

Military Spouse License Transfer Options

COLORADO LAW

C.R.S.A. § 12-20-202

Formerly cited as CO ST §§ 12-5.5-202, 24-34-102

§ 12-20-202. Licenses, certifications, and registrations--renewal--reinstatement--fees--occupational credential portability program--definitions--exceptions for military personnel--rules--consideration of criminal convictions--executive director authority

Effective: October 1, 2019

Currentness

(1) **Renewal.** (a) Licenses, certifications, and registrations issued pursuant to a part or article of this title 12 expire pursuant to a schedule established by the director and must be renewed or reinstated in accordance with this section. The director shall establish renewal fees and delinquency fees for reinstatement pursuant to section 12-20-105. If a person fails to renew the person's license, certification, or registration pursuant to the schedule established by the director, the license, certification, or registration expires. A person whose license, certification, or registration has expired is subject to the penalties set forth in this section and any other penalties authorized in the applicable part or article of this title 12 that regulates the person's profession or occupation.

(b) Notwithstanding any provision of the law to the contrary, the director may change the renewal date of any license, certification, or registration issued by a regulator so that approximately the same number of licenses, certifications, or registrations are scheduled for renewal in each month of the year. Where any renewal date is so changed, the fee for the license, certification, or registration is proportionately increased or decreased, as the case may be. A license, certification, or registration is valid for a period of no less than one year and no longer than three years, as determined by the director in consultation with the applicable regulator. A licensee, certificate holder, or registrant shall submit an application for renewal to the applicable regulator on forms and in the manner prescribed by the director.

(c) Notwithstanding any provision of the law to the contrary, upon the approval and recommendation of a regulator, the executive director may change the period of the validity of any license, certification, or registration issued by the regulator for a period not to exceed three years. If the executive director changes the period of validity of a license, certification, or registration pursuant to this subsection (1)(c), the director shall proportionately increase or decrease the fee for the license, certification, or registration, as the case may be, but the director shall not impose a fee increase that would result in hardship to the licensee,



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certificate holder, or registrant.

(d) A regulator may prescribe renewal requirements, which must include compliance with any continuing education or continuing competency requirements adopted pursuant to the regulator's authority.

(e) The director shall allow for a grace period for licenses, certifications, or registrations issued by a regulator. A licensee, certificate holder, or registrant has a sixty-day grace period after the expiration of his or her license, certification, or registration to renew the license, certification, or registration without the imposition of a disciplinary sanction by the regulator for the profession for practicing on an expired license, certification, or registration. The licensee, certificate holder, or registrant shall satisfy all renewal requirements pursuant to the applicable part or article of this title 12 and shall pay a delinquency fee in an amount determined pursuant to sections 12-20-105 and 24-79.5-102.

(2) **Reinstatement.** (a) If a licensee, registrant, or certificate holder does not renew his or her license, registration, or certificate within the sixty-day grace period pursuant to subsection (1)(e) of this section, the license, registration, or certificate is treated as an expired license, registration, or certificate, and the licensee, registrant, or certificate holder is ineligible to practice until the license, registration, or certificate is reinstated.

(b) The regulator shall reinstate the expired license, certificate, or registration of any active military personnel, including any National Guard member or reservist who is currently on active duty for a minimum of thirty days, and any veteran who has not been dishonorably discharged, if the military personnel or veteran meets the requirements of this subsection (2).

(c) The regulator, in its discretion and pursuant to its authority, may reinstate an expired license, registration, or certificate of any person other than the active military personnel or veterans specified in subsection (2)(b) of this section pursuant to the following requirements:

(I)(A) The licensee, registrant, or certificate holder submits an application for reinstatement of the license, registration, or certificate to the regulator sixty days or more after the date of expiration, and the licensee, registrant, or certificate holder complies with all requirements of the applicable part or article of this title 12.

(B) If the licensee, registrant, or certificate holder practiced with an expired license, registration, or certificate, the regulator may impose disciplinary actions against the licensee, registrant, or certificate holder.

(II) If the license, registration, or certificate has been expired for more than two years, the person with the expired license, registration, or certificate shall pay all applicable renewal and reinstatement fees and shall satisfactorily demonstrate to the regulator that the person is competent to practice within his or her profession. The regulator, as it deems appropriate, shall accept one or more of the following as a demonstration of competency to practice:



(A) A license, registration, or certificate from another state that is in good standing for the applicant where the applicant demonstrates active practice;

(B) Practice for a specified time under a restricted license, registration, or certificate;

(C) Successful completion of prescribed remedial courses ordered by the regulator that are within the authority of the regulator to require;

(D) Successful completion of any continuing education or continuing competency requirements prescribed by the regulator that are within the authority of the regulator to require;

(E) Passage of an examination for licensure, registration, or certification as approved by the regulator that the regulator has the authority to require; or

(F) Other professional standards or measures of continued competency as determined by the regulator.

(III) The regulator may waive the requirements for reinstatement of an expired license, registration, or certificate by an applicant who demonstrates hardship, so long as the regulator considers the protection of the public in the hardship petition.

Text of (3) effective until January 1, 2021

(3) **Endorsement.** Unless otherwise prohibited by this title 12, an applicant for certification, registration, or licensure by endorsement may demonstrate competency in a specific occupation or profession as determined by the regulator in lieu of a requirement that the applicant has worked or practiced in that occupation or profession for a period of time prior to the application for endorsement.

Text of (3) effective January 1, 2021

(3) **Occupational credential portability program.** (a) There is hereby created in the division the occupational credential portability program by which a regulator may approve an application for licensure, certification, registration, or enrollment by endorsement, reciprocity, or transfer. Each regulator shall strive to reduce barriers for applicants under the occupational credential portability program, including through reciprocity agreements, compacts, or other means to expedite licensure, certification, registration, or enrollment and shall adopt rules to implement the program in the least burdensome way necessary to protect the public. Unless there are specific reasons to withhold a license, certification, registration, or enrollment, a regulator shall issue a license, certification, registration, or enrollment, as applicable, to an applicant who meets the requirements of this subsection (3) and rules adopted by the regulator pursuant to this subsection (3).

(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 to practice a particular profession or occupation 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:

(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, 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;

(B) Payment of applicable fees established pursuant to section 12-20-105; and

(C) Compliance with any other applicable requirement, including passing an exam, of the part or article of this title 12 that regulates the applicable profession or occupation.

(II) For the purposes of this subsection (3)(b), "in good standing" means that a license, certification, registration, or enrollment has not been revoked or suspended and against which there are no outstanding disciplinary or adverse actions.

(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 experience or credentials to practice the applicable profession or occupation; or

(II) Has committed an act that would be grounds for disciplinary action under the law governing the applicable profession or occupation.

(d) A regulator may specify by rule what constitutes substantially equivalent experience or credentials and, unless otherwise prohibited by this title 12, shall allow an applicant for certification, registration, or licensure by endorsement to demonstrate competency in a specific profession or occupation as determined by the regulator in lieu of a requirement that the applicant has worked or practiced in that profession or occupation for a period of time prior to the application for endorsement.



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

- (I) Combative sports, regulated pursuant to article 110 of this title 12;
- (II) Electricians, regulated pursuant to article 115 of this title 12;
- (III) Fantasy contests, regulated pursuant to article 125 of this title 12;
- (IV) Mortuaries and crematories, regulated pursuant to article 135 of this title 12;
- (V) Nontransplant tissue banks, regulated pursuant to article 140 of this title 12;
- (VI) Outfitters and guides, regulated pursuant to article 145 of this title 12;
- (VII) Passenger tramways, regulated pursuant to article 150 of this title 12;
- (VIII) Plumbers, regulated pursuant to article 155 of this title 12;
- (IX) Private investigators, regulated pursuant to article 160 of this title 12;
- (X) Direct-entry midwives, regulated pursuant to article 225 of this title 12; or
- (XI) Surgical assistants and surgical technologists, regulated pursuant to article 310 of this title 12.

(f) Effective January 1, 2021:

(I) Except as specified in subsection (3)(f)(III) of this section, **a military spouse duly licensed**, certified, registered, or enrolled in good standing in another state or United States territory to practice a particular profession or occupation 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 a temporary license, certification, registration, or enrollment upon submission of satisfactory proof to the regulator, under penalty of perjury, of the applicant's active license, certification, registration, or enrollment in another state or United States territory in good standing, 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.



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(II) For the purposes of this subsection (3)(f):

(A) “In good standing” means that a license, certification, registration, or enrollment has not been revoked, expired, or suspended and against which there are no outstanding disciplinary or adverse actions.

(B) “Military spouse” means the spouse of a person who is actively serving in the United States armed forces and who is stationed in Colorado in accordance with military orders.

(III) An applicant is not entitled to temporary licensure, certification, registration, or enrollment pursuant to this subsection (3)(f) if approving the temporary 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:

(A) The applicant has committed an act that would be grounds for disciplinary action under the law governing the applicable profession or occupation; or

(B) The applicant’s license, certification, registration, or enrollment issued by another state or United States territory is not in good standing.

(IV) Notwithstanding any provision of law to the contrary:

(A) A temporary license, certification, registration, or enrollment issued to a military spouse pursuant to this subsection (3)(f) is valid for three years after the date of issuance and may not be renewed.

(B) Each regulator shall waive the application fee for temporary licenses, certifications, registrations, or enrollments issued pursuant to this subsection (3)(f).

(4) **Military personnel.** A regulator shall, upon presentation of satisfactory evidence by an applicant for licensure, certification, or registration, accept education, training, or service completed by an individual as a member of the armed forces or reserves of the United States, the National Guard of any state, the military reserves of any state, or the naval militia of any state toward the qualifications to receive the license, certification, or registration. Each regulator shall promulgate rules to implement this subsection (4).

(5) **Criminal convictions.** Unless there is a specific statutory disqualification that prohibits an applicant from obtaining licensure, certification, or registration based on a criminal conviction, if a regulator determines that an applicant for licensure, certification, or registration has a criminal record, the regulator is governed by section 24-5-101 for purposes of granting or denying, or placing any conditions on, licensure, certification, or registration.



(6) **Executive director authority.** (a) **Form of license, certification, or registration.** The executive director, after consultation with the regulator concerned, shall determine the form and content of any license, certification, or registration issued by the regulator, including any document evidencing renewal of a license, certification, or registration.

(b) **Review of examinations and procedures.** Notwithstanding any type 1 transfer as such transfer is defined by the “Administrative Organization Act of 1968”, article 1 of title 24, the executive director may review any examination or procedure for granting a license, certification, or registration by any regulator prior to the execution of the examination or procedure. After the review, if the executive director has reason to believe the examination or procedure is unfair to the applicants or unreasonable in content, the executive director shall call on five people licensed, certified, or registered in the occupation or profession to review the examination or procedure jointly with the executive director. The executive director and the licensees, certificate holders, or registrants, acting jointly, may make findings of fact and recommendations to the regulator concerning any examination or procedure. The findings of fact and recommendations are public documents.

(c) **Employment of administrative law judges.** Notwithstanding any type 1 transfer as such transfer is defined by the “Administrative Organization Act of 1968”, article 1 of title 24, the executive director may employ an administrative law judge, and may require any regulator to use an administrative law judge in lieu of a hearing by the regulator, to conduct hearings on any matter within the jurisdiction of the regulator, subject to appropriations made to the department of personnel. Administrative law judges are appointed pursuant to part 10 of article 30 of title 24. An administrative law judge employed pursuant to this subsection (6)(c) shall conduct hearings in accordance with section 24-4-105, and the administrative law judge has the authority specified in section 24-4-105.



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