requirements on any profession if the political subdivision does not
3 already impose occupational fees or licensing requirements on that profession. Notwithstanding
4 the above, the political subdivision may continue to so regulate any profession or occupation that
5 is subject to occupational fees or licensing requirements on or before that date.

6 (b) With regard to professions subject to licensing requirements imposed by a state
7 licensing authority, a political subdivision of this state may not impose any regulations on those
8 professions that add additional licensing requirements to those already imposed by a state
9 licensing authority.

10 (c) Beginning on July 1, 2017, if a state licensing authority imposes any new licensing
11 requirements on any profession that was previously unregulated by the state, and if the political
12 subdivision regulates the profession when the state regulations take effect, the political
13 subdivision may not continue to require occupational fees or licensing requirements for the
14 profession on or after the date when the state regulations take effect.

§30-1E-5: Limitation on new occupational fees or licensing regulations.

1 (a) Notwithstanding other sections of this code to the contrary, beginning on July 1, 2017,
2 a political subdivision's licensing authority may not impose new occupational fees on any
3 profession if that profession is not already subject to occupational fees.

4 (b) Regarding professions already subject to occupational fees imposed by a political
5 subdivision's licensing authority on July 1, 2017, occupational fees may not exceed \$25 per year.
6 If a profession is already subject to political subdivision occupational fees that exceed \$25 per
7 year, the existing occupational fees imposed do not apply and the licensing authority shall
8 immediately reduce occupational fees in accordance with the limits set by this article.

NOTE: The purpose of this bill is to prevent local political subdivisions from imposing new

professional and occupational licensing fees and limiting existing local fees.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.