

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 938
PROPOSED COMMITTEE SUBSTITUTE H938-PCS40606-MV-1

Short Title: GSC Moral Turpitude/Occupational Licensure.

(Public)

Sponsors:

Referred to:

May 1, 2024

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE PROHIBITION ON DENYING LICENSURE BASED ON A
3 DETERMINATION THAT A CONVICTION IS FOR A CRIME OF MORAL
4 TURPITUDE, TO MAKE CORRESPONDING CHANGES TO OCCUPATIONAL AND
5 STATE AGENCY LICENSURE STATUTES, AND TO MAKE OTHER TECHNICAL
6 CORRECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES
7 COMMISSION.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 93B-8.1 reads as rewritten:

10 "§ 93B-8.1. Use of criminal history records.

11 (a) The following definitions apply in this section:

- 12 (1) Applicant. – An individual who makes application for licensure from a board.
13 (2) Board. – An occupational licensing board or a State agency licensing board as
14 defined in G.S. 93B-1.
15 (3) Criminal history record. – A State or federal history of conviction of a crime,
16 whether a misdemeanor or ~~felony, that bears upon an applicant's or a licensee's~~
17 ~~fitness to be licensed or disciplined.~~ felony.
18 (3a) Deny licensure or denies licensure. – To refuse to issue a license to an
19 applicant, to refuse to renew the license of a licensee, or to revoke the license
20 of a licensee.
21 (4) Licensee. – An individual who has obtained a license to engage in or represent
22 himself or herself to be a member of a particular profession or occupation.

23 (b) Unless federal law governing a particular board provides otherwise, a board may deny
24 ~~an applicant licensure~~ on the basis of a conviction of a crime only if the board finds that the
25 ~~applicant's criminal conviction history~~ is directly related to the duties and responsibilities for the
26 licensed occupation or the conviction is for a crime that is violent or sexual in nature.
27 Notwithstanding any other provision of law, a board shall not automatically deny licensure on
28 the basis of an applicant's or licensee's criminal history, history record, and no board shall deny
29 ~~an applicant a license licensure~~ based on a determination that a conviction is for a crime of moral
30 turpitude. The board shall make its determination based on the factors specified in subsection
31 (b1) of this section.

32 (b1) Before a board may deny ~~an applicant a license licensure~~ due to a criminal conviction
33 under subsection (b) of this section, the board shall specifically consider all of the following
34 factors:

- 35 (1) The level and seriousness of the crime.
36 (2) The date of the crime.



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- 1 (3) The ~~individual's age of the individual~~ at the time of the crime.
- 2 (4) The circumstances surrounding the commission of the crime, if known.
- 3 (5) The nexus between the criminal conduct and the ~~prospective~~ duties of the
- 4 ~~applicant~~ as a licensee.
- 5 (6) The ~~individual's~~ prison, jail, probation, parole, rehabilitation, and employment
- 6 ~~records of the applicant~~ since the date the crime was committed.
- 7 (6a) The ~~individual's~~ completion of, or active participation in, rehabilitative drug
- 8 or alcohol treatment.
- 9 (6b) A Certificate of Relief granted pursuant to G.S. 15A-173.2.
- 10 (7) The ~~subsequent commission of a crime by the applicant~~ individual's criminal
- 11 history record after the conviction.
- 12 (8) Any affidavits or other written documents, including character references.
- 13 (b2) If the board denies ~~an applicant a license~~ licensure under this section, the board shall
- 14 do all of the following:
- 15 (1) Make written findings specifying the factors in subsection (b1) of this section
- 16 the board deemed relevant ~~to the applicant~~ and explaining the reason for the
- 17 denial. The board's presiding officer shall sign the findings.
- 18 (2) Provide or serve a signed copy of the written findings to the applicant or
- 19 licensee within 60 days of the denial.
- 20 (3) Retain a signed copy of the written findings for no less than five years.
- 21 (b3) Each board shall include in its application for licensure and on its public website all
- 22 of the following information:
- 23 (1) Whether the board requires applicants to consent to a criminal history record
- 24 check.
- 25 (2) The factors considered by the board under subsection (b1) of this section when
- 26 making a determination ~~of~~ regarding licensure.
- 27 (3) The appeals process pursuant to Chapter 150B of the General Statutes if the
- 28 board denies ~~an applicant~~ licensure in whole or in part because of a criminal
- 29 conviction.
- 30 (b4) If a board requires an applicant to submit a criminal history record, the board shall
- 31 require the provider of the criminal history record to provide the applicant with access to the
- 32 applicant's criminal history record or otherwise deliver a copy of the criminal history record to
- 33 the applicant. If an applicant's criminal history includes matters that will or may prevent the board
- 34 from issuing a license to the applicant, the board shall notify the applicant in writing of the
- 35 specific issues in sufficient time for the applicant to provide additional documentation supporting
- 36 the application for consideration by the board prior to any final decision to deny the application.
- 37 After being notified of any potential issue with licensure due to one or more criminal convictions,
- 38 an applicant ~~shall have~~ has 30 days to respond by either correcting any inaccuracy in the criminal
- 39 history record or submitting evidence of mitigation or rehabilitation for consideration by the
- 40 board.
- 41 (b5) If, following a hearing, a board denies an application for licensure, the board's written
- 42 order shall include specific reference to any criminal conviction considered as part or all of any
- 43 basis for the denial and the rationale for the denial, as well as a reference to the appeal process
- 44 and the applicant's ability to reapply. No applicant shall be restricted from reapplying for
- 45 licensure for more than two years from the date of the most recent application.
- 46 (b6) Notwithstanding any other provisions in the law, an individual with a criminal history
- 47 may petition a board at any time, including before the individual starts or completes any
- 48 mandatory education or training requirements, for a predetermination of whether the individual's
- 49 criminal history will likely disqualify the individual from obtaining a license. This petition shall
- 50 include a criminal history record ~~report~~ obtained by the ~~individual~~ petitioner from a reporting
- 51 service designated by the board, the cost of which shall be borne by the ~~applicant~~ petitioner.

1 Criminal history records relating to a predetermination petition are not public records under
2 Chapter 132 of the General Statutes. A board may predetermine that the petitioner's criminal
3 history is likely grounds for denial of a license only after the board has applied the requirements
4 of subsection (b) of this section. Each board shall delegate authority for the predetermination to
5 its executive director or equivalent officer, or to a committee of the board, so that the
6 predeterminations can be made in a timely manner. No board member having served on a
7 predetermination committee for ~~an individual~~ a petitioner shall be required to recuse in any later
8 determinations or hearings involving the same ~~applicant~~ individual as an applicant or licensee.
9 The board shall inform the ~~individual~~ petitioner of the board's determination within 45 days of
10 receiving the petition from the individual. The board may charge a fee to recoup its costs not to
11 exceed forty-five dollars (\$45.00) for each petition. If the board determines ~~an applicant~~ a
12 petitioner would likely be denied licensure based on the ~~individual's~~ petitioner's criminal history,
13 the board shall notify the ~~individual~~ petitioner in writing of the following:

14 (1) The grounds and reasons for the predetermination.

15 (2) That the petitioner has the right to complete any requirements for licensure, to
16 apply to the board, and to have the petitioner's application considered by the
17 board under its application process.

18 (3) That further evidence of rehabilitation will be considered upon application.

19 (b7) A predetermination made under subsection (b6) of this section that a petitioner's
20 criminal history would likely prevent licensure is not a final agency decision and does not entitle
21 the individual to any right to judicial review under Article 4 of Chapter 150B of the General
22 Statutes.

23 (b8) A predetermination made under subsection (b6) of this section that a petitioner is
24 eligible for a license is binding if both of the following apply:

25 (1) The petitioner applies for licensure and fulfills all other requirements for the
26 ~~occupational~~ license.

27 (2) The ~~applicant's~~ petitioner's submitted criminal history was correct and remains
28 unchanged at the time of application for a license.

29 (c) If a board requires an applicant to consent to a criminal history record check or use of
30 fingerprints or other identifying information required by the State or National Repositories of
31 Criminal Histories, the board may deny licensure to an applicant who refuses to consent.

32 (c1) Nothing in this section or in G.S. 93B-1 authorizes a board to require an applicant to
33 consent to a criminal history record check or use of fingerprints or other identifying information
34 required by the State or National Repositories of Criminal Histories as a condition of granting or
35 renewing a license.

36 (d) This section does not apply to The North Carolina Criminal Justice Education and
37 Training Standards Commission and the North Carolina Sheriffs' Education and Training
38 Standards Commission."

39 **SECTION 2.(a)** G.S. 20-79.2 reads as rewritten:

40 **"§ 20-79.2. Transporter plates.**

41 ...

42 (b2) Sanctions. – The following sanctions apply when a motor vehicle displaying a
43 "Dealer-Transporter" or "Transporter" license plate is driven in violation of the restrictions on
44 the use of the plate or of the requirement to have proof of financial responsibility:

45 (1) The individual driving the motor vehicle is responsible for an infraction and
46 is subject to a penalty of one hundred dollars (\$100.00).

47 (2) The dealer or business to whom the plate is issued is subject to a civil penalty
48 imposed by the Division of two hundred fifty dollars (\$250.00) per
49 occurrence.

(3) The Division may rescind all dealer license plates, dealer transporter plates, or transporter plates issued to the dealer or business whose plate was displayed on the motor vehicle.

(4) A person who sells, rents, leases, or otherwise provides a transporter plate to another person in exchange for the money or any other thing of value is guilty of a Class I felony. ~~A conviction for a violation of this subdivision is considered a felony involving moral turpitude for purposes of G.S. 20-294.~~

A penalty imposed under subdivision (1) of this subsection is payable to the county where the infraction occurred, as required by G.S. 14-3.1. A civil penalty imposed under subdivision (2) of this subsection shall be credited to the Highway Fund as nontax revenue. A law enforcement officer having probable cause to believe that a transporter plate is being used in violation of this section may seize the plate.

...."

SECTION 2.(b) G.S. 20-294 reads as rewritten:

"§ 20-294. Grounds for denying, suspending, placing on probation, or revoking licenses.

In accordance with ~~G.S. 20-295 and G.S. 20-296~~, G.S. 20-295, 20-296, and 93B-8.1, the Division may deny, suspend, place on probation, or revoke a license issued under this Article for any one or more of the following grounds:

...

(9) Being convicted of an offense set forth under G.S. 14-71.2, 14-160.4, 20-79.2, 20-106.1, 20-107, or 20-112 while holding ~~such a~~ the license or within five years ~~next preceding before~~ the date of filing the application; or being convicted of a felony ~~involving moral turpitude~~ under the laws of this State, another state, or the United States. It ~~shall be~~ is an affirmative defense, and will operate as a stay of ~~this violation~~, any adverse action by the Division if the person charged is determined to qualify and obtains seeks expunction, certificate of relief, ~~or pardon, or, if or to have~~ the violative conviction is vacated. If relief is granted, ~~this violation is~~ any adverse action by the Board is dismissed. If relief is denied, the stay is lifted.

...."

SECTION 3.(a) G.S. 53-244.050 reads as rewritten:

"§ 53-244.050. License and registration application; claim of exemption.

(a) Applicants for a license or registration shall apply through the Nationwide Mortgage Licensing System and Registry on a form acceptable to the Commissioner, including the following information:

...

(4) The qualifications and business history of the applicant and, if applicable, the business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the ~~applicant, including applicant~~, including the following:

- a. A description of any injunction or administrative order by any state or federal authority to which the person is or has been ~~subject~~; subject.
- b. Any conviction, within the past 10 years, of a misdemeanor involving ~~moral turpitude or any fraud, false statement or omission, any theft or wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or conspiracy to commit any of these offenses, or involving any financial service or financial service- related business;~~ and business.
- c. Any felony convictions.

...."

1 **SECTION 3.(b)** G.S. 53-244.060 reads as rewritten:

2 "**§ 53-244.060. Issuance of license or registration.**

3 If an applicant satisfies the requirements of G.S. 53-244.050, the Commissioner shall issue a
4 mortgage lender, mortgage broker, mortgage servicer, mortgage loan originator, or transitional
5 mortgage loan originator license, or a mortgage origination support registrant registration, unless
6 the Commissioner finds any of the following:

7 ...

8 (2) The applicant or its controlling persons have been convicted of or plead guilty
9 or nolo contendere to a felony in a domestic, foreign, or military ~~court~~court
10 as described in either of the following:

11 a. During the seven-year period preceding the date of the application for
12 licensing and ~~registration~~or registration.

13 b. At any time preceding the date of application, if the felony involved
14 an act of fraud, dishonesty, a breach of trust, or money laundering.

15 A pardon of a conviction ~~shall not be~~is not a conviction for purposes of this
16 subdivision.

17 (3) The applicant or any of its controlling persons have been convicted of or plead
18 guilty or nolo contendere to any charge in a domestic, foreign, or military
19 court, within the past five years, of a misdemeanor involving ~~moral turpitude~~
20 ~~or~~ any fraud, false statement or omission, any theft or wrongful taking of
21 property, bribery, perjury, forgery, counterfeiting, extortion, or conspiracy to
22 commit any of these offenses, or involving any financial service or financial
23 service-related business. If the application is for licensure as a mortgage loan
24 originator, this subdivision is subject to G.S. 93B-8.1.

25 "

26 **SECTION 4.(a)** G.S. 58-33-46 reads as rewritten:

27 "**§ 58-33-46. Suspension, probation, revocation, or nonrenewal of licenses.**

28 (a) The Commissioner may place on probation, suspend, revoke, or refuse to renew any
29 license issued under this Article, in accordance with ~~the provisions of G.S. 93B-8.1 and~~ Article
30 3A of Chapter 150B of the General Statutes, for any one or more of the following causes:

31 ...

32 (6) Having been convicted of ~~a~~any felony or of a misdemeanor involving
33 ~~dishonesty, a breach of trust, or moral turpitude.~~dishonesty or a breach of trust.

34 "

35 **SECTION 4.(b)** G.S. 58-58-215 reads as rewritten:

36 "**§ 58-58-215. License revocation and denial.**

37 The Commissioner may suspend, revoke, or refuse to issue or renew the license of a provider
38 or broker if the Commissioner finds ~~that~~any of the following:

39 ...

40 (4) ~~The~~Subject to G.S. 93B-8.1, the licensee or any officer, partner, member, or
41 key management personnel has been found guilty of, or has pleaded guilty or
42 nolo contendere to, any ~~felony~~felony or to a misdemeanor involving ~~fraud or~~
43 ~~moral turpitude, fraud,~~ regardless of whether a judgment of conviction has
44 been entered by the court;

45 "

46 **SECTION 4.(c)** G.S. 58-71-80 reads as rewritten:

47 "**§ 58-71-80. Grounds for denial, suspension, probation, revocation, or nonrenewal of**
48 **licenses.**

49 (a) The Commissioner may deny, place on probation, suspend, revoke, or refuse to renew
50 any license issued under this Article, in accordance with ~~the provisions of G.S. 93B-8.1 and~~
51 Article 3A of Chapter 150B of the General Statutes, for any one or more of the following causes:

1 ...
 2 (6) Conviction of a crime involving ~~dishonesty, breach of trust, or moral~~
 3 ~~turpitude.~~ dishonesty or breach of trust.

4"

5 **SECTION 4.(d)** G.S. 143-151.56 reads as rewritten:

6 **"§ 143-151.56. Suspension, revocation, and refusal to renew license.**

7 (a) The Board may deny or refuse to issue or renew a license, may suspend or revoke a
 8 license, or may impose probationary conditions on a license if the license holder or applicant for
 9 licensure has engaged in any of the following conduct:

10 ...

11 (5) ~~Been~~ Subject to G.S. 93B-8.1, been convicted of or pled guilty or nolo
 12 contendere to ~~any misdemeanor involving moral turpitude or to any felony a~~
 13 ~~felony or misdemeanor.~~ felony or misdemeanor.

14"

15 **SECTION 5.(a)** G.S. 66-234 reads as rewritten:

16 **"§ 66-234. Registration of membership camping operator.**

17 (a) The application for registration shall be on a form prescribed by the Secretary of State
 18 and shall include the following:

19 ...

20 (12) A brief description of the membership camping operator's experience in the
 21 membership camping business, including the length of time ~~such~~ the operator
 22 has been in the membership camping ~~business;~~ business and a statement
 23 detailing whether the applicant within the past five years has been convicted
 24 of any misdemeanor or felony involving theft, fraud, ~~dishonesty, or moral~~
 25 ~~turpitude, or dishonesty,~~ or whether the applicant has been enjoined from, had
 26 any civil penalty assessed for, or been found to have engaged in any violation
 27 of any law designed to protect consumers. If the applicant is a corporation,
 28 this statement shall be provided for each officer of the corporation.

29"

30 **SECTION 5.(b)** G.S. 66-237 reads as rewritten:

31 **"§ 66-237. Registration of salespersons.**

32 (a) It ~~shall be~~ is unlawful for any salesperson to offer to sell any membership camping
 33 contract in this State unless ~~he~~ the salesperson is registered with the Secretary of State. The
 34 application of a salesperson for registration shall be on a form prescribed by the Secretary of
 35 State and shall include both of the following:

36 (1) A statement detailing whether the applicant within the past five years has been
 37 convicted of any misdemeanor or felony involving theft, fraud, ~~dishonesty, or~~
 38 ~~moral turpitude, or dishonesty,~~ or whether the applicant has been enjoined
 39 from, had any civil penalty assessed for, or been found to have engaged in any
 40 violation of any law designed to protect ~~consumers, and~~ consumers.

41 (2) A statement describing the applicant's employment history for the past five
 42 years and whether any termination of employment during the last five years
 43 was occasioned by any theft, fraud, or act of dishonesty.

44"

45 **SECTION 5.(c)** G.S. 78C-89 reads as rewritten:

46 **"§ 78C-89. Registration as athlete agent; form; requirements.**

47 (a) An individual seeking registration as an athlete agent shall submit an application for
 48 registration to the Secretary of State in a form prescribed by the Secretary of State. The
 49 application must be in the name of an individual and, except as otherwise provided in subsection
 50 (b) of this section, signed or otherwise authenticated by the applicant under penalty of perjury
 51 and must state or contain the following:

1 ...
 2 (8) Whether the applicant or any person named under subdivision (7) of this
 3 subsection has been convicted of a ~~crime that, if committed in this State,~~
 4 ~~would be a crime involving moral turpitude or a felony and identify the~~
 5 ~~crime~~ a misdemeanor involving theft, fraud, or dishonesty, or a felony.

6"

7 **SECTION 5.(d)** G.S. 78C-90 reads as rewritten:

8 **"§ 78C-90. Certificate of registration; issuance or denial; renewal.**

9 ...
 10 (b) The Secretary of State may refuse to issue a certificate of registration if the Secretary
 11 of State determines that the applicant has engaged in conduct that has a significant adverse effect
 12 on the applicant's fitness to act as an athlete agent. In making the determination, the Secretary of
 13 State may consider whether the applicant ~~has~~ has done any of the following:

14 (1) ~~Been convicted of a crime that, if committed in this State, would be a crime~~
 15 ~~involving moral turpitude or a felony.~~ Subject to G.S. 93B-8.1, been convicted
 16 of a misdemeanor involving theft, fraud, or dishonesty, or a felony.

17"

18 **SECTION 6.(a)** G.S. 74D-2 reads as rewritten:

19 **"§ 74D-2. License requirements.**

20 ...
 21 (d) Criminal Record Check. – An applicant must meet all of the following requirements
 22 and qualifications determined by a background investigation conducted by the Board in
 23 accordance with G.S. 74D-2.1 and upon receipt of an application:

24 (1) The applicant is at least 18 years of age.

25 (2) The applicant is of good moral character and temperate habits. The following
 26 shall be prima facie evidence that the applicant does not have good moral
 27 character or temperate habits: conviction by any local, State, federal, or
 28 military court of any crime involving the illegal use, carrying, or possession
 29 of a firearm; conviction of any crime involving the illegal use, possession,
 30 sale, manufacture, distribution or transportation of a controlled substance,
 31 drug, narcotic, or alcoholic beverages; conviction of a crime involving
 32 felonious assault or an act of violence; conviction of a crime involving
 33 unlawful breaking or entering, burglary, ~~larceny, or of any offense involving~~
 34 ~~moral turpitude; or larceny; or a history of addiction to alcohol or a narcotic~~
 35 ~~drug; provided that, for drug.~~ For purposes of this subsection, subdivision,
 36 "conviction" means and includes the entry of a plea of guilty, plea of no
 37 contest, or a guilty verdict rendered in open court by a judge or jury.

38 (3) The applicant has the necessary training, ~~qualifications~~ qualifications, and
 39 experience to be licensed.

40"

41 **SECTION 6.(b)** G.S. 74D-6 reads as rewritten:

42 **"§ 74D-6. Denial of a license or registration.**

43 Upon a finding that the applicant meets the requirements for licensure or registration under
 44 this Chapter, the Board shall determine whether the applicant shall receive the license or
 45 registration applied for. ~~The grounds for denial include:~~ Subject to the requirements of
 46 G.S. 93B-8.1 and Article 3A of Chapter 150B of the General Statutes, the Board may deny
 47 licensure on any of the following grounds:

48 (1) Commission of some act ~~which, that,~~ if committed by a registrant or licensee,
 49 would be grounds for the suspension or revocation of a registration or license
 50 under this ~~Chapter;~~ Chapter.

51 (2) Conviction of a crime involving ~~fraud;~~ fraud.

- 1 (3) Lack of good moral character or temperate habits. The following ~~shall be~~ is
 2 prima facie evidence that the applicant does not have good moral character or
 3 temperate habits: conviction by any local, State, federal, or military court of
 4 any crime involving the illegal use, carrying, or possession of a firearm;
 5 conviction of any crime involving the illegal use, possession, sale,
 6 manufacture, distribution, or transportation of a controlled substance, drug,
 7 narcotic, or alcoholic beverages; conviction of a crime involving felonious
 8 assault or an act of violence; conviction of a crime involving unlawful
 9 breaking or entering, ~~burglary or larceny or of any offense involving moral~~
 10 ~~turpitude; burglary, or larceny;~~ burglary, or larceny; or a history of addiction to alcohol or a narcotic
 11 ~~drug; provided that, for drug.~~ For purposes of this subsection-subdivision,
 12 "conviction" means and includes the entry of a plea of guilty, plea of no
 13 contest, or a guilty verdict rendered in open court by a judge or ~~jury;~~ jury.
 14 (4) Previous denial under this Chapter or previous revocation for ~~cause;~~ cause.
 15 (5) Knowingly making any false statement or misrepresentation in an application
 16 made to the Board for a license or registration."

17 **SECTION 6.(c)** G.S. 74D-10 reads as rewritten:

18 **"§ 74D-10. Suspension or revocation of licenses and registrations; appeal.**

19 (a) The Board may, after notice and an opportunity for hearing, suspend or revoke a
 20 license or registration issued under this Chapter if it is determined that the licensee or registrant
 21 ~~has~~ has done any of the following:

- 22 ...
 23 (4) ~~Been Subject to G.S. 93B-8.1, been~~ convicted of any crime involving moral
 24 ~~turpitude or any other crime involving violence or the illegal use, carrying, or~~
 25 ~~possession of a dangerous weapon.~~
 26 "

27 **SECTION 7.** G.S. 83A-15 reads as rewritten:

28 **"§ 83A-15. Denial, ~~suspension~~ suspension, or revocation of license.**

29 (a) The Board ~~shall have the power to suspend or revoke~~ may suspend, revoke, or deny
 30 a license or certificate of registration of an architect or a registration of an interior ~~designer, to~~
 31 ~~deny a license or certificate of registration of an architect or a registration of an interior designer,~~
 32 ~~designer~~ or to ~~may~~ reprimand or levy a civil penalty not in excess of five hundred dollars
 33 (\$500.00) per violation against any registrant who is found guilty ~~of~~ of any of the following:

- 34 ...
 35 (3) Unprofessional conduct, including but not limited to:
 36 ...
 37 d. Willfully violating this Chapter or any rule or standard of conduct
 38 published by the ~~Board, or pleading guilty or nolo contendere to a~~
 39 ~~felony or any crime involving moral turpitude.~~ Board.
 40 ...
 41 g. Subject to G.S. 93B-8.1, being convicted of or pleading guilty or nolo
 42 contendere to a felony or misdemeanor.

43 "

44 **SECTION 8.(a)** G.S. 85B-3.2 reads as rewritten:

45 **"§ 85B-3.2. Criminal history record checks of applicants for licensure.**

46 ...
 47 (d) If the applicant's verified criminal history record check reveals one or more
 48 convictions of a crime that is punishable as a felony offense, or the conviction of any ~~crime~~
 49 ~~misdemeanor involving fraud or moral turpitude, fraud,~~ the Commission may deny the applicant's
 50 license. However, the conviction does not automatically prohibit licensure, and the ~~following~~

1 factors listed in G.S. 93B-8.1(b1) shall be considered by the Commission in determining whether
 2 to deny ~~licensure~~:licensure.

- 3 (1) ~~The level and seriousness of the crime.~~
- 4 (2) ~~The date of the crime.~~
- 5 (3) ~~The age of the person at the time of the crime.~~
- 6 (4) ~~The circumstances surrounding the commission of the crime, if known.~~
- 7 (5) ~~The nexus between the criminal conduct of the applicant and the applicant's~~
 8 ~~duties as an auctioneer, apprentice auctioneer, or auction firm.~~
- 9 (6) ~~The prison, jail, probation, parole, rehabilitation, and employment records of~~
 10 ~~the applicant since the date the crime was committed.~~
- 11 (7) ~~The subsequent commission by the person of a crime.~~

12"

13 **SECTION 8.(b)** G.S. 85B-4 reads as rewritten:

14 **"§ 85B-4. Licenses required.**

15 ...

16 (b) No person shall be licensed as an apprentice auctioneer, auctioneer, or receive an
 17 auction firm license if any of the following apply to the person:

18 ...

- 19 (3) ~~Has~~ Subject to G.S. 93B-8.1, has within the preceding five years pleaded
 20 guilty to, entered a plea of nolo ~~contendere~~ or contendere, or been convicted
 21 of any felony, or committed or been convicted of any act involving ~~fraud or~~
 22 ~~moral turpitude~~:fraud.

23"

24 **SECTION 8.(c)** G.S. 85B-8 reads as rewritten:

25 **"§ 85B-8. Prohibited acts; assessment of civil penalty; denial, suspension, or revocation of**
 26 **license.**

27 (a) The following ~~shall be~~ are grounds for the assessment of a civil penalty in accordance
 28 with G.S. 85B-3.1(b) or the denial, suspension, or revocation of an auctioneer, auctioneer
 29 apprentice, or auction firm license:

30 ...

- 31 (9) ~~The~~ Subject to G.S. 93B-8.1, the commission or conviction of a crime that is
 32 punishable as a felony offense under the laws of North Carolina or the laws of
 33 the jurisdiction where committed or ~~convicted~~, convicted or the commission
 34 of any act involving ~~fraud or moral turpitude~~:fraud.

35"

36 **SECTION 9.** G.S. 87-47 reads as rewritten:

37 **"§ 87-47. Penalties imposed by Board; enforcement procedures.**

38 ...

39 (a1) The following activities are prohibited:

40 ...

- 41 (4) Being convicted of a crime ~~involving fraud or moral turpitude~~:that is violent
 42 or sexual in nature.

43"

44 **SECTION 10.** G.S. 89C-21 reads as rewritten:

45 **"§ 89C-21. Disciplinary action – ~~Reexamination, reexamination, revocation, suspension,~~**
 46 **reprimand, or civil penalty.**

47 (a) The Board may reprimand the licensee, suspend, refuse to renew, refuse to reinstate,
 48 or revoke the certificate of licensure, require additional education or, as appropriate, require
 49 reexamination, for any engineer or land surveyor, who is found guilty of any of the following:

50 ...

(3) ~~Conviction-Subject to G.S. 93B-8.1, conviction of, or entry of a plea of guilty or nolo contendere to, any crime that is a felony, whether or not related to the practice of engineering or surveying; conviction of, or entry of a plea of guilty or nolo contendere to, any crime, whether a felony, misdemeanor, or otherwise, where an essential element of the crime is dishonesty or when the crime is directly related to the practice of engineering or surveying; or conviction of, or entry of a plea of guilty or nolo contendere, of any crime involving moral turpitude.~~crime.

...."

SECTION 11. G.S. 90-14 reads as rewritten:

"§ 90-14. Disciplinary Authority-authority.

(a) The Board shall have the power to may place on probation with or without conditions, impose limitations and ~~conditions on,~~conditions, publicly reprimand, assess monetary redress, issue public letters of concern, mandate free medical services, require satisfactory completion of treatment programs or remedial or educational training, fine, or deny, annul, suspend, or revoke a ~~license,~~license or other authority to practice medicine in this State, ~~issued by the Board to any person who has been found by the Board to have committed any of the following acts or conduct, or for any of the following reasons:~~State on any of the following grounds:

...

(7) ~~Conviction in any court of a crime involving moral turpitude, or the~~The violation of a law involving the practice of ~~medicine,~~medicine or a conviction of a felony; ~~provided that a felony conviction shall be treated~~felony as provided in subsection (c) of this section.

...

(c) Except as provided in subsection (c1) of this ~~section,~~section and subject to G.S. 93B-8.1, a felony conviction shall result in the ~~automatic~~revocation of a license issued by the ~~Board,~~Board unless the Board orders otherwise or receives a request for a hearing from the ~~person~~licensee within 60 days of the licensee receiving notice from the Board, after the conviction, of the provisions of this subsection. If the Board receives a timely request for a ~~hearing in such a case, the provisions of G.S. 90-14.2 shall be followed.~~a hearing, the hearing shall be conducted in accordance with G.S. 90-14.2.

...."

SECTION 12.(a) G.S. 90-30 reads as rewritten:

"§ 90-30. Examination and licensing of applicants; qualifications; ~~causes for refusal to grant license;~~ void licenses.

(a) The North Carolina State Board of Dental Examiners shall grant licenses to practice dentistry to ~~such~~applicants who are graduates of a reputable dental ~~institution,~~institution and who, in the opinion of a majority of the Board, shall undergo a satisfactory examination of proficiency in the knowledge and practice of ~~dentistry, subject, however, to the further provisions of this section and of the provisions~~dentistry and meet the other requirements of this Article.

The applicant for a license to practice dentistry shall be ~~of good moral character,~~at least 18 years of age at the time the application is filed. The application for a dental license shall be made to the Board in writing and shall be accompanied by evidence satisfactory to the Board that the applicant ~~is~~meets the following standards:

- (1) ~~Is a person of good moral character, has an~~character.
- (2) ~~Meets the academic education, the standard of which shall be determined by the Board; that the applicant is~~education standard of the Board.
- (3) ~~Is a graduate of and has a diploma from a reputable dental college or the dental department of a reputable university or college recognized, accredited~~accredited, and approved ~~as such~~by the ~~Board;~~and that the applicant has ~~passed~~Board.

(4) ~~Passes a clinical licensing examination, the standard of which shall be determined by the Board.~~ examination approved by the Board.

(a1) ~~The North Carolina State Board of Dental Examiners is authorized to may conduct both written or oral and clinical examinations or to and written or oral examinations or may accept the results of other Board-approved regional or national independent third-party clinical examinations that shall examinations. The Board shall only approve third-party clinical examinations that include procedures performed on either human subjects or an approved alternative method, including manikins that simulate human subjects, as part of the assessment of restorative clinical competencies and that are determined by the Board to be of such a character as to that thoroughly test-tests the qualifications of the applicant, and applicant. The Board may refuse to grant a license to any person who, in its discretion, is found deficient in the examination. The Board may refuse to grant a license to any person guilty of cheating, deception-deception, or fraud during the examination, or whose examination discloses to the satisfaction of the Board, a deficiency in academic or clinical education. examination. The Board may employ such-qualified dentists found-qualified therefor by the Board, in examining applicants for licenses as it deems appropriate.~~

~~The North Carolina State Board of Dental Examiners may refuse to grant a license to any person guilty of a crime involving moral turpitude, or gross immorality, or to any person addicted to the use of alcoholic liquors or narcotic drugs to such an extent as, in the opinion of the Board, renders the applicant unfit to practice dentistry.~~

Any license obtained through fraud or by any false representation ~~shall be void ab initio and of no effect.~~ is void ab initio.

...."

SECTION 12.(b) G.S. 90-41 reads as rewritten:

"§ 90-41. Disciplinary action.

(a) The North Carolina State Board of Dental Examiners ~~shall have the power and authority to may~~ (i) Refuse-refuse to issue a license to practice dentistry; (ii) Refuse-refuse to issue a certificate of renewal of a license to practice dentistry; (iii) Revoke-revoke or suspend a license to practice dentistry; and (iv) ~~Invoke-such-invoke~~ other disciplinary measures, censure, or ~~probative-probationary~~ terms against a licensee ~~as it deems fit and proper; in any instance or instances in which if~~ the Board is satisfied that ~~such applicant or licensee;~~ any of the following applies to the applicant or licensee:

...

(3) ~~Has been convicted of any of the criminal provisions of this Article or has entered a plea of guilty or nolo contendere to any charge or charges arising therefrom;~~

(4) ~~Has-Subject to G.S. 93B-8.1, has been convicted of or entered a plea of guilty or nolo contendere to any felony charge or to any misdemeanor charge involving moral turpitude;a felony or misdemeanor;~~

(5) ~~Has been convicted of or entered a plea of guilty or nolo contendere to any charge of violation of any state or federal narcotic or barbiturate law;~~

...

(7) Is mentally, emotionally, or physically unfit to practice dentistry or is afflicted with such a physical or mental disability as to be deemed dangerous to the health and welfare of his patients. An adjudication of mental incompetency in a court of competent jurisdiction or a determination ~~thereof~~ by other lawful means ~~shall be is~~ conclusive proof of unfitness to practice dentistry unless or until such person shall have been subsequently lawfully declared to be mentally-competent;a legal determination of mental competence is subsequently declared;

...."

1 **SECTION 12.(c)** G.S. 90-229 reads as rewritten:

2 "**§ 90-229. Disciplinary measures.**

3 (a) The North Carolina State Board of Dental Examiners ~~shall have the power and~~
4 ~~authority to~~ may (i) ~~Refuse-refuse~~ to issue a license to practice dental hygiene; (ii) ~~Refuse-refuse~~
5 to issue a certificate of renewal to practice dental hygiene; (iii) ~~Revoke-revoke~~ or suspend a
6 license to practice dental hygiene; [and] and (iv) ~~Invoke-such-invoke~~ other disciplinary measures,
7 censure or ~~probative-probationary~~ terms against a licensee ~~as it deems proper; in any instance or~~
8 ~~instances in which~~ if the Board is satisfied that ~~such applicant or licensee;~~ any of the following
9 applies to the applicant or licensee:

10 ...

11 (2) ~~Has been convicted of any of the criminal provisions of this Article or has~~
12 ~~entered a plea of guilty or nolo contendere to any charge or charges arising~~
13 ~~therefrom;~~

14 (3) ~~Has~~ Subject to G.S. 93B-8.1, has been convicted of or entered a plea of guilty
15 or nolo contendere to ~~any felony charge or to any misdemeanor charge~~
16 ~~involving moral turpitude;~~ a felony or misdemeanor;

17 "

18 **SECTION 13.(a)** G.S. 90-102.1 reads as rewritten:

19 "**§ 90-102.1. Registration of persons requiring limited use of controlled substances for**
20 **training purposes in certain businesses.**

21 ...

22 (c) Prerequisites for Registration. – Upon receipt of an application, the Department of
23 Health and Human Services shall conduct a background investigation, during the course of which
24 the applicant shall be required to show that the applicant meets all the ~~following~~ requirements
25 and ~~qualifications;~~ qualifications listed in this subsection. For purposes of this subsection,
26 conviction means the entry of a plea of guilty or no contest or a guilty verdict rendered in open
27 court by a judge or jury. The requirements are as follows:

28 (1) That the applicant is at least 21 years of age.

29 (2) That the applicant is of good moral character and temperate habits. ~~The~~ Any
30 of the following shall be ~~is~~ prima facie evidence that the applicant does not
31 have good moral character or temperate habits:

32 a. Conviction of any crime involving the illegal use, possession, sale,
33 manufacture, distribution, or transportation of a controlled substance,
34 drug, narcotic, or alcoholic ~~beverage;~~ beverage.

35 b. Conviction of a felony or a crime involving an act of
36 ~~violence;~~ violence.

37 c. Conviction of a crime involving unlawful breaking or entering,
38 burglary, ~~larceny, or any offense involving moral turpitude; or~~
39 larceny.

40 d. A history of addiction to alcohol or a narcotic ~~drug;~~ drug.
41 ~~provided that, for purposes of this subsection, conviction means and includes~~
42 ~~the entry of a plea of guilty or no contest or a verdict rendered in open court~~
43 ~~by a judge or jury.~~

44 (3) That the applicant has not been convicted of any felony involving the illegal
45 use, possession, sale, manufacture, distribution, or transportation of a
46 controlled substance, drug, narcotic, or alcoholic beverage.

47 (4) That the applicant has the necessary training, qualifications, and experience to
48 demonstrate competency and fitness as a dog handler as the Department of
49 Health and Human Services may determine by rule for all registrations to be
50 approved by the Department.

(5) That the applicant affirms in writing that if the application for registration is approved, the applicant shall report all dog alerts to, or finds of, any controlled substance to a law enforcement agency having jurisdiction in the area where the dog alert occurs or where the controlled substance is found.

...
 (j) Enforcement. – The Department of Health and Human Services ~~shall have the power to~~ may investigate or cause to be investigated any complaints, allegations, or suspicions of wrongdoing or violations of this section involving individuals registered or applying to be registered under this section. ~~The~~ In accordance with G.S. 93B-8.1 and Article 3 of Chapter 150B of the General Statutes, the Department or the Commission may deny, suspend, or revoke a registration issued under this section if it is determined that the applicant or registrant has ~~has~~ done any of the following:

- (1) Made any false statement or given any false information in connection with any application for a registration or for the renewal or reinstatement of a registration.
- (2) Violated ~~any provision of~~ this Article.
- (3) Violated any rule promulgated by the Department of Health and Human Services or the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services pursuant to the authority contained in this Article.

...."

SECTION 13.(b) G.S. 90A-64 reads as rewritten:

"§ 90A-64. Suspensions and revocations of certificates.

(a) The Board ~~shall have the power to~~ may refuse to ~~grant,~~ grant or may suspend or ~~revoke,~~ revoke any certificate issued under ~~provisions of~~ this Article for any of the ~~causes hereafter enumerated,~~ following reasons, as determined by the Board:

- ...
 (9) ~~Conviction in any court of a crime involving moral turpitude or conviction of a felony;~~ Subject to G.S. 93B-8.1, conviction of a felony or misdemeanor;

(a1) A registered environmental health specialist or registered environmental health specialist intern who is convicted of a felony ~~or a crime of moral turpitude~~ shall report the conviction to the Board within 30 days from the date of the conviction. A felony conviction shall result in the automatic suspension of a certificate issued by the Board for 60 days until further action is taken by the Board. The Board shall immediately begin the hearing process in accordance with Article 3A of Chapter 150B of the General Statutes. Nothing in this section ~~shall preclude~~ precludes the Board from taking further action.

...."

SECTION 14. G.S. 90-113.44 reads as rewritten:

"§ 90-113.44. Grounds for disciplinary action.

(a) Grounds for disciplinary action for an applicant or credentialed professional ~~include;~~ include any of the following:

- ...
 (3) ~~Conviction~~ Subject to G.S. 93B-8.1, conviction of an offense under any municipal, State, or federal law other than traffic laws as prescribed by Chapter 20 of the General Statutes. Conviction of a Class A through E felony shall result in an immediate suspension of licensure, certification, or registration for a minimum of one year.
- (4) ~~Conviction of a felony or other public offense involving moral turpitude. Conviction of a Class A-E felony shall result in an immediate suspension of licensure, certification, or registration for a minimum of one year.~~

...."

SECTION 15. G.S. 90-121.2 reads as rewritten:

"§ 90-121.2. ~~Rules and regulations;~~ Rules; discipline, suspension, revocation-revocation, and regrant of certificate.

(a) The Board shall have the power to make, adopt, and promulgate such rules and regulations, may adopt rules, including rules of ethics, as may be necessary and proper for the regulation of the practice of the profession of optometry and for the performance of its duties. optometry. The Board shall have has jurisdiction and power to hear and determine all complaints, allegations, charges-complaints of malpractice, corrupt or unprofessional conduct, and of the or violation of the ~~rules and regulations,~~ rules, including rules of ethics, made against any optometrist licensed to practice in North Carolina. The Board shall also have the power and authority to: may also (i) refuse to issue a license to practice optometry; (ii) refuse to issue a certificate of renewal of a license to practice optometry; (iii) revoke or suspend a license to practice optometry; and (iv) invoke such other disciplinary measures, censure, or probative probationary terms against a licensee as it deems fit and proper; ~~in any instance or instances in which if~~ the Board is satisfied that ~~such~~ the applicant or licensee meets any of the following criteria:

...

(3) ~~Has been convicted of any of the criminal provisions of this Article or has entered a plea of guilty or nolo contendere to any charge or charges arising therefrom;~~

(4) ~~Has~~ Subject to G.S. 93B-8.1, has been convicted of or entered a plea of guilty or nolo contendere to ~~any felony charge or to any misdemeanor charge involving moral turpitude;~~ a felony or misdemeanor;

(5) ~~Has been convicted of or entered a plea of guilty or nolo contendere to any charge of violation of any State or federal narcotic or barbiturate law;~~

...."

SECTION 16. G.S. 90-154 reads as rewritten:

"§ 90-154. Grounds for professional discipline.

(a) The North Carolina State Board of Chiropractic Examiners may impose any of the following sanctions, singly or in combination, when it finds that a practitioner or applicant is guilty of any offense described in subsection ~~(b);~~ (b) of this section:

...

(b) Any one of the following is grounds for disciplinary action by the Board under subsection ~~(a);~~ (a) of this section:

...

(2) ~~Conviction of a felony or of a crime involving moral turpitude.~~ Subject to G.S. 93B-8.1, conviction of a felony or misdemeanor.

...."

SECTION 17. G.S. 90-187.8 reads as rewritten:

"§ 90-187.8. Discipline of licensees.

(a) Upon complaint or information, and within the Board's discretion, the Board may revoke or suspend a license issued under this Article, may otherwise discipline a person licensed under this Article, or may deny a license required by this Article in accordance with ~~the provisions of this Article, Board rules, and~~ G.S. 93B-8.1, Chapter 150B of the General Statutes. Statutes, and Board rules. As used in this section, the word "license" includes a license, a limited license, a veterinary faculty certificate, a zoo veterinary certificate, and a registration of a veterinary technician and a veterinary student intern.

...

(c) Grounds for disciplinary action shall include but are not ~~be~~ limited to the following:

...

(5) Conviction of a ~~felony or other public offense involving moral turpitude;~~ felony or misdemeanor.

...."

SECTION 18. G.S. 90-202.8 reads as rewritten:

"§ 90-202.8. Revocation of certificate; grounds for; suspension of certificate.

(a) The North Carolina State Board of Podiatry Examiners, in accordance with G.S. 93B-8.1 and Chapter 150B (Administrative Procedure Act) of the General Statutes, ~~shall have the power and authority to;~~ may (i) refuse to issue a license to practice podiatry; (ii) refuse to issue a certificate of renewal of a license to practice podiatry; (iii) revoke or suspend a license to practice podiatry; and (iv) invoke ~~such~~ other disciplinary measures, censure, or ~~probative probationary~~ terms against a licensee as it deems fit and proper; ~~in any instance or instances in which if~~ the Board is satisfied that ~~such applicant or licensee;~~ any of the following apply to the applicant or licensee:

...

(4) Has been convicted of or entered a plea of guilty or nolo contendere to any ~~felony charge or to any misdemeanor charge involving moral turpitude;~~ felony or misdemeanor;

...."

SECTION 19.(a) G.S. 90-210.25 reads as rewritten:

"§ 90-210.25. ~~Licensing;~~ Licensing and permitting.

...

(c) Registration, ~~Filing~~ Filing, and Transportation. –

...

(14) The Board may suspend, revoke, or refuse to issue or renew the permit, place the permittee on a term of probation, or impose a civil penalty not to exceed five thousand dollars (\$5,000) in conjunction with a term of probation or ~~in lieu~~ instead of other disciplinary action ~~when if~~ it finds that ~~any the~~ person permitted to transport dead human bodies ~~has engaged in~~ any of the following acts:

a. ~~Conviction~~ Subject to G.S. 93B-8.1, conviction of a felony ~~felony,~~ or a crime involving ~~fraud or moral turpitude.~~ fraud.

...

The Board ~~shall have the authority to~~ may determine the length and conditions of any period of revocation, suspension, refusal to issue or renew, or probation.

...

(e) Revocation; Suspension; Compromise; Disclosure. –

(1) Whenever the Board finds that an applicant for a license or a person to whom a license has been issued by the Board is guilty of any of the following acts or omissions and the Board also finds that the person has ~~thereby~~ become unfit to practice, the Board may suspend or revoke the license or refuse to issue or renew the license, in accordance with G.S. 93B-8.1 and the procedures set out in Chapter 150B of the General Statutes:

a. Conviction of a ~~felony~~ felony, or a crime involving ~~fraud or moral turpitude.~~ fraud.

...

(2) ~~Where If~~ the Board finds that a licensee is guilty of one or more of the acts or omissions listed in subdivision ~~(e)(1)-(1)~~ (1) of this ~~section~~ subsection but it is determined by the Board that the licensee has not ~~thereby~~ become unfit to practice, the Board may place the licensee on a term of probation in accordance with the procedures set out in Chapter 150B of the General

Statutes. In any case in which the Board is ~~entitled to~~ may place a licensee on a term of probation, the Board may also impose a penalty of not more than five thousand dollars (\$5,000) in conjunction with the probation. The Board may also require satisfactory completion of remedial or educational training as a prerequisite to license reinstatement or ~~for completing completion of~~ the term of probation. The Board ~~shall have the authority to~~ may determine the length and conditions of any period of suspension, revocation, probation, or refusal to issue or renew a license.

...."

SECTION 19.(b) G.S. 90-210.69 reads as rewritten:

"§ 90-210.69. Rulemaking; enforcement of Article; judicial review; determination of penalty amount.

...

(c) In accordance with ~~the provisions of~~ G.S. 93B-8.1 and Chapter 150B of the General Statutes, the Board may refuse to issue or renew a license, suspend or revoke a license, or may place the licensee on probation upon conditions set by the Board, with revocation upon failure to comply with those conditions, if the Board finds that a licensee, an applicant for a license or an applicant for license renewal or licensee is guilty of one or more of the following, the Board may refuse to issue or renew a license or may suspend or revoke a license or place the holder thereof on probation upon conditions set by the Board, with revocation upon failure to comply with the conditions:following:

...

(3) A crime involving ~~fraud or moral turpitude by conviction thereof.~~ fraud.

...."

SECTION 19.(c) G.S. 90-210.123 reads as rewritten:

"§ 90-210.123. Licensing and inspection.

...

(g) ~~Whenever the Board finds that an owner, partner, crematory manager, member, officer, or any crematory technician of a crematory licensee or any applicant to become a crematory licensee, or that any authorized employee, agent, or representative has violated any provision of this Article, or is guilty of any of the following acts, and when the Board also finds that the crematory operator or applicant has thereby become unfit to practice, the Board may suspend, revoke, or refuse to issue or renew the license, in accordance with Chapter 150B of the General Statutes:~~ The Board may suspend or revoke a license or refuse to issue or renew a license, in accordance with G.S. 93B-8.1 and Chapter 150B of the General Statutes, if the Board finds that an applicant or an owner, partner, crematory manager, member, officer, authorized employee, agent, representative, or crematory technician of a crematory licensee has become unfit to practice due to violation of this Article or any of the following:

(1) Conviction of a felony or a crime involving ~~fraud or moral turpitude.~~ fraud.

...

(h) ~~Where~~ If the Board finds a licensee is guilty of one or more of the acts or omissions listed in subsection (g) of this section but it is determined by the Board that the licensee has not ~~thereby~~ become unfit to practice, the Board may place the licensee on a term of probation in accordance with the procedures set out in Chapter 150B of the General Statutes. In any case in which the Board is entitled to place a licensee on a term of probation, the Board may also impose a penalty of not more than five thousand dollars (\$5,000) in conjunction with the probation. The Board may determine the length and conditions of any period of probation, suspension, revocation, or refusal to issue or renew a license.

...."

SECTION 20. G.S. 90-249.1 reads as rewritten:

"§ 90-249.1. Disciplinary actions.

1 (a) The Board may suspend, revoke, or refuse to issue, renew, or reinstate any license for
2 any of the following:

3 ...

4 (8) ~~Being Subject to G.S. 93B-8.1, being convicted of a crime involving fraud or~~
5 ~~moral turpitude.~~fraud.

6"

7 **SECTION 21.** G.S. 90-270.60 reads as rewritten:

8 "**§ 90-270.60. Denial, revocation, or suspension of license; other disciplinary or remedial**
9 **actions.**

10 (a) The Board may deny, revoke, or suspend licensure, discipline, place on probation,
11 limit practice, or require examination, remediation, or rehabilitation, or any combination of the
12 disciplinary actions described in this subsection, of any applicant or person licensed under this
13 Article on one or more of the following grounds:

14 (1) ~~Has Subject to G.S. 93B-8.1, has~~ been convicted of a felony or entered a plea
15 of guilty or nolo contendere to any felony charge under the laws of the United
16 States or of any state of the United States.

17 (2) ~~Has Subject to G.S. 93B-8.1, has~~ been convicted of or entered a plea of guilty
18 or nolo contendere to any misdemeanor involving ~~moral turpitude,~~
19 ~~misrepresentation,~~any of the following:

20 a. Misrepresentation or fraud in dealing with the ~~public, or conduct~~
21 ~~public.~~

22 b. Conduct otherwise relevant to fitness to practice marriage and family
23 ~~therapy, or a misdemeanor charge~~therapy.

24 c. Conduct reflecting the inability to practice marriage and family
25 therapy with due regard to the health and safety of clients.

26"

27 **SECTION 22.** G.S. 90-270.76 reads as rewritten:

28 "**§ 90-270.76. Suspension, ~~revocation~~ revocation, and refusal to renew license.**

29 (a) The Board may deny or refuse to renew a license, may suspend or revoke a license,
30 or may impose probationary conditions on a license if the licensee or applicant for licensure has
31 engaged in any of the following conduct:

32 ...

33 (3) ~~Having Subject to G.S. 93B-8.1, having~~ been convicted of or pleaded guilty
34 or nolo contendere to a crime ~~involving moral turpitude or any crime which~~
35 that indicates that the occupational therapist or occupational therapy assistant
36 is unfit or incompetent to practice occupational therapy or that the
37 occupational therapist or occupational therapy assistant has deceived or
38 defrauded the public.

39"

40 **SECTION 23.** G.S. 90-270.103 reads as rewritten:

41 "**§ 90-270.103. Grounds for disciplinary action.**

42 Grounds for disciplinary action ~~shall include but not be~~ are not limited to the following:

43 ...

44 (3) ~~Conviction of an offense under any municipal, State, or federal narcotic or~~
45 ~~controlled substance law, until proof of rehabilitation can be established;~~

46 (4) ~~Conviction Subject to G.S. 93B-8.1, conviction of a felony or other public~~
47 ~~offense involving moral turpitude, until proof of rehabilitation can be~~
48 ~~established;~~or a misdemeanor;

49"

50 **SECTION 24.** G.S. 90-270.148 reads as rewritten:

1 **"§ 90-270.148. Denial, suspension, or revocation of licenses and health services provider**
 2 **certification, ~~revocation~~, and other disciplinary and remedial actions for**
 3 **violations of the Code of Conduct; ~~actions~~; relinquishing of license.**

4 (a) Any applicant for licensure or health services provider certification and any person
 5 licensed or certified under this Article shall ~~have behaved in conformity with~~ conform to the
 6 ethical and professional standards specified in this ~~Code of Conduct section~~ and in the rules of
 7 the Board. The Board may deny, suspend, or revoke licensure and certification, and may
 8 ~~discipline, place on probation, limit practice, and require examination, remediation, and~~
 9 ~~rehabilitation, or any combination thereof, all as provided for in subsection (b) below.~~ take any
 10 other action described in subsection (b) of this section. The Board shall act upon proof that the
 11 applicant or licensee engaged in illegal, immoral, dishonorable, unprofessional, or unethical
 12 conduct by violating any of the provisions of the Code of Conduct as follows: violated this section
 13 when any of the following applies to the applicant or licensee:

- 14 (1) ~~Has Subject to G.S. 93B-8.1, has~~ been convicted of a felony or entered a plea
 15 of guilty or nolo contendere to any felony charge;
- 16 (2) ~~Has Subject to G.S. 93B-8.1, has~~ been convicted of or entered a plea of guilty
 17 or nolo contendere to any misdemeanor involving ~~moral turpitude,~~
 18 ~~misrepresentation~~ any of the following:
 - 19 a. Misrepresentation or fraud in dealing with the ~~public, or conduct~~
 20 public.
 - 21 b. Conduct otherwise relevant to fitness to practice ~~psychology, or a~~
 22 ~~misdemeanor charge~~ psychology.
 - 23 c. Conduct reflecting the inability to practice psychology with due regard
 24 to the health and safety of clients or patients;

25"

26 **SECTION 25.** G.S. 90-340 reads as rewritten:

27 **"§ 90-340. Protection of the public.**

28 (a) The Board may, in accordance with ~~the provisions of G.S. 93B-8.1 and~~ Chapter 150B
 29 of the General Statutes, deny, suspend, or revoke licensure, discipline, place on probation, limit
 30 practice, or require examination, remediation, or rehabilitation of any person licensed under this
 31 Article on one or more of the following grounds:

- 32 (1) Has been convicted of a felony or entered a plea of guilty or nolo contendere
 33 to any felony charge under the laws of the United States or of any state of the
 34 United States.
- 35 (2) Has been convicted of or entered a plea of guilty or nolo contendere to any
 36 misdemeanor involving ~~moral turpitude, misrepresentation, any of the~~
 37 following:
 - 38 a. Misrepresentation or fraud in dealing with the ~~public, or conduct~~
 39 public.
 - 40 b. Conduct otherwise relevant to fitness to practice clinical mental health
 41 ~~eounseling, or a misdemeanor charge~~ counseling.
 - 42 c. Conduct reflecting the inability to practice clinical mental health
 43 counseling with due regard to the health and safety of clients or
 44 patients.

45"

46 **SECTION 26.** G.S. 90-363 reads as rewritten:

47 **"§ 90-363. Suspension, ~~revocation~~ revocation, and refusal to renew license.**

48 (a) The Board may deny or refuse to renew a license, may suspend or revoke a license,
 49 or may impose probationary conditions on a license if the licensee or applicant for licensure has
 50 engaged in any of the following conduct:

51 ...

(5) ~~Conviction of or a plea of guilty or nolo contendere to any crime involving moral turpitude.~~Subject to G.S. 93B-8.1, conviction of a crime.

...."

SECTION 27. G.S. 90-390 reads as rewritten:

"§ 90-390. Refusal, suspension, or revocation of a certificate.

(a) A certificate applied for or issued under this Article may be refused, suspended, revoked, or otherwise limited as provided in subsection (e) of this section by the Board upon proof that any of the following applies to the applicant or person to whom a certificate was issued:

(1) ~~Has Subject to G.S. 93B-8.1, has been convicted of a felony;~~

(2) ~~Has Subject to G.S. 93B-8.1, has been convicted of a misdemeanor involving moral turpitude,~~ misrepresentation or fraud in dealing with the ~~public,~~ public or an offense relevant to fitness to practice certified fee-based pastoral counseling;

...."

SECTION 28. G.S. 90-633 reads as rewritten:

"§ 90-633. Disciplinary action.

(a) The Board may deny, suspend, revoke, or refuse to license a massage and bodywork therapist or applicant for any of the following:

...

(3) ~~Conviction of an offense under any municipal, State, or federal narcotic or controlled substance law.~~

(4) ~~Conviction of a felony or other public offense involving moral turpitude.~~Subject to G.S. 93B-8.1, conviction of a felony or misdemeanor.

...."

SECTION 29. G.S. 90-659 reads as rewritten:

"§ 90-659. Suspension, revocation, and refusal to renew a license.

(a) The Board shall take the necessary actions to deny or refuse to renew a license, suspend or revoke a license, or ~~to~~ impose probationary conditions on a licensee or applicant if any of the following applies to the licensee or applicant:

...

(2) ~~Was Subject to G.S. 93B-8.1, was convicted of or entered a plea of guilty or nolo contendere to any crime involving moral turpitude.~~a crime.

...."

SECTION 30. G.S. 90-742 reads as rewritten:

"§ 90-742. Denial, suspension, or revocation of licenses and other disciplinary and remedial actions for violations of the Code of Conduct; ~~actions; relinquishing of license.~~

(a) Any applicant for licensure and any individual licensed under this Article shall comply with the ethical and professional standards specified in this ~~Code of Conduct~~ section and in the rules of the Board. The Board may deny, suspend, or revoke licensure and may discipline, place on probation, limit practice, and require examination, remediation, and rehabilitation of any applicant or licensee, as provided for in subsection (b) of this section, for any violation listed in this subsection. The following are considered violations of ~~the Code of Conduct;~~ this section:

(1) ~~Conviction~~ Subject to G.S. 93B-8.1, conviction of a felony or entry of a plea of guilty or nolo contendere to any felony charge.

(2) ~~Conviction~~ Subject to G.S. 93B-8.1, conviction of a felony or entry of a plea of guilty or nolo contendere to any misdemeanor involving ~~moral turpitude,~~ misrepresentation any of the following:

a. Misrepresentation or fraud in dealing with the ~~public,~~ or conduct public.

b. Conduct otherwise relevant to fitness to ~~practice,~~ or a misdemeanor charge practice.

1 The Commission ~~shall have the power to~~ may suspend, revoke, deny issuance, or deny
 2 renewal of certification of a private real estate education provider. In all proceedings to suspend,
 3 ~~revoke-revoke,~~ or deny a certification, ~~the provisions of G.S. 93B-8.1 and Chapter 150B of the~~
 4 General Statutes ~~shall be applicable.~~ apply. The Commission may suspend, revoke, or deny ~~such~~
 5 certification or renewal thereof ~~when if it finds that the applicant or principal thereof~~ applicant,
 6 principal, or holder of ~~such~~ the certification has done any of the following:

7 ...

- 8 (6) Pleaded guilty, entered a plea of nolo ~~contendere-contendere,~~ or been found
 9 guilty of a crime ~~involving moral turpitude~~ in any state or federal court."

10 **SECTION 32.(c)** G.S. 93A-54 reads as rewritten:

11 **"§ 93A-54. Disciplinary action by Commission.**

12 ...

13 (b) Following a hearing, the Commission ~~shall also have power to~~ may, subject to
 14 G.S. 93B-8.1, suspend or revoke any certificate of registration issued under ~~the provisions of this~~
 15 Article or ~~to~~ reprimand or censure any regulated party when the regulated party has been
 16 convicted or has entered a plea of guilty or no contest upon which final judgment is entered by a
 17 court of competent jurisdiction in this State, or any other state, of the criminal offenses of
 18 embezzlement, obtaining money under false pretense, fraud, forgery, conspiracy to defraud, or
 19 any other offense ~~involving moral turpitude which that~~ that would reasonably affect the regulated
 20 party's performance in the timeshare business.

21"

22 **SECTION 33.** G.S. 93B-1 reads as rewritten:

23 **"§ 93B-1. Definitions.**

24 As used in this Chapter, the following definitions apply:

- 25 (1) License. – Any license (other than a privilege license), certificate, or other
 26 evidence of qualification ~~which that~~ an individual is required to obtain before
 27 ~~he the individual~~ may engage in or represent himself or herself to be a member
 28 of a particular profession or occupation.
- 29 (2) Occupational licensing board. – Any board, committee, commission, or other
 30 agency in North Carolina ~~which that~~ is established for the primary purpose of
 31 regulating the entry of persons into, and the conduct of persons within, a
 32 particular profession or ~~occupation,~~ occupation and ~~which that~~ is authorized
 33 to issue licenses. The phrase "occupational licensing board" does not include
 34 State ~~agencies,~~ agencies staffed by full-time State ~~employees,~~ which
 35 employees who, as a part of their regular ~~functions may~~ functions, issue
 36 licenses.
- 37 (3) State agency licensing board. – Any State agency staffed by full-time State
 38 ~~employees, which employees who,~~ as part of their regular ~~functions~~ functions,
 39 issue licenses. This section does not apply to the North Carolina Criminal
 40 Justice Education and Training Standards Commission, the North Carolina
 41 Sheriffs' Education and Training Standards Commission, and the North
 42 Carolina Department of Revenue. The following is a nonexclusive list of State
 43 agency licensing boards and the profession or occupation for which the board,
 44 agency, or officer may issue licenses:
- 45 a. The Department of Agriculture and Consumer Services.
- 46 1. Commissioner of Agriculture.
- 47 I. Scale Technician. Article 6 of Chapter 81A of the
 48 General Statutes.
- 49 II. Seed Dealer. Article 31 of Chapter 106 of the General
 50 Statutes.

- 1 III. Livestock Dealer. Article 35B of Chapter 106 of the
2 General Statutes.
- 3 2. North Carolina Pesticide Board.
- 4 I. Pesticide Applicators and Pesticide Dealers. Parts 3 and
5 4 of Article 52 of Chapter 143 of the General Statutes.
- 6 3. North Carolina Board of Agriculture.
- 7 I. Boarding Kennel Operator and Pet Shop Owner.
8 Article 3 of Chapter 19A of the General Statutes.
- 9 II. Poultry, Hatcheries, and Chick Dealers. Article ~~40~~49
10 of Chapter 106 of the General Statutes.
- 11 4. Structural Pest Control Committee.
- 12 I. Exterminator and Structural Pest Control Applicator.
13 Article 4C of Chapter 106 of the General Statutes.
- 14 b. Repealed by Session Laws 2021-180, s. 9G.7(c), effective July 1,
15 2021.
- 16 c. The Department of Health and Human Services.
- 17 1. North Carolina Medical Care Commission.
- 18 I. Ambulance Attendant, Emergency Medical
19 Technician. Article 7 of Chapter 131E of the General
20 Statutes.
- 21 2. Well Contractors Certification Commission.
- 22 I. Well Contractor. Article 7A of Chapter 87 of the
23 General Statutes.
- 24 d. The Department of Insurance.
- 25 1. Commissioner of Insurance.
- 26 I. Bail Bond Runner, Professional Bondsman, Surety
27 Bondsman. Article 71 of Chapter 58 of the General
28 Statutes.
- 29 II. Insurance Agent, Insurance Company Adjuster, Motor
30 Vehicle Damage Appraiser, Self-Employed Insurance
31 Adjuster. Article 33 of Chapter 58 of the General
32 Statutes.
- 33 2. Code Officials Qualifications Board.
- 34 I. Building Inspector, Code Enforcement Official,
35 Electrical Inspector, Fire Inspector, Mechanical
36 Inspector, Plumbing Inspector. Article 9C of Chapter
37 ~~58~~143 of the General Statutes.
- 38 3. Home Inspection Licensure Board.
- 39 I. Home Inspector. Article 9F of Chapter 143 of the
40 General Statutes.
- 41 4. Manufactured Housing Board.
- 42 I. Manufactured Housing Salesperson. Article 9A of
43 Chapter 143 of the General Statutes.
- 44 e. Repealed by Session Laws 2021-138, s. 17(a), effective December 1,
45 2021.
- 46 f. The Department of Labor.
- 47 1. Boiler Safety Bureau.
- 48 I. Boiler Inspector. Article 7A of Chapter 95 of the
49 General Statutes.
- 50 g. The Department of Public Instruction.
- 51 1. State Board of Education.

- 1 I. Teacher, Principal, Superintendent. Article ~~71E-17E~~ of
- 2 Chapter 115C of the General Statutes.
- 3 h. The Department of Public Safety.
- 4 1. Alcohol Law Enforcement Branch.
- 5 I. Boxer, Kickboxer, Mixed Martial Arts, Promoter.
- 6 Article ~~8-68~~ of Chapter 143 of the General Statutes.
- 7 2. The Alcohol Beverage Control Board.
- 8 I. Alcoholic Beverage Distributor. Article 9 of Chapter
- 9 18B.
- 10 3. Private Protective Services Board.
- 11 I. ~~Counter Intelligence Licensee, Armored Car Service,~~
- 12 ~~Close Personal Protection, Courier Service, Digital~~
- 13 ~~Forensics Examiner, Electronic Countermeasures,~~
- 14 ~~Guard Dog Service Operator, Service, Polygraph~~
- 15 ~~Examiner, Private Investigator, Psychological Stress~~
- 16 ~~Evaluator, Security Guard, and Patrol Licensee. Guard~~
- 17 ~~and Patrol, and Special Limited Guard and Patrol.~~
- 18 Article 1 of Chapter 74C of the General Statutes.
- 19 4. Alarm Systems Licensing Board.
- 20 I. Alarm Systems Business. Article 1 of Chapter 74D of
- 21 the General Statutes.
- 22 i. The Department of the Secretary of State.
- 23 1. The Secretary of State.
- 24 I. ~~Athletic Athlete~~ Agent. Article 9 of Chapter 78C of the
- 25 General Statutes.
- 26 II. ~~Investment Advisor. Adviser.~~ Article 3 of Chapter 78C
- 27 of the General Statutes.
- 28 III. Securities Broker, Securities Dealer, Security
- 29 Salesman. Article 5 of Chapter 78A of the General
- 30 Statutes.
- 31 IV. Professional Solicitor. Article 3 of Chapter 131F of the
- 32 General Statutes.
- 33 j. The Department of Transportation.
- 34 1. Division of Motor Vehicles.
- 35 I. New and Used Motor Vehicle Dealer, Motor Vehicle
- 36 Sales Representative, Distributor, Distributor Branch,
- 37 Distributor Representative, Wholesaler. Article 12 of
- 38 Chapter 20 of the General Statutes.
- 39 II. Commercial Driver, Truck Driver. Article 2 of Chapter
- 40 20 of the General Statutes.
- 41 III. Safety Inspection Mechanic. Article 3A of Chapter 20
- 42 of the General Statutes."

SECTION 34. G.S. 93D-13 reads as rewritten:

"§ 93D-13. Discipline, suspension, revocation of licenses and registrations; records.

(a) The Board may in its discretion administer the punishment of private reprimand, suspension of license or registration for a fixed period or revocation of license or registration as the case may warrant in their judgment for any violation of the rules ~~and regulations~~ of the Board or for any of the following causes:

...

- (4) ~~Commission~~ Subject to G.S. 93B-8.1, commission of a criminal offense indicating professional unfitness.

1 ...
2 (7) ~~Conduct involving fraud or any other business conduct involving moral~~
3 ~~turpitude.~~Business conduct involving fraud.
4"

5 SECTION 35. G.S. 93E-1-12 reads as rewritten:

6 "**§ 93E-1-12. Disciplinary action by Board.**

7 ...
8 (b) Following a hearing, or by consent, the Appraisal Board may also suspend or revoke
9 any registration, license, or certificate issued under ~~the provisions of this Chapter~~ or reprimand
10 any registered trainee, licensee, or certificate holder when:

11 (1) ~~The Subject to G.S. 93B-8.1, the~~ registered trainee, licensee, or certificate
12 holder has been convicted of or has entered a plea of guilty or no contest ~~upon~~
13 ~~which final judgment is entered by a court of competent jurisdiction in this~~
14 ~~State, or any other state, to an offense which involves moral turpitude, in~~
15 ~~which an essential element is dishonesty, fraud, or deceit, or which, in the~~
16 ~~discretion of the Board, that~~ would reasonably affect the performance of the
17 registered trainee, licensee, or certificate holder in the real estate appraisal
18 business;

19"

20 SECTION 36.(a) G.S. 106-65.26 reads as rewritten:

21 "**§ 106-65.26. Qualifications for certified applicator and licensee; applicants for certified**
22 **applicator's identification card and license.**

23 ...
24 (d) All applicants for license must have practical experience and knowledge of practical
25 and scientific facts underlying the practice of structural pest control, control of wood-destroying
26 organisms, or fumigation. ~~No Subject to G.S. 93B-8.1, no~~ applicant is entitled to take an
27 examination for the issuance of a license pursuant to this Article who has within five years of
28 the date of application been convicted, entered a plea of guilty or of nolo ~~contendere, contedere,~~
29 or forfeited bond in any State or federal court for a violation of ~~G.S. 106-65.25(b), any felony, or~~
30 ~~any crime involving moral turpitude.~~G.S. 106-65.25(b), a felony, or a misdemeanor.

31"

32 SECTION 36.(b) G.S. 106-610 reads as rewritten:

33 "**§ 106-610. Grounds for refusal, ~~suspension~~ suspension, or revocation of license.**

34 The Commissioner may refuse to grant or renew any license, may suspend or may revoke
35 any license upon a showing by substantial and competent evidence of any of the following:

36 ...
37 (6) ~~The dealer or applicant has been convicted, pled guilty or nolo contendere~~
38 ~~within three years in any state or federal court of a crime involving moral~~
39 ~~turpitude.~~Subject to G.S. 93B-8.1, the dealer or applicant has, within three
40 years, been convicted of or pled guilty or nolo contendere to a crime in any
41 state or federal court.

42"

43 SECTION 37. This act becomes effective October 1, 2024.