

AMENDED IN ASSEMBLY MARCH 20, 2019

AMENDED IN ASSEMBLY MARCH 5, 2019

CALIFORNIA LEGISLATURE—2019—20 REGULAR SESSION

ASSEMBLY BILL

No. 193

Introduced by Assembly Member Patterson
(Coauthors: Assembly Members Choi, Gallagher, Lackey, Melendez,
and Voepel)

(Coauthors: Senators Bates, Morrell, and Nielsen)

January 10, 2019

An act to amend Sections 7316, 19011, 19017, 19051, 19059.5, 19060.6, and 19170 of, to add and repeal Section 101.5 of, and to repeal Sections 19010.1 and 19052 of, the Business and Professions Code, and to amend Section 110371 of the Health and Safety Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 193, as amended, Patterson. Professions and vocations.

(1) Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, among other things, ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated.

This bill would require the department, beginning on January 1, 2021, to conduct a comprehensive review of all licensing requirements for each profession regulated by a board within the department and identify unnecessary licensing requirements, as defined by the bill. *The bill, beginning February 1, 2021, and every 2 years thereafter, would require each board within the department to submit to the department an*

assessment on the board's progress in implementing policies to facilitate licensure portability for active duty service members, veterans, and military spouses that includes specified information. The bill would require the department to report to the Legislature on ~~January~~ March 1, 2023, and every 2 years thereafter, on the department's ~~progress;~~ *progress in conducting its review*, and would require the department to issue a final report to the Legislature no later than ~~January~~ March 1, 2033. The bill would require the biennial reports *to the Legislature to include the assessment information submitted by each board to the department, to identify the professions reviewed, reviewed by the department, each unnecessary licensing requirement, and the department's recommendations to the Legislature on whether to keep, modify, or eliminate the unnecessary licensing requirement.* The bill would require the department to apply for federal funds that have been made available specifically for the purpose of reviewing, updating, and eliminating overly burdensome licensing requirements, as provided.

(2) Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of cosmetology by the State Board of Barbering and Cosmetology in the department and defines the practice of both barbering and cosmetology to include shampooing the hair of any person. The act also specifies that, within the practice of cosmetology, there is the specialty branch of skin care, which includes applying makeup.

This bill would delete shampooing another person from the practice of barbering and cosmetology, and would delete the act of applying makeup on another person from the specialty practice of skin care. The bill would require a person who does not hold a barbering or cosmetology license to disclose that fact before the unlicensed person applies makeup to or shampoos the hair of another person.

(3) Existing law provides for the regulation of custom upholsterers by the Bureau of Household Goods and Services in the department, and requires every custom upholsterer to hold a custom upholsterer's license.

This bill would delete those provisions requiring licensure of custom upholsterers.

~~(4) The bill would make conforming and other nonsubstantive changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Many entities, including the Federal Trade Commission, the
4 United States Department of Labor, and the Milton Marks “Little
5 Hoover” Commission on California State Government Organization
6 and Economy, have acknowledged the unnecessary burdens that
7 occupational licensing places on otherwise qualified workers.

8 (b) Unnecessary licensing increases costs for consumers and
9 restricts opportunities for workers.

10 (c) Researchers show that occupational licensing restrictions
11 can result in almost three million fewer jobs and a cost of over
12 \$200,000,000,000 to consumers.

13 (d) The Institute for Justice estimates that burdensome licensing
14 in California results in a loss of 195,917 jobs and \$22,000,000,000
15 in misallocated resources.

16 (e) California is the most broadly and onerously licensed state
17 in the nation and has been identified as the nation’s worst licensing
18 environment for workers in lower-income occupations.

19 (f) Licensing is also believed to disproportionately affect
20 minorities and exacerbate income inequality.

21 SEC. 2. Section 101.5 is added to the Business and Professions
22 Code, to read:

23 101.5. (a) The department shall apply for federal funds that
24 have been made available specifically for the purposes of
25 reviewing, updating, and eliminating overly burdensome licensing
26 requirements.

27 (b) Beginning on January 1, 2021, the department shall conduct
28 a comprehensive review of all licensing requirements for each
29 profession and shall identify unnecessary licensing requirements.
30 The department shall conduct the review whether or not the state
31 receives federal funds pursuant to subdivision (a).

32 (c) (1) *Beginning on February 1, 2021, and every two years*
33 *thereafter, each board identified in Section 101 shall submit to the*
34 *department an assessment on the board’s progress in implementing*
35 *policies to facilitate licensure portability for active duty service*
36 *members, veterans, and military spouses. The assessment shall*
37 *include the following information:*

- 1 (A) *The number of active duty service members, veterans, and*
 2 *military spouses who applied for licensure for each of the previous*
 3 *two calendar years.*
- 4 (B) *The board's process for expediting applications for active*
 5 *duty service members, veterans, and military spouses, the average*
 6 *processing time for an expedited application, and the number of*
 7 *expedited application requests received in each of the previous*
 8 *two calendar years.*
- 9 (C) *The number of applications for waived renewal fees*
 10 *submitted by active duty service members in each of the previous*
 11 *two calendar years.*
- 12 (D) *If the board issues temporary licenses pursuant to Section*
 13 *115.6, the duration of, and requirements for obtaining, the*
 14 *temporary license.*
- 15 (E) *Whether an applicant may apply, and the requirements, for*
 16 *licensure by endorsement.*
- 17 (F) *A list of the states with which the board maintains*
 18 *reciprocity agreements, if any.*
- 19 (2) *The department shall submit the information received*
 20 *pursuant to paragraph (1) as part of the report required to be*
 21 *submitted to the Legislature pursuant to subdivision (d).*
- 22 (e)
- 23 (d) *The department shall report to the Legislature on ~~January~~*
 24 *March 1, 2023, and every two years thereafter until the department*
 25 *has completed its review, on the department's progress in*
 26 *conducting the review. The department shall issue a final report*
 27 *to the Legislature no later than ~~January~~ March 1, 2033. Each*
 28 *biennial report shall be organized by board and shall include all*
 29 *of the following:*
- 30 (1) *The professions reviewed by the department in the preceding*
 31 *two years.*
- 32 (2) *Unnecessary licensing requirements identified by the*
 33 *department for each profession reviewed.*
- 34 (3) *For each unnecessary licensing requirement, the department's*
 35 *recommendation to the Legislature to keep, modify, or eliminate*
 36 *the unnecessary licensing requirement.*
- 37 (4) *For each unnecessary licensing requirement that the*
 38 *department recommends to keep, facts supporting the department's*
 39 *recommendation.*

1 (5) *The information submitted to the department pursuant to*
2 *paragraph (2) of subdivision (c).*

3 ~~(d)~~

4 (e) The department may use national licensing standards, where
5 applicable, as a baseline for evaluating the necessity of licensing
6 requirements.

7 ~~(e)~~

8 (f) For purposes of this section, the following definitions apply:

9 (1) *“Military spouse” means a person who is married to, or in*
10 *a domestic partnership or other legal union with, an active duty*
11 *member of the Armed Forces of the United States who is assigned*
12 *to a duty station in this state under official active duty military*
13 *orders.*

14 ~~(1)~~

15 (2) *“Profession” means a profession or vocation regulated by a*
16 *board identified in Section 101.*

17 ~~(2)~~

18 (3) *“Unnecessary licensing requirement” means a licensing*
19 *requirement that does not satisfy either of the following criteria:*

20 (A) *Protects the health and safety of the public or a licensee.*

21 (B) *Satisfies a national licensing or certification requirement.*

22 ~~(f)~~

23 (g) A report to be submitted pursuant to subdivision ~~(e)~~ (d) shall
24 be submitted in compliance with Section 9795 of the Government
25 Code.

26 ~~(g)~~

27 (h) Notwithstanding Section 10231.5 of the Government Code,
28 this section is repealed on January 1, 2034.

29 SEC. 3. Section 7316 of the Business and Professions Code is
30 amended to read:

31 7316. (a) The practice of barbering is all or any combination
32 of the following practices:

33 (1) Shaving or trimming the beard or cutting the hair.

34 (2) Giving facial and scalp massages or treatments with oils,
35 creams, lotions, or other preparations either by hand or mechanical
36 appliances.

37 (3) Singeing, arranging, dressing, curling, waving, chemical
38 waving, hair relaxing, or dyeing the hair or applying hair tonics.

39 (4) Applying cosmetic preparations, antiseptics, powders, oils,
40 clays, or lotions to scalp, face, or neck.

- 1 (5) Hairstyling of all textures of hair by standard methods that
2 are current at the time of the hairstyling.
- 3 (b) The practice of cosmetology is all or any combination of
4 the following practices:
- 5 (1) Arranging, dressing, curling, waving, machineless permanent
6 waving, permanent waving, cleansing, cutting, relaxing, singeing,
7 bleaching, tinting, coloring, straightening, dyeing, applying hair
8 tonics to, beautifying, or otherwise treating by any means, the hair
9 of any person.
- 10 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
11 arms, or upper part of the human body, by means of the hands,
12 devices, ~~apparatus~~ *apparatus*, or appliances, with or without the
13 use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
- 14 (3) Beautifying the face, neck, arms, or upper part of the human
15 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
16 or creams.
- 17 (4) Removing superfluous hair from the body of any person by
18 the use of depilatories or by the use of tweezers, chemicals, or
19 preparations or by the use of devices or appliances of any kind or
20 description, except by the use of light waves, commonly known
21 as rays.
- 22 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,
23 or manicuring the nails of any person.
- 24 (6) Massaging, cleansing, treating, or beautifying the hands or
25 feet of any person.
- 26 (c) Within the practice of cosmetology there exist the specialty
27 branches of skin care and nail care.
- 28 (1) Skin care is any one or more of the following practices:
- 29 (A) Giving facials, giving skin care, removing superfluous hair
30 from the body of any person by the use of depilatories, ~~tweezers~~
31 *tweezers*, or waxing, or applying eyelashes to any person.
- 32 (B) Beautifying the face, neck, arms, or upper part of the human
33 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
34 or creams.
- 35 (C) Massaging, cleaning, or stimulating the face, neck, arms,
36 or upper part of the human body, by means of the hands, devices,
37 apparatus, or appliances, with the use of cosmetic preparations,
38 antiseptics, tonics, lotions, or creams.
- 39 (2) Nail care is the practice of cutting, trimming, polishing,
40 coloring, tinting, cleansing, manicuring, or pedicuring the nails of

1 any person or massaging, cleansing, or beautifying from the elbow
2 to the fingertips or the knee to the toes of any person.

3 (d) The practice of barbering and the practice of cosmetology
4 do not include any of the following:

5 (1) The mere sale, fitting, or styling of wigs or hairpieces.

6 (2) Natural hair braiding. Natural hair braiding is a service that
7 results in tension on hair strands or roots by twisting, wrapping,
8 weaving, extending, locking, or braiding by hand or mechanical
9 device, provided that the service does not include haircutting or
10 the application of dyes, reactive chemicals, or other preparations
11 to alter the color of the hair or to straighten, curl, or alter the
12 structure of the hair.

13 (3) Threading. Threading is a technique that results in removing
14 hair by twisting thread around unwanted hair and pulling it from
15 the skin and the incidental trimming of eyebrow hair.

16 (4) Shampooing hair. However, before a person who does not
17 hold a barbering or cosmetology license shampoos the hair of
18 another person, the unlicensed person shall disclose verbally or in
19 writing to the other person that they do not hold a barbering or
20 cosmetology license.

21 (5) Applying makeup. However, before a person who does not
22 hold a barbering or cosmetology license applies makeup to another
23 person, the unlicensed person shall disclose verbally or in writing
24 to the other person that they do not hold a barbering or cosmetology
25 license.

26 (e) Notwithstanding paragraph (2) of subdivision (d), a person
27 who engages in natural hairstyling, which is defined as the
28 provision of natural hair braiding services together with any of the
29 services or procedures defined within the regulated practices of
30 barbering or cosmetology, is subject to regulation pursuant to this
31 chapter and shall obtain and maintain a barbering or cosmetology
32 license as applicable to the services respectively offered or
33 performed.

34 (f) Electrolysis is the practice of removing hair from, or
35 destroying hair on, the human body by the use of an electric needle
36 only.

37 “Electrolysis” as used in this chapter includes electrolysis or
38 thermolysis.

39 SEC. 4. Section 19010.1 of the Business and Professions Code
40 is repealed.

1 SEC. 5. Section 19011 of the Business and Professions Code
2 is amended to read:

3 19011. “Manufacturer” means a person who, either by
4 themselves or through employees or agents, makes any article of
5 upholstered furniture or bedding in whole or in part, using either
6 new or secondhand material.

7 SEC. 6. Section 19017 of the Business and Professions Code
8 is amended to read:

9 19017. “Owner’s material” means any article or material
10 belonging to a person for their own, or their tenant’s use, that is
11 sent to any manufacturer or bedding renovator or used in repairing
12 or renovating.

13 SEC. 7. Section 19051 of the Business and Professions Code
14 is amended to read:

15 19051. Every upholstered-furniture retailer, unless the person
16 holds an importer’s license, a furniture and bedding manufacturer’s
17 license, a wholesale furniture and bedding dealer’s license, or a
18 retail furniture and bedding dealer’s license, shall hold a retail
19 furniture dealer’s license.

20 (a) This section does not apply to a person whose sole business
21 is designing and specifying for interior spaces, and who purchases
22 specific amenable upholstered furniture items on behalf of a client,
23 provided that the furniture is purchased from an appropriately
24 licensed importer, wholesaler, or retailer. This section does not
25 apply to a person who sells “used” and “antique” furniture as
26 defined in Sections 19008.1 and 19008.2.

27 (b) This section does not apply to a person who is licensed as
28 a home medical device retail facility by the State Department of
29 Health Services, provided that the furniture is purchased from an
30 appropriately licensed importer, wholesaler, or retailer.

31 SEC. 8. Section 19052 of the Business and Professions Code
32 is repealed.

33 SEC. 9. Section 19059.5 of the Business and Professions Code
34 is amended to read:

35 19059.5. Every sanitizer shall hold a sanitizer’s license unless
36 the person is licensed as a home medical device retail facility by
37 the State Department of Health Services or as an upholstered
38 furniture and bedding manufacturer, retail furniture and bedding
39 dealer, or retail bedding dealer.

1 SEC. 10. Section 19060.6 of the Business and Professions
2 Code is amended to read:

3 19060.6. Every person who, on their own account, advertises,
4 solicits, or contracts to manufacture upholstered furniture or
5 bedding, and who either does the work themselves or has others
6 do it, shall obtain the particular license required by this chapter
7 for the particular type of work that the person solicits or advertises
8 that the person will do, regardless of whether the person has a shop
9 or factory.

10 SEC. 11. Section 19170 of the Business and Professions Code
11 is amended to read:

12 19170. (a) The fee imposed for the issuance and for the
13 biennial renewal of each license granted under this chapter shall
14 be set by the chief, with the approval of the director, at a sum not
15 more nor less than that shown in the following table:

	Maximum	Minimum
	fee	fee
19 Importer’s license	\$940	\$120
20 Furniture and bedding manufacturer’s		
21 license	940	120
22 Wholesale furniture and bedding		
23 dealer’s license	675	120
24 Supply dealer’s license	675	120
25		
26 Sanitizer’s license	450	80
27 Retail furniture and bedding dealer’s license	300	40
28 Retail furniture dealer’s license	150	20
29 Retail bedding dealer’s license	150	20
30		

31 (b) Individuals who, in their own homes and without the
32 employment of any other person, make, sell, advertise, or contract
33 to make pillows, quilts, quilted pads, or comforters are exempt
34 from the fee requirements imposed by subdivision (a). However,
35 these individuals shall comply with all other provisions of this
36 chapter.

37 (c) Retailers who only sell “used” and “antique” furniture as
38 defined in Sections 19008.1 and 19008.2 are exempt from the fee
39 requirements imposed by subdivision (a). Those retailers are also
40 exempt from the other provisions of this chapter.

1 (d) A person who makes, sells, or advertises upholstered
2 furniture and bedding as defined in Sections 19006 and 19007,
3 and who also makes, sells, or advertises furniture used exclusively
4 for the purpose of physical fitness and exercise, shall comply with
5 the fee requirements imposed by subdivision (a).

6 (e) A person who has paid the required fee and who is licensed
7 as an upholstered furniture and bedding manufacturer under this
8 chapter shall not be required to additionally pay the fee for a
9 sanitizer’s license.

10 ~~SEC. 12. Section 110371 of the Health and Safety Code is~~
11 ~~amended to read:~~

12 ~~110371. (a) A professional cosmetic manufactured on or after~~
13 ~~July 1, 2020, for sale in this state shall have a label affixed on the~~
14 ~~container that satisfies all of the labeling requirements for any~~
15 ~~other cosmetic pursuant to the Federal Food, Drug, and Cosmetic~~
16 ~~Act (21 U.S.C. Sec. 301, et seq.), and the federal Fair Packaging~~
17 ~~and Labeling Act (15 U.S.C. Sec. 1451, et seq.):~~

18 ~~(b) The following definitions shall apply to this section:~~

19 ~~(1) “Ingredient” has the same meaning as in Section 111791.5.~~

20 ~~(2) “Professional” means a person that has been granted a license~~
21 ~~by the State Board of Barbering and Cosmetology to practice in~~
22 ~~the field of cosmetology, barbering, or esthetics.~~

23 ~~(3) “Professional cosmetic” means a cosmetic product as it is~~
24 ~~defined in Section 109900 that is intended or marketed to be used~~
25 ~~only by a professional on account of a specific ingredient, increased~~
26 ~~concentration of an ingredient, or other quality that requires safe~~
27 ~~handling, or is otherwise used by a professional.~~

ASSEMBLY BILL

No. 476

Introduced by Assembly Member Blanca Rubio

February 12, 2019

An act to add Section 110.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 476, as introduced, Blanca Rubio. Department of Consumer Affairs: task force: foreign-trained professionals.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law establishes the Bagley-Keene Open Meeting Act, which requires state boards, commissions, and similar state-created multimember bodies to give public notice of meetings and conduct their meetings in public unless authorized to meet in closed session.

This bill, the California Opportunity Act of 2019, would require the Department of Consumer Affairs to create a task force, as specified, to study and write a report of its findings and recommendations regarding the licensing of foreign-trained professionals with the goal of integrating foreign-trained professionals into the state's workforce, as specified. The bill would authorize the task force to hold hearings and invite testimony from experts and the public to gather information. The bill would require the task force to submit the report to the Legislature no later than January 1, 2021, as specified.

The bill also would require the task force to meet at least once each calendar quarter, as specified, and to hold its meetings in accordance with the Bagley-Keene Open Meeting Act. The bill would require each member of the task force to receive per diem and reimbursement for

expenses incurred, as specified, and would require the task force to solicit input from a variety of government agencies, stakeholders, and the public, including, among others, the Little Hoover Commission and the California Workforce Development Board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known as the California
2 Opportunity Act of 2019.

3 SEC. 2. Section 110.5 is added to the Business and Professions
4 Code, to read:

5 110.5. (a) The Department of Consumer Affairs shall create
6 a task force to study, and write the report described in subdivision
7 (c) regarding, the licensing of foreign-trained professionals with
8 the goal of integrating foreign-trained professionals into the state's
9 workforce.

10 (b) The task force shall consist of the following 15 members:

11 (1) The Director of Consumer Affairs, or the director's designee,
12 who shall serve as the chair of the task force.

13 (2) One member appointed by the Governor.

14 (3) One member appointed by the President pro Tempore of the
15 Senate.

16 (4) One member appointed by the Speaker of the Assembly.

17 (5) One member of the Regents of the University of California.

18 (6) One member of the Trustees of the California State
19 University.

20 (7) One member of the Board of Governors of the California
21 Community Colleges.

22 (8) Four members appointed by the Governor who are
23 representatives of the private sector from diverse regions in the
24 state.

25 (9) Four members appointed by the Governor who are
26 representatives of nonprofit organizations that serve the immigrant
27 community from diverse regions in the state.

28 (c) (1) The task force shall write a report of its findings and
29 recommendations regarding the licensing of foreign-trained
30 professionals, that include, but are not limited to, the following:

1 (A) Strategies to integrate foreign-trained professionals and
2 methods of implementing those strategies, including those
3 recommended by the Little Hoover Commission in its October
4 2016 report entitled Jobs for Californians: Strategies to Ease
5 Occupational Licensing Barriers (Report #234).

6 (B) Identification of state and national licensing regulations that
7 potentially pose unnecessary barriers to practice for foreign-trained
8 professionals, corresponding changes to state licensing
9 requirements, and opportunities to advocate for corresponding
10 changes to national licensing requirements.

11 (C) Identification of best practices learned from similar efforts
12 to integrate foreign-trained professionals into the workforce in
13 other states.

14 (2) The task force may include in the report guidelines for full
15 licensure and conditional licensing of foreign-trained professionals.

16 (3) The task force may hold hearings and invite testimony from
17 experts and the public to gather information.

18 (d) The task force shall submit the report described in
19 subdivision (c) to the Legislature no later than January 1, 2021,
20 and in compliance with Section 9795 of the Government Code.

21 (e) The following shall also apply:

22 (1) The task force shall meet at least once each calendar quarter.
23 The task force shall meet at least once in northern California, once
24 in central California, and once in southern California to facilitate
25 participation by the public.

26 (2) A majority of the appointed task force shall constitute a
27 quorum. Task force meetings shall be held in accordance with the
28 Bagley-Keene Open Meeting Act (Article 9 (commencing with
29 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
30 the Government Code).

31 (3) (A) Each member shall receive a per diem of one hundred
32 dollars (\$100) for each day actually spent in the discharge of
33 official duties, and shall be reimbursed for traveling and other
34 expenses necessarily incurred in the performance of official duties.

35 (B) Notwithstanding any other law, a public officer or employee
36 shall not receive per diem salary compensation for serving on the
37 task force on any day when the officer or employee also received
38 compensation for their regular public employment.

- 1 (4) The task force shall solicit input from a variety of
- 2 government agencies, stakeholders, and the public, including, but
- 3 not limited to, the following:
- 4 (A) The Little Hoover Commission.
- 5 (B) The California Workforce Development Board.
- 6 (C) The Department of Industrial Relations.
- 7 (D) In- and out-of-state licensing entities.
- 8 (E) Professional associations.
- 9 (F) Labor and workforce organizations.

AMENDED IN ASSEMBLY MARCH 21, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 544

Introduced by Assembly Member Brough

February 13, 2019

~~An act to amend Section 4073 of the Business and Professions Code, relating to healing arts.~~ *An act to amend Sections 121.5, 462, 703, 1006.5, 1718, 1718.3, 1936, 2427, 2456.3, 2535.2, 2538.54, 2646, 2734, 2892.1, 2984, 3147, 3147.7, 3524, 3774, 3775.5, 4545, 4843.5, 4901, 4966, 4989.36, 4999.104, 5070.6, 5600.2, 5680.1, 6796, 6980.28, 7076.5, 7417, 7672.8, 7725.2, 7729.1, 7881, 7883, 8024.7, 8802, 9832, 9832.5, 9884.5, 19170.5, and 19290 of the Business and Professions Code, relating to professions and vocations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 544, as amended, Brough. ~~Prescriptions.~~ *Professions and vocations: inactive license fees and accrued and unpaid renewal fees.*

Existing law provides for the licensure and regulation of professions and vocations by various boards within the Department of Consumer Affairs. Existing law provides for the payment of a fee for the renewal of certain licenses, certificates, or permits in an inactive status, and, for certain licenses, certificates, and permits that have expired, requires the payment of all accrued fees as a condition of reinstatement of the license, certificate, or permit.

This bill would limit the maximum fee for the renewal of a license in an inactive status to no more than 50% of the renewal fee for an active license. The bill would also prohibit a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.

~~The Pharmacy Law provides for the licensure and regulation of pharmacists and pharmacies by the California State Board of Pharmacy, which is within the Department of Consumer Affairs, and authorizes a pharmacist filling a prescription order for a drug product prescribed by its brand or trade name to select another drug product with the same active chemical ingredients of the same strength, quantity, and dosage form, and of the same generic drug name of those drug products having the same active chemical ingredients, as specified.~~

~~This bill would make a nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 121.5 of the Business and Professions
2 Code is amended to read:

3 121.5. (a) Except as otherwise provided in this code, the
4 application of delinquency fees ~~or accrued and unpaid renewal~~
5 fees for the renewal of expired licenses or registrations shall not
6 apply to licenses or registrations that have lawfully been designated
7 as inactive or retired.

8 (b) *Notwithstanding any other law, a board shall not require a*
9 *person to pay accrued and unpaid renewal fees as a condition of*
10 *reinstating an expired license or registration.*

11 SEC. 2. Section 462 of the Business and Professions Code is
12 amended to read:

13 462. (a) Any of the boards, bureaus, commissions, or programs
14 within the department may establish, by regulation, a system for
15 an inactive category of licensure for persons who are not actively
16 engaged in the practice of their profession or vocation.

17 (b) The regulation shall contain the following provisions:

18 (1) The holder of an inactive license issued pursuant to this
19 section shall not engage in any activity for which a license is
20 required.

21 (2) An inactive license issued pursuant to this section shall be
22 renewed during the same time period in which an active license
23 is renewed. The holder of an inactive license need not comply with
24 any continuing education requirement for renewal of an active
25 license.

1 (3) The renewal fee for a license in ~~an active status shall apply~~
2 ~~also for a renewal of a license in an inactive status, unless a lesser~~
3 ~~renewal fee is specified by the board.~~ *status shall be no more than*
4 *50 percent of the renewal fee for a license in an active status.*

5 (4) In order for the holder of an inactive license issued pursuant
6 to this section to restore ~~his or her~~ *the* license to an active status,
7 the holder of an inactive license shall comply with all the
8 following:

9 (A) Pay the renewal fee.

10 (B) If the board requires completion of continuing education
11 for renewal of an active license, complete continuing education
12 equivalent to that required for renewal of an active license, unless
13 a different requirement is specified by the board.

14 (c) This section shall not apply to any healing arts board as
15 specified in Section 701.

16 *SEC. 3. Section 703 of the Business and Professions Code is*
17 *amended to read:*

18 703. (a) An inactive healing arts license or certificate issued
19 pursuant to this article shall be renewed during the same time
20 period at which an active license or certificate is renewed. In order
21 to renew a license or certificate issued pursuant to this article, the
22 holder thereof need not comply with any continuing education
23 requirement for renewal of an active license or certificate.

24 (b) ~~The~~ *Notwithstanding any other law, the* renewal fee for a
25 license or certificate in an ~~active~~ *inactive* status shall ~~apply also~~
26 ~~for renewal of a license or certificate in an inactive status, unless~~
27 ~~a lower fee has been established by the issuing board.~~ *be no more*
28 *than 50 percent of the renewal fee for a license in an active status.*

29 *SEC. 4. Section 1006.5 of the Business and Professions Code*
30 *is amended to read:*

31 1006.5. Notwithstanding any other law, the amount of
32 regulatory fees necessary to carry out the responsibilities required
33 by the Chiropractic Initiative Act and this chapter are fixed in the
34 following schedule:

35 (a) Fee to apply for a license to practice chiropractic: three
36 hundred seventy-one dollars (\$371).

37 (b) Fee for initial license to practice chiropractic: one hundred
38 eighty-six dollars (\$186).

39 (c) Fee to renew an ~~active or inactive~~ license to practice
40 chiropractic: three hundred thirteen dollars (\$313).

- 1 (d) Fee to renew an inactive license to practice chiropractic:
- 2 no more than 50 percent of the renewal fee for an active license.
- 3 ~~(d)~~
- 4 (e) Fee to apply for approval as a continuing education provider:
- 5 eighty-four dollars (\$84).
- 6 ~~(e)~~
- 7 (f) Biennial continuing education provider renewal fee: fifty-six
- 8 dollars (\$56).
- 9 ~~(f)~~
- 10 (g) Fee to apply for approval of a continuing education course:
- 11 fifty-six dollars (\$56) per course.
- 12 ~~(g)~~
- 13 (h) Fee to apply for a satellite office certificate: sixty-two dollars
- 14 (\$62).
- 15 ~~(h)~~
- 16 (i) Fee to renew a satellite office certificate: thirty-one dollars
- 17 (\$31).
- 18 ~~(i)~~
- 19 (j) Fee to apply for a license to practice chiropractic pursuant
- 20 to Section 9 of the Chiropractic Initiative Act: three hundred
- 21 seventy-one dollars (\$371).
- 22 ~~(j)~~
- 23 (k) Fee to apply for a certificate of registration of a chiropractic
- 24 corporation: one hundred eighty-six dollars (\$186).
- 25 ~~(k)~~
- 26 (l) Fee to renew a certificate of registration of a chiropractic
- 27 corporation: thirty-one dollars (\$31).
- 28 ~~(l)~~
- 29 (m) Fee to file a chiropractic corporation special report:
- 30 thirty-one dollars (\$31).
- 31 ~~(m)~~
- 32 (n) Fee to apply for approval as a referral service: five hundred
- 33 fifty-seven dollars (\$557).
- 34 ~~(n)~~
- 35 (o) Fee for an endorsed verification of licensure: one hundred
- 36 twenty-four dollars (\$124).
- 37 ~~(o)~~
- 38 (p) Fee for replacement of a lost or destroyed license: fifty
- 39 dollars (\$50).
- 40 ~~(p)~~

1 (q) Fee for replacement of a satellite office certificate: fifty
2 dollars (\$50).

3 ~~(q)~~

4 (r) Fee for replacement of a certificate of registration of a
5 chiropractic corporation: fifty dollars (\$50).

6 ~~(r)~~

7 (s) Fee to restore a forfeited or canceled license to practice
8 chiropractic: double the annual renewal fee specified in subdivision
9 (c).

10 ~~(s)~~

11 (t) Fee to apply for approval to serve as a preceptor: thirty-one
12 dollars (\$31).

13 ~~(t)~~

14 (u) Fee to petition for reinstatement of a revoked license: three
15 hundred seventy-one dollars (\$371).

16 ~~(u)~~

17 (v) Fee to petition for early termination of probation: three
18 hundred seventy-one dollars (\$371).

19 ~~(v)~~

20 (w) Fee to petition for reduction of penalty: three hundred
21 seventy-one dollars (\$371).

22 *SEC. 5. Section 1718 of the Business and Professions Code is*
23 *amended to read:*

24 1718. Except as otherwise provided in this chapter, an expired
25 license may be renewed at any time within five years after its
26 expiration on filing of application for renewal on a form prescribed
27 by the board, and payment of ~~all accrued~~ *the* renewal and
28 delinquency fees. If the license is renewed more than 30 days after
29 its expiration, the licensee, as a condition precedent to renewal,
30 shall also pay the delinquency fee prescribed by this chapter.
31 Renewal under this section shall be effective on the date on which
32 the application is filed, on the date on which the renewal fee is
33 paid, or on the date on which the delinquency fee, if any, is paid,
34 whichever last occurs. If so renewed, the license shall continue in
35 effect through the expiration date provided in Section 1715 which
36 next occurs after the effective date of the renewal, when it shall
37 expire if it is not again renewed.

38 *SEC. 6. Section 1718.3 of the Business and Professions Code*
39 *is amended to read:*

1 1718.3. (a) A license which is not renewed within five years
2 after its expiration may not be renewed, restored, reinstated, or
3 reissued thereafter, but the holder of the license may apply for and
4 obtain a new license if the following requirements are satisfied:

5 (1) No fact, circumstance, or condition exists which would
6 justify denial of licensure under Section 480.

7 (2) ~~He or she~~ *The person* pays all of the fees which would be
8 required of ~~him or her if he or she~~ *if the person* were then applying
9 for the license for the first time and ~~all the~~ renewal and delinquency
10 fees which have accrued since the date on which he or she last
11 renewed his or her license. *fees.*

12 (3) ~~He or she~~ *The person* takes and passes the examination, if
13 any, which would be required of ~~him or her if he or she~~ *if the*
14 *person* were then applying for the license for the first time, or
15 otherwise establishes to the satisfaction of the board that with due
16 regard for the public interest, ~~he or she~~ *the person* is qualified to
17 practice the profession or activity in which ~~he or she~~ *again the*
18 *person* seeks to be licensed.

19 (b) The board may impose conditions on any license issued
20 pursuant to this section, as it deems necessary.

21 (c) The board may by regulation provide for the waiver or refund
22 of all or any part of the examination fee in those cases in which a
23 license is issued without an examination under this section.

24 *SEC. 7. Section 1936 of the Business and Professions Code is*
25 *amended to read:*

26 1936. Except as otherwise provided in this article, an expired
27 license may be renewed at any time within five years after its
28 expiration by filing an application for renewal on a form prescribed
29 by the hygiene board and payment of ~~all accrued~~ *the* renewal and
30 delinquency fees. If the license is renewed after its expiration, the
31 licensee, as a condition precedent of renewal, shall also pay the
32 delinquency fee prescribed by this article. Renewal under this
33 section shall be effective on the date on which the application is
34 filed, on the date on which the renewal fee is paid, or on the date
35 on which the delinquency fee, if any, is paid, whichever last occurs.
36 If so renewed, the license shall continue in effect until the
37 expiration date provided in Section 1935 that next occurs after the
38 effective date of the renewal.

39 *SEC. 8. Section 2427 of the Business and Professions Code is*
40 *amended to read:*

1 2427. (a) Except as provided in Section 2429, a license which
2 has expired may be renewed at any time within five years after its
3 expiration on filing an application for renewal on a form prescribed
4 by the licensing authority and payment of ~~all accrued~~ *the* renewal
5 ~~fees~~ *fee* and any other fees required by Section 2424. If the license
6 is not renewed within 30 days after its expiration, the licensee, as
7 a condition precedent to renewal, shall also pay the prescribed
8 delinquency fee, if any. Except as provided in Section 2424,
9 renewal under this section shall be effective on the date on which
10 the renewal application is filed, on the date on which the renewal
11 ~~fee or accrued renewal fees are~~ *is* paid, or on the date on which
12 the delinquency fee or the delinquency fee and penalty fee, if any,
13 are paid, whichever last occurs. If so renewed, the license shall
14 continue in effect through the expiration date set forth in Section
15 2422 or 2423 which next occurs after the effective date of the
16 renewal, when it shall expire and become invalid if it is not again
17 renewed.

18 (b) Notwithstanding subdivision (a), the license of a doctor of
19 podiatric medicine which has expired may be renewed at any time
20 within three years after its expiration on filing an application for
21 renewal on a form prescribed by the licensing authority and
22 payment of ~~all accrued~~ *the* renewal ~~fees~~ *fee* and any other fees
23 required by Section 2424. If the license is not renewed within 30
24 days after its expiration, the licensee, as a condition precedent to
25 renewal, shall also pay the prescribed delinquency fee, if any.
26 Except as provided in Section 2424, renewal under this section
27 shall be effective on the date on which the renewal application is
28 filed, on the date on which the renewal ~~fee or accrued renewal fees~~
29 ~~are~~ *is* paid, or on the date on which the delinquency fee or the
30 delinquency fee and penalty fee, if any, are paid, whichever last
31 occurs. If so renewed, the license shall continue in effect through
32 the expiration date set forth in Section 2422 or 2423 which next
33 occurs after the effective date of the renewal, when it shall expire
34 and become invalid if it is not again renewed.

35 *SEC. 9. Section 2456.3 of the Business and Professions Code*
36 *is amended to read:*

37 2456.3. Except as provided in Section 2429, a license which
38 has expired may be renewed at any time within five years after its
39 expiration by filing an application for renewal on a form prescribed
40 by the board and payment of ~~all accrued~~ *the* renewal ~~fees~~ *fee* and

1 any other fees required by Section 2455. Except as provided in
 2 Section 2456.2, renewal under this section shall be effective on
 3 the date on which the renewal application is filed, on the date on
 4 which the renewal fee ~~or accrued renewal fees are~~ *is* paid, or on
 5 the date on which the delinquency fee or the delinquency fee and
 6 penalty fee, if any, are paid, whichever last occurs. If so renewed,
 7 the license shall continue in effect through the expiration date set
 8 forth in Section 2456.1 which next occurs after the effective date
 9 of the renewal.

10 *SEC. 10. Section 2535.2 of the Business and Professions Code*
 11 *is amended to read:*

12 2535.2. Except as provided in Section 2535.3, a license that
 13 has expired may be renewed at any time within five years after its
 14 expiration upon filing of an application for renewal on a form
 15 prescribed by the board and payment of ~~all accrued and unpaid~~
 16 ~~renewal fees.~~ *the renewal fee.* If the license is not renewed on or
 17 before its expiration, the licensee, as a condition precedent to
 18 renewal, shall also pay the prescribed delinquency fee. Renewal
 19 under this section shall be effective on the date on which the
 20 application is filed, on the date on which ~~all the renewal fees are~~
 21 *fee is* paid, or on the date on which the delinquency fee is paid,
 22 whichever last occurs. If so renewed, the license shall continue in
 23 effect through the expiration date provided in Section 2535, after
 24 the effective date of the renewal, when it shall expire and become
 25 invalid if it is not again renewed.

26 *SEC. 11. Section 2538.54 of the Business and Professions Code*
 27 *is amended to read:*

28 2538.54. Except as otherwise provided in this article, an expired
 29 license may be renewed at any time within three years after its
 30 expiration on filing of an application for renewal on a form
 31 prescribed by the board, and payment of ~~all accrued and unpaid~~
 32 ~~renewal fees.~~ *the renewal fee.* If the license is renewed after its
 33 expiration the licensee, as a condition precedent to renewal, shall
 34 also pay the delinquency fee prescribed by this article. Renewal
 35 under this section shall be effective on the date on which the
 36 application is filed, on the date on which the renewal fee is paid,
 37 or on the date on which the delinquency fee, if any, is paid,
 38 whichever last occurs. If so renewed, the license shall continue in
 39 effect through the date provided in Section 2538.53 which next

1 occurs after the effective date of the renewal, when it shall expire
2 if it is not again renewed.

3 *SEC. 12. Section 2646 of the Business and Professions Code*
4 *is amended to read:*

5 2646. A license that has expired may be renewed at any time
6 within five years after its expiration by applying for renewal as
7 set forth in Section 2644. Renewal under this section shall be
8 effective on the date on which the renewal application is filed, on
9 the date on which the renewal fee ~~or accrued renewal fees are~~ *is*
10 paid, or on the date on which the delinquency fee and penalty fee,
11 if any, are paid, whichever last occurs. A renewed license shall
12 continue in effect through the expiration date set forth in Section
13 2644 that next occurs after the effective date of the renewal, at
14 which time it shall expire and become invalid if it is not so
15 renewed.

16 *SEC. 13. Section 2734 of the Business and Professions Code*
17 *is amended to read:*

18 2734. Upon application in writing to the board and payment
19 of ~~the a fee not to exceed 50 percent of the~~ biennial renewal fee,
20 a licensee may have ~~his~~ *their* license placed in an inactive status
21 for an indefinite period of time. A licensee whose license is in an
22 inactive status may not practice nursing. However, such a licensee
23 does not have to comply with the continuing education standards
24 of Section 2811.5.

25 *SEC. 14. Section 2892.1 of the Business and Professions Code*
26 *is amended to read:*

27 2892.1. Except as provided in Sections 2892.3 and 2892.5, an
28 expired license may be renewed at any time within four years after
29 its expiration upon filing of an application for renewal on a form
30 prescribed by the board, payment of ~~all accrued and unpaid renewal~~
31 ~~fees,~~ *the renewal fee,* and payment of any fees due pursuant to
32 Section 2895.1.

33 If the license is renewed more than 30 days after its expiration,
34 the licensee, as a condition precedent to renewal, shall also pay
35 the delinquency fee prescribed by this chapter. Renewal under this
36 section shall be effective on the date on which the application is
37 filed, on the date on which ~~all the renewal fees are~~ *fee is* paid, or
38 on the date on which the delinquency fee is paid, whichever last
39 occurs. If so renewed, the license shall continue in effect through
40 the date provided in Section 2892 which next occurs after the

1 effective date of the renewal, when it shall expire if it is not again
2 renewed.

3 *SEC. 15. Section 2984 of the Business and Professions Code*
4 *is amended to read:*

5 2984. Except as provided in Section 2985, a license that has
6 expired may be renewed at any time within three years after its
7 expiration on filing of an application for renewal on a form
8 prescribed by the board and payment of ~~all accrued and unpaid~~
9 ~~the renewal fees.~~ *fee*. If the license is renewed after its expiration,
10 the licensee, as a condition precedent to renewal, shall also pay
11 the prescribed delinquency fee, if any. Renewal under this section
12 shall be effective on the date on which the application is filed, on
13 the date on which ~~all the renewal fees are~~ *fee is* paid, or on the date
14 on which the delinquency fee, if any, is paid, whichever last occurs.
15 If so renewed, the license shall continue in effect through the
16 expiration date provided in Section 2982 which next occurs after
17 the effective date of the renewal, when it shall expire and become
18 invalid if it is not again renewed.

19 *SEC. 16. Section 3147 of the Business and Professions Code*
20 *is amended to read:*

21 3147. (a) Except as otherwise provided by Section 114, an
22 expired optometrist license may be renewed at any time within
23 three years after its expiration, and a retired license issued for less
24 than three years may be reactivated to active status, by filing an
25 application for renewal or reactivation on a form prescribed by the
26 board, paying ~~all accrued and unpaid the renewal fees~~ *fee* or
27 ~~reactivation fees~~ *fee* determined by the board, paying any
28 delinquency fees prescribed by the board, and submitting proof of
29 completion of the required number of hours of continuing education
30 for the last two years, as prescribed by the board pursuant to
31 Section 3059. Renewal or reactivation to active status under this
32 section shall be effective on the date on which all of those
33 requirements are satisfied. If so renewed or reactivated to active
34 status, the license shall continue as provided in Sections 3146 and
35 3147.5.

36 (b) Expired statements of licensure, branch office licenses, and
37 fictitious name permits issued pursuant to Sections 3070, 3077,
38 and 3078, respectively, may be renewed at any time by filing an
39 application for renewal, paying ~~all accrued and unpaid renewal~~

1 ~~fees, the renewal fee~~, and paying any delinquency fees prescribed
2 by the board.

3 *SEC. 17. Section 3147.7 of the Business and Professions Code*
4 *is amended to read:*

5 3147.7. The provisions of Section 3147.6 shall not apply to a
6 person holding a license that has not been renewed within three
7 years of expiration, if the person provides satisfactory proof that
8 ~~he or she~~ *the person* holds an active license from another state and
9 meets all of the following conditions:

10 (a) Is not subject to denial of a license under Section 480.

11 (b) Applies in writing for restoration of the license on a form
12 prescribed by the board.

13 (c) Pays ~~all accrued and unpaid~~ *the renewal fees fee* and any
14 delinquency fees prescribed by the board.

15 (d) Submits proof of completion of the required number of hours
16 of continuing education for the last two years.

17 (e) Takes and satisfactorily passes the board's jurisprudence
18 examination.

19 *SEC. 18. Section 3524 of the Business and Professions Code*
20 *is amended to read:*

21 3524. A license or approval that has expired may be renewed
22 at any time within five years after its expiration by filing an
23 application for renewal on a form prescribed by the board or
24 Medical Board of California, as the case may be, and payment of
25 ~~all accrued and unpaid renewal fees.~~ *the renewal fee*. If the license
26 or approval is not renewed within 30 days after its expiration, the
27 licensed physician assistant and approved supervising physician,
28 as a condition precedent to renewal, shall also pay the prescribed
29 delinquency fee, if any. Renewal under this section shall be
30 effective on the date on which the application is filed, on the date
31 on which ~~all the renewal fees are~~ *fee is* paid, or on the date on
32 which the delinquency fee, if any, is paid, whichever occurs last.
33 If so renewed, the license shall continue in effect through the
34 expiration date provided in Section 3522 or 3523 which next occurs
35 after the effective date of the renewal, when it shall expire, if it is
36 not again renewed.

37 *SEC. 19. Section 3774 of the Business and Professions Code*
38 *is amended to read:*

39 3774. On or before the birthday of a licensed practitioner in
40 every other year, following the initial licensure, the board shall

1 mail to each practitioner licensed under this chapter, at the latest
2 address furnished by the licensed practitioner to the executive
3 officer of the board, a notice stating the amount of the renewal fee
4 and the date on which it is due. The notice shall state that failure
5 to pay the renewal fee on or before the due date and submit
6 evidence of compliance with Sections 3719 and 3773 shall result
7 in expiration of the license.

8 Each license not renewed in accordance with this section shall
9 expire but may within a period of three years thereafter be
10 reinstated upon payment of ~~all accrued and unpaid~~ *the* renewal
11 fees and penalty fees required by this chapter. The board may also
12 require submission of proof of the applicant's qualifications, except
13 that during the three-year period no examination shall be required
14 as a condition for the reinstatement of any expired license that has
15 lapsed solely by reason of nonpayment of the renewal fee.

16 *SEC. 20. Section 3775.5 of the Business and Professions Code*
17 *is amended to read:*

18 3775.5. The fee for an inactive license shall be ~~the same as~~ *no*
19 *more than 50 percent of the renewal fee for an active license* for
20 the practice of respiratory care as specified in Section 3775.

21 *SEC. 21. Section 4545 of the Business and Professions Code*
22 *is amended to read:*

23 4545. Except as provided in Section 4545.2, a license that has
24 expired may be renewed at any time within four years after its
25 expiration on filing an application for renewal on a form prescribed
26 by the board, payment of ~~all accrued and unpaid renewal fees,~~ *the*
27 *renewal fee*, and payment of all fees required by this chapter. If
28 the license is renewed more than 30 days after its expiration, the
29 holder, as a condition precedent to renewal, shall also pay the
30 delinquency fee prescribed by this chapter. Renewal under this
31 section shall be effective on the date on which the application is
32 filed, on the date on which the renewal fee is paid, or on the date
33 on which the delinquency fee, if any, is paid, whichever last occurs.
34 If so renewed, the license shall continue in effect through the date
35 provided in Section 4544 which next occurs after the effective date
36 of the renewal, when it shall expire if it is not again renewed.

37 A certificate which was forfeited for failure to renew under the
38 law in effect before October 1, 1961, shall, for the purposes of this
39 article, be considered to have expired on the date that it became
40 forfeited.

1 *SEC. 22. Section 4843.5 of the Business and Professions Code*
2 *is amended to read:*

3 4843.5. Except as otherwise provided in this article, an expired
4 certificate of registration may be renewed at any time within five
5 years after its expiration on filing of an application for renewal on
6 a form prescribed by the board, and payment of ~~all accrued and~~
7 ~~unpaid renewal fees.~~ *the renewal fee.* If the certificate of
8 registration is renewed more than 30 days after its expiration, the
9 registrant, as a condition precedent to renewal, shall also pay the
10 delinquency fee prescribed by this article. Renewal under this
11 section shall be effective on the date on which the application is
12 filed, on the date ~~all the renewal fees are~~ *fee is* paid, or on the date
13 on which the delinquency fee, if any, is paid, whichever occurs
14 last.

15 *SEC. 23. Section 4901 of the Business and Professions Code*
16 *is amended to read:*

17 4901. Except as otherwise provided in this chapter, an expired
18 license or registration may be renewed at any time within five
19 years after its expiration on filing of an application for renewal on
20 a form prescribed by the board, and payment of ~~all accrued and~~
21 ~~unpaid renewal fees.~~ *the renewal fee.* If the license or registration
22 is renewed more than 30 days after its expiration, the licensee or
23 registrant, as a condition precedent to renewal, shall also pay the
24 delinquency fee prescribed by this chapter. Renewal under this
25 section shall be effective on the date on which the application is
26 filed, on the date on which ~~all renewal fees are~~ *the renewal fee is*
27 paid, or on the date on which the delinquency fee, if any, is paid,
28 whichever last occurs. If so renewed, the license or registration
29 shall continue in effect through the expiration date provided in
30 Section 4900 that next occurs after the effective date of the renewal,
31 when it shall expire if it is not again renewed.

32 *SEC. 24. Section 4966 of the Business and Professions Code*
33 *is amended to read:*

34 4966. Except as provided in Section 4969, a license that has
35 expired may be renewed at any time within three years after its
36 expiration by filing of an application for renewal on a form
37 provided by the board, paying ~~all accrued and unpaid renewal fees,~~
38 *the renewal fee,* and providing proof of completing continuing
39 education requirements. If the license is not renewed prior to its
40 expiration, the acupuncturist, as a condition precedent to renewal,

1 shall also pay the prescribed delinquency fee. Renewal under this
 2 section shall be effective on the date on which the application is
 3 filed, on the date on which the renewal fee is paid, or on the date
 4 the delinquency fee is paid, whichever occurs last. If so renewed,
 5 the license shall continue in effect through the expiration date
 6 provided in Section 4965, after the effective date of the renewal,
 7 when it shall expire and become invalid if it is not again renewed.

8 *SEC. 25. Section 4989.36 of the Business and Professions Code*
 9 *is amended to read:*

10 4989.36. A licensee may renew a license that has expired at
 11 any time within three years after its expiration date by taking all
 12 of the actions described in Section 4989.32 and by paying ~~all~~
 13 ~~unpaid prior renewal fees and delinquency fees.~~ *the delinquency*
 14 *fee.*

15 *SEC. 26. Section 4999.104 of the Business and Professions*
 16 *Code is amended to read:*

17 4999.104. Licenses issued under this chapter that have expired
 18 may be renewed at any time within three years of expiration. To
 19 renew an expired license described in this section, the licensee
 20 shall do all of the following:

21 (a) File an application for renewal on a form prescribed by the
 22 board.

23 ~~(b) Pay all fees that would have been paid if the license had not~~
 24 ~~become delinquent.~~

25 ~~(c)~~

26 (b) Pay ~~all~~ *the delinquency fees.* *fee.*

27 ~~(d)~~

28 (c) Certify compliance with the continuing education
 29 requirements set forth in Section 4999.76.

30 ~~(e)~~

31 (d) Notify the board whether ~~he or she~~ *the licensee* has been
 32 convicted, as defined in Section 490, of a misdemeanor or felony,
 33 or whether any disciplinary action has been taken by any regulatory
 34 or licensing board in this or any other state, subsequent to the
 35 licensee's last renewal.

36 *SEC. 27. Section 5070.6 of the Business and Professions Code*
 37 *is amended to read:*

38 5070.6. Except as otherwise provided in this chapter, an expired
 39 permit may be renewed at any time within five years after its
 40 expiration upon the filing of an application for renewal on a form

1 prescribed by the board, payment of ~~all accrued and unpaid renewal~~
2 ~~fees~~ *the renewal fee*, and providing evidence satisfactory to the
3 board of compliance as required by Section 5070.5. If the permit
4 is renewed after its expiration, its holder, as a condition precedent
5 to renewal, shall also pay the delinquency fee prescribed by this
6 chapter. Renewal under this section shall be effective on the date
7 on which the application is filed, on the date on which the ~~accrued~~
8 ~~renewal fees~~ *are fee is paid*, or on the date on which the
9 delinquency fee, if any, is paid, whichever last occurs. If so
10 renewed, the permit shall continue in effect through the date
11 provided in Section 5070.5 that next occurs after the effective date
12 of the renewal, when it shall expire if it is not again renewed.

13 *SEC. 28. Section 5600.2 of the Business and Professions Code*
14 *is amended to read:*

15 5600.2. Except as otherwise provided in this chapter, a license
16 which has expired may be renewed at any time within five years
17 after its expiration on filing of application for renewal on a form
18 prescribed by the board, and payment of ~~all accrued and unpaid~~
19 ~~renewal fees~~ *the renewal fee*. If a license is renewed more than
20 30 days after its expiration, the licenseholder, as a condition
21 precedent to renewal, shall also pay the delinquency fee prescribed
22 by this chapter. Renewal under this section shall be effective on
23 the date on which the application is filed, on the date on which the
24 renewal fee is paid, or on the date on which the delinquency fee,
25 if any, is paid, whichever last occurs. If so renewed, the license
26 shall continue in effect through the expiration date provided in this
27 chapter which next occurs after the effective date of the renewal,
28 when it shall expire if it is not again renewed.

29 *SEC. 29. Section 5680.1 of the Business and Professions Code*
30 *is amended to read:*

31 5680.1. Except as otherwise provided in this chapter, a license
32 that has expired may be renewed at any time within five years after
33 its expiration on filing of an application for renewal on a form
34 prescribed by the board, and payment of ~~all accrued and unpaid~~
35 ~~renewal fees~~ *the renewal fee*. If the license is renewed more than
36 30 days after its expiration, the licenseholder, as a condition
37 precedent to renewal, shall also pay the delinquency fee prescribed
38 by this chapter. Renewal under this section shall be effective on
39 the date on which the application is filed, on the date on which ~~all~~
40 ~~the renewal fees~~ *are fee is paid*, or on the date on which the

1 delinquency fee, if any, is paid, whichever last occurs. If so
2 renewed, the license shall continue in effect through the date
3 provided in Section 5680 that next occurs after the effective date
4 of the renewal, when it shall expire if it is not again renewed.

5 *SEC. 30. Section 6796 of the Business and Professions Code*
6 *is amended to read:*

7 6796. Except as otherwise provided in this article, certificates
8 of registration as a professional engineer and certificates of
9 authority may be renewed at any time within five years after
10 expiration on filing of application for renewal on a form prescribed
11 by the board and payment of ~~all accrued and unpaid renewal fees.~~
12 *the renewal fee.* If the certificate is renewed more than 60 days
13 after its expiration, the certificate holder, as a condition precedent
14 to renewal, shall also pay the delinquency fee prescribed by this
15 chapter. Renewal under this section shall be effective on the date
16 on which the application is filed, on the date on which the renewal
17 fee is paid, or on the date on which the delinquency fee, if any, is
18 paid, whichever last occurs.

19 The expiration date of a certificate renewed pursuant to this
20 section shall be determined pursuant to Section 6795.

21 *SEC. 31. Section 6980.28 of the Business and Professions Code*
22 *is amended to read:*

23 6980.28. A locksmith license not renewed within three years
24 following its expiration may not be renewed thereafter. Renewal
25 of the license within three years, or issuance of an original license
26 thereafter, shall be subject to payment of any ~~and all fines~~ *fine*
27 assessed by the chief or the director ~~which are~~ *that is* not pending
28 appeal and all other applicable fees.

29 *SEC. 32. Section 7076.5 of the Business and Professions Code*
30 *is amended to read:*

31 7076.5. (a) A contractor may inactivate ~~his or her~~ *their* license
32 by submitting a form prescribed by the registrar accompanied by
33 the current active license certificate. When the current license
34 certificate has been lost, the licensee shall pay the fee prescribed
35 by law to replace the license certificate. Upon receipt of an
36 acceptable application to inactivate, the registrar shall issue an
37 inactive license certificate to the contractor. The holder of an
38 inactive license shall not be entitled to practice as a contractor until
39 ~~his or her~~ *their* license is reactivated.

1 (b) Any licensed contractor who is not engaged in work or
2 activities which require a contractor's license may apply for an
3 inactive license.

4 (c) Inactive licenses shall be valid for a period of four years
5 from their due date.

6 (d) During the period that an existing license is inactive, no
7 bonding requirement pursuant to Section 7071.6, 7071.8 or 7071.9
8 or qualifier requirement pursuant to Section 7068 shall apply. An
9 applicant for license having met the qualifications for issuance
10 may request that the license be issued inactive unless the applicant
11 is subject to the provisions of Section 7071.8.

12 (e) The board shall not refund any of the renewal fee which a
13 licensee may have paid prior to the inactivation of ~~his or her~~ *the*
14 license.

15 (f) An inactive license shall be renewed on each established
16 renewal date by submitting the renewal application and paying the
17 inactive renewal fee.

18 (g) An inactive license may be reactivated by submitting an
19 application acceptable to the registrar, by paying ~~the full~~ *a fee no*
20 *more than 50 percent of the* renewal fee for an active ~~license~~
21 *license*, and by fulfilling all other requirements of this chapter. No
22 examination shall be required to reactivate an inactive license.

23 (h) The inactive status of a license shall not bar any disciplinary
24 action by the board against a licensee for any of the causes stated
25 in this chapter.

26 *SEC. 33. Section 7417 of the Business and Professions Code*
27 *is amended to read:*

28 7417. Except as otherwise provided in this article, a license
29 that has expired for failure of the licensee to renew within the time
30 fixed by this article may be renewed at any time within five years
31 following its expiration upon application and payment of ~~all~~
32 ~~accrued and unpaid~~ *the* renewal ~~fees~~ and delinquency fees. If the
33 license is renewed after its expiration, the licensee, as a condition
34 precedent to renewal, shall also pay the delinquency fee and meet
35 current continuing education requirements, if applicable, prescribed
36 by this chapter. Renewal under this section shall be effective on
37 the date on which the application is filed, or on the date on which
38 ~~the accrued renewal fees are~~ *fee is* paid, or on the date on which
39 the delinquency fee, if any, is paid, whichever occurs last. If so
40 renewed, the license shall continue in effect through the expiration

1 date provided in this article which next occurs following the
2 effective date of the renewal, when it shall expire if it is not again
3 renewed.

4 *SEC. 34. Section 7672.8 of the Business and Professions Code*
5 *is amended to read:*

6 7672.8. All cremated remains disposer registrations shall expire
7 at midnight on September 30 of each year. A person desiring to
8 renew ~~his or her~~ *their* registration shall file an application for
9 renewal on a form prescribed by the bureau accompanied by the
10 required fee. A registration that has expired may be renewed within
11 five years of its expiration upon payment of ~~all accrued and unpaid~~
12 ~~renewal fees.~~ *the renewal fee.* The bureau shall not renew the
13 registration of any person who has not filed the required annual
14 report until ~~he or she~~ *the person* has filed a complete annual report
15 with the department.

16 *SEC. 35. Section 7725.2 of the Business and Professions Code*
17 *is amended to read:*

18 7725.2. Except as otherwise provided in this chapter, a license
19 that has expired may be renewed at any time within five years after
20 its expiration on filing of an application for renewal on a form
21 prescribed by the bureau and payment of ~~all accrued and unpaid~~
22 ~~renewal fees.~~ *the renewal fee.* If the license is not renewed within
23 30 days after its expiration the licensee, as a condition precedent
24 to renewal, shall also pay the delinquency fee prescribed by this
25 chapter. Renewal under this section shall be effective on the date
26 on which the application is filed, on the date on which ~~all the~~
27 ~~renewal fees are~~ *fee is* paid, or on the date on which the
28 delinquency fee, if any, is paid, whichever last occurs. If so
29 renewed, the license shall continue in effect through the date
30 provided in Section 7725 that next occurs after the effective date
31 of the renewal, when it shall expire if it is not again renewed.

32 If a license is not renewed within one year following its
33 expiration, the bureau may require as a condition of renewal that
34 the holder of the license pass an examination on the appropriate
35 subjects provided by this chapter.

36 *SEC. 36. Section 7729.1 of the Business and Professions Code*
37 *is amended to read:*

38 7729.1. The amount of fees prescribed for a license or
39 certificate of authority under this act is that fixed by the following
40 provisions of this article. Any license or certificate of authority

1 provided under this act that has expired may be renewed within
2 five years of its expiration upon payment of ~~all accrued and unpaid~~
3 ~~renewal and regulatory fees.~~ *the renewal fee.*

4 *SEC. 37. Section 7881 of the Business and Professions Code*
5 *is amended to read:*

6 7881. Except as otherwise provided in this article, certificates
7 of registration as a geologist or as a geophysicist, or certified
8 specialty certificates, may be renewed at any time within five years
9 after expiration on filing an application for renewal on a form
10 prescribed by the board and payment of ~~all accrued and unpaid~~
11 ~~renewal fees.~~ *the renewal fee.* If the certificate is renewed more
12 than 30 days after its expiration, the certificate holder, as a
13 condition precedent to renewal, shall also pay the delinquency fee
14 prescribed by this chapter. Renewal under this section shall be
15 effective on the date on which the application is filed, on the date
16 on which ~~all the renewal fees are~~ *fee is* paid, or on the date on
17 which the delinquency fee, if any, is paid, whichever last occurs.
18 If so renewed, the certificate shall continue in effect through the
19 date provided in Section 7880 that next occurs after the effective
20 date of the renewal, when it shall expire if it is not again renewed.

21 *SEC. 38. Section 7883 of the Business and Professions Code*
22 *is amended to read:*

23 7883. A revoked certificate is subject to expiration as provided
24 in this article, but it may not be renewed. If it is reinstated after its
25 expiration, the holder of the certificate, as a condition precedent
26 to its reinstatement, shall pay a reinstatement fee in an amount
27 equal to the renewal fee in effect on the last regular date before
28 the date on which it is ~~reinstated, plus all accrued and unpaid~~
29 ~~renewal fees~~ *reinstated* and the delinquency fee, if any, accrued
30 at the time of its revocation.

31 *SEC. 39. Section 8024.7 of the Business and Professions Code*
32 *is amended to read:*

33 8024.7. The board shall establish an inactive category of
34 licensure for persons who are not actively engaged in the practice
35 of shorthand reporting.

36 (a) The holder of an inactive license issued pursuant to this
37 section shall not engage in any activity for which a license is
38 required.

39 (b) An inactive license issued pursuant to this section shall be
40 renewed during the same time period in which an active license

1 is renewed. The holder of an inactive license is exempt from any
2 continuing education requirement for renewal of an active license.

3 (c) The renewal fee for a license in an active status shall ~~apply~~
4 ~~also for a renewal of a license in an inactive status, unless a lesser~~
5 ~~renewal fee is specified by the board.~~ *be no more than 50 percent*
6 *of the renewal fee for a license in an active status.*

7 (d) In order for the holder of an inactive license issued pursuant
8 to this section to restore ~~his or her~~ *their* license to an active status,
9 the holder of an inactive license shall comply with both of the
10 following:

11 (1) Pay the renewal fee.

12 (2) If the board requires completion of continuing education for
13 renewal of an active license, complete continuing education
14 equivalent to that required for renewal of an active license, unless
15 a different requirement is specified by the board.

16 *SEC. 40. Section 8802 of the Business and Professions Code*
17 *is amended to read:*

18 8802. Except as otherwise provided in this article, licenses
19 issued under this chapter may be renewed at any time within five
20 years after expiration on filing of application for renewal on a form
21 prescribed by the board and payment of ~~all accrued and unpaid~~
22 ~~renewal fees.~~ *the renewal fee.* If the license is renewed more than
23 30 days after its expiration, the licensee, as a condition precedent
24 to renewal, shall also pay the delinquency fee prescribed by this
25 chapter. Renewal under this section shall be effective on the date
26 on which the application is filed, on the date on which the renewal
27 fee is paid, or on the date on which the delinquency fee, if any, is
28 paid, whichever last occurs. If so renewed, the license shall
29 continue in effect through the date provided in Section 8801 which
30 next occurs after the effective date of the renewal, when it shall
31 expire if it is not again renewed.

32 *SEC. 41. Section 9832 of the Business and Professions Code*
33 *is amended to read:*

34 9832. (a) Registrations issued under this chapter shall expire
35 no more than 12 months after the issue date. The expiration date
36 of registrations shall be set by the director in a manner to best
37 distribute renewal procedures throughout the year.

38 (b) To renew an unexpired registration, the service dealer shall,
39 on or before the expiration date of the registration, apply for

1 renewal on a form prescribed by the director, and pay the renewal
2 fee prescribed by this chapter.

3 (c) To renew an expired registration, the service dealer shall
4 apply for renewal on a form prescribed by the director, pay the
5 renewal fee in effect on the last regular renewal date, and pay ~~all~~
6 ~~accrued and unpaid~~ the delinquency ~~and renewal fees.~~ *fee.*

7 (d) Renewal is effective on the date that the application is ~~filed,~~
8 ~~filed and~~ the renewal fee is paid, and ~~all~~ delinquency fees are paid.

9 (e) For purposes of implementing the distribution of the renewal
10 of registrations throughout the year, the director may extend by
11 not more than six months, the date fixed by law for renewal of a
12 registration, except that in that event any renewal fee that may be
13 involved shall be prorated in a manner that no person shall be
14 required to pay a greater or lesser fee than would have been
15 required had the change in renewal dates not occurred.

16 *SEC. 42. Section 9832.5 of the Business and Professions Code*
17 *is amended to read:*

18 9832.5. (a) Registrations issued under this chapter shall expire
19 no more than 12 months after the issue date. The expiration date
20 of registrations shall be set by the director in a manner to best
21 distribute renewal procedures throughout the year.

22 (b) To renew an unexpired registration, the service contractor
23 shall, on or before the expiration date of the registration, apply for
24 renewal on a form prescribed by the director, and pay the renewal
25 fee prescribed by this chapter.

26 (c) To renew an expired registration, the service contractor shall
27 apply for renewal on a form prescribed by the director, pay the
28 renewal fee in effect on the last regular renewal date, and pay ~~all~~
29 ~~accrued and unpaid~~ the delinquency and renewal fees.

30 (d) Renewal is effective on the date that the application is ~~filed,~~
31 ~~filed and~~ the renewal fee is paid, and ~~all~~ delinquency fees are paid.

32 (e) For purposes of implementing the distribution of the renewal
33 of registrations throughout the year, the director may extend, by
34 not more than six months, the date fixed by law for renewal of a
35 registration, except that, in that event, any renewal fee that may
36 be involved shall be prorated in such a manner that no person shall
37 be required to pay a greater or lesser fee than would have been
38 required had the change in renewal dates not occurred.

39 (f) This section shall remain in effect only until January 1, 2023,
40 and as of that date is repealed.

1 *SEC. 43. Section 9884.5 of the Business and Professions Code*
 2 *is amended to read:*

3 9884.5. A registration that is not renewed within three years
 4 following its expiration shall not be renewed, restored, or reinstated
 5 thereafter, and the delinquent registration shall be canceled
 6 immediately upon expiration of the three-year period.

7 An automotive repair dealer whose registration has been canceled
 8 by operation of this section shall obtain a new registration only if
 9 ~~he or she~~ *the automotive repair dealer* again meets the requirements
 10 set forth in this chapter relating to registration, is not subject to
 11 denial under Section 480, and pays the applicable fees.

12 An expired registration may be renewed at any time within three
 13 years after its expiration upon the filing of an application for
 14 renewal on a form prescribed by the bureau and the payment of
 15 ~~all accrued~~ *the* renewal and delinquency fees. Renewal under this
 16 section shall be effective on the date on which the application is
 17 filed and ~~all~~ *the* renewal and delinquency fees are paid. If so
 18 renewed, the registration shall continue in effect through the
 19 expiration date of the current registration year as provided in
 20 Section 9884.3, at which time the registration shall be subject to
 21 renewal.

22 *SEC. 44. Section 19170.5 of the Business and Professions Code*
 23 *is amended to read:*

24 19170.5. (a) Except as provided in Section 19170.3, licenses
 25 issued under this chapter expire two years from the date of
 26 issuance. To renew ~~his or her~~ *a* license, a licensee shall, on or
 27 before the date on which it would otherwise expire, apply for
 28 renewal on a form prescribed by the chief, and pay the fees
 29 prescribed by Sections 19170 and 19213.1. If a licensee fails to
 30 renew ~~his or her~~ *their* license before its expiration, a delinquency
 31 fee of 20 percent, but not more than one hundred dollars (\$100),
 32 notwithstanding the provisions of Section 163.5, shall be added
 33 to the renewal fee. If the renewal fee and delinquency fee are not
 34 paid within 90 days after expiration of a license, the licensee shall
 35 be assessed an additional penalty fee of 30 percent of the renewal
 36 fee.

37 (b) Except as otherwise provided in this chapter, a licensee may
 38 renew an expired license within six years after expiration of the
 39 license by filing an application for renewal on a form prescribed

1 by the bureau, and paying ~~all accrued renewal, delinquent, the~~
2 ~~renewal, delinquency,~~ and penalty fees.

3 (c) A license that is not renewed within six years of its expiration
4 shall not be renewed, restored, reinstated, or reissued, but the holder
5 of the license may apply for and obtain a new license if both of
6 the following requirements are satisfied:

7 (1) No fact, circumstance, or condition exists which would
8 justify denial of licensure under Section 480.

9 (2) The licensee pays ~~all the~~ renewal, delinquency, and penalty
10 fees ~~that have accrued since the date on which the license was last~~
11 ~~renewed.~~ fees.

12 (d) The bureau may impose conditions on any license issued
13 pursuant to subdivision (c).

14 *SEC. 45. Section 19290 of the Business and Professions Code*
15 *is amended to read:*

16 19290. (a) Permits issued under this chapter expire two years
17 from the date of issuance. To renew a permit, a permittee shall,
18 on or before the date on which it would otherwise expire, apply
19 for renewal on a form prescribed by the chief, and continue to pay
20 the fees prescribed in Sections 19288 and 19288.1. Notwithstanding
21 Section 163.5, if a permittee fails to renew the permit before its
22 expiration, a delinquency fee of 20 percent of the most recent fee
23 paid to the bureau pursuant to Sections 19288 and 19288.1 shall
24 be added to the amount due to the bureau at the next fee interval.
25 If the renewal fee and delinquency fee are not paid within 90 days
26 after expiration of a permit, the permittee shall be assessed an
27 additional fee of 30 percent of the most recent fee paid to the
28 bureau pursuant to Sections 19288 and 19288.1.

29 (b) Except as otherwise provided in this chapter, a permittee
30 may renew an expired permit within two years after expiration of
31 the permit by filing an application for renewal on a form prescribed
32 by the bureau, and paying all ~~accrued~~ fees.

33 (c) A permit that is not renewed within two years of its
34 expiration shall not be renewed, restored, reinstated, or reissued,
35 but the holder of the expired permit may apply for and obtain a
36 new permit as provided in this chapter, upon payment of all fees
37 that accrued since the date the permit was last renewed.

38 (d) The bureau may impose conditions on any permit issued
39 pursuant to subdivision (c).

1 SECTION 1. ~~Section 4073 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 4073. (a) ~~A pharmacist filling a prescription order for a drug~~
4 ~~product prescribed by its trade or brand name may select another~~
5 ~~drug product with the same active chemical ingredients of the same~~
6 ~~strength, quantity, and dosage form, and of the same generic drug~~
7 ~~name as determined by the United States Adopted Names (USAN)~~
8 ~~and accepted by the federal Food and Drug Administration (FDA),~~
9 ~~of those drug products having the same active chemical ingredients.~~

10 (b) ~~In no case shall a selection be made pursuant to this section~~
11 ~~if the prescriber personally indicates, either orally or in the~~
12 ~~prescriber's own handwriting, "Do not substitute," or words of~~
13 ~~similar meaning. Nothing in this subdivision shall prohibit a~~
14 ~~prescriber from checking a box on a prescription marked "Do not~~
15 ~~substitute"; provided that the prescriber personally initials the box~~
16 ~~or checkmark. To indicate that a selection shall not be made~~
17 ~~pursuant to this section for an electronic data transmission~~
18 ~~prescription as defined in subdivision (c) of Section 4040, a~~
19 ~~prescriber may indicate "Do not substitute," or words of similar~~
20 ~~meaning, in the prescription as transmitted by electronic data, or~~
21 ~~may check a box marked on the prescription "Do not substitute."~~
22 ~~In either instance, it shall not be required that the prohibition on~~
23 ~~substitution be manually initialed by the prescriber.~~

24 (c) ~~Selection pursuant to this section is within the discretion of~~
25 ~~the pharmacist, except as provided in subdivision (b). The person~~
26 ~~who selects the drug product to be dispensed pursuant to this~~
27 ~~section shall assume the same responsibility for selecting the~~
28 ~~dispensed drug product as would be incurred in filling a~~
29 ~~prescription for a drug product prescribed by generic name. There~~
30 ~~shall be no liability on the prescriber for an act or omission by a~~
31 ~~pharmacist in selecting, preparing, or dispensing a drug product~~
32 ~~pursuant to this section. In no case shall the pharmacist select a~~
33 ~~drug product pursuant to this section unless the drug product~~
34 ~~selected costs the patient less than the prescribed drug product.~~
35 ~~Cost, as used in this subdivision, is defined to include any~~
36 ~~professional fee that may be charged by the pharmacist.~~

37 (d) ~~This section shall apply to all prescriptions, including those~~
38 ~~presented by or on behalf of persons receiving assistance from the~~
39 ~~federal government or pursuant to the California Medical~~
40 ~~Assistance Program set forth in Chapter 7 (commencing with~~

1 ~~Section 14000) of Part 3 of Division 9 of the Welfare and~~
2 ~~Institutions Code.~~
3 ~~(e) When a substitution is made pursuant to this section, the use~~
4 ~~of the cost-saving drug product dispensed shall be communicated~~
5 ~~to the patient and the name of the dispensed drug product shall be~~
6 ~~indicated on the prescription label, except where the prescriber~~
7 ~~orders otherwise.~~

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ASSEMBLY BILL

No. 613

Introduced by Assembly Member Low

February 14, 2019

An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 613, as introduced, Low. Professions and vocations: regulatory fees.

Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 101.1 is added to the Business and
2 Professions Code, to read:

3 101.1. (a) Notwithstanding any other law, no more than once
4 every four years, any board listed in Section 101 may increase any
5 fee authorized to be imposed by that board by an amount not to
6 exceed the increase in the California Consumer Price Index, as
7 determined pursuant to Section 2212 of the Revenue and Taxation
8 Code, for the preceding four years in accordance with the
9 following:

10 (1) The board shall provide its calculations and proposed fee,
11 rounded to the nearest whole dollar, to the director and the director
12 shall approve the fee increase unless any of the following apply:

13 (A) The board has unencumbered funds in an amount that is
14 equal to more than the board’s operating budget for the next two
15 fiscal years.

16 (B) The fee would exceed the reasonable regulatory costs to the
17 board in administering the provisions for which the fee is
18 authorized.

19 (C) The director determines that the fee increase would be
20 injurious to the public health, safety, or welfare.

21 (2) The adjustment of fees and publication of the adjusted fee
22 list is not subject to the Administrative Procedure Act (Chapter
23 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
24 Title 2) of the Government Code.

25 (b) For purposes of this section, “fee” includes any fees
26 authorized to be imposed by a board for regulatory costs. “Fee”
27 does not include administrative fines, civil penalties, or criminal
28 penalties.

O

ASSEMBLY BILL

No. 1522

Introduced by Committee on Business and Professions

February 22, 2019

An act to amend Section 6710 and 6714 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1522, as introduced, Committee on Business and Professions. Board for Professional Engineers, Land Surveyors, and Geologists.

Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to license and regulate engineers, land surveyors, and geologists and geophysicists and authorizes the board to appoint an executive officer. Existing law repeals these provisions on January 1, 2020.

This bill would extend the repeal date of the provision establishing the board and the board's authority to appoint an executive officer until January 1, 2024.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6710 of the Business and Professions
- 2 Code is amended to read:
- 3 6710. (a) There is in the Department of Consumer Affairs a
- 4 Board for Professional Engineers, Land Surveyors, and Geologists,
- 5 which consists of 15 members.

1 (b) Any reference in any law or regulation to the Board of
2 Registration for Professional Engineers and Land Surveyors, or
3 the Board for Professional Engineers and Land Surveyors, is
4 deemed to refer to the Board for Professional Engineers, Land
5 Surveyors, and Geologists.

6 (c) This section shall remain in effect only until January 1, ~~2020~~,
7 2024, and as of that date is repealed. Notwithstanding any other
8 law, the repeal of this section renders the board subject to review
9 by the appropriate policy committees of the Legislature.

10 SEC. 2. Section 6714 of the Business and Professions Code is
11 amended to read:

12 6714. The board shall appoint an executive officer at a salary
13 to be fixed and determined by the board with the approval of the
14 Director of Finance.

15 This section shall remain in effect only until January 1, ~~2020~~,
16 2024, and as of that date is repealed.

Introduced by Senator Wilk
(Coauthor: Assembly Member Lackey)

December 10, 2018

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as introduced, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11121 of the Government Code is
2 amended to read:

3 11121. As used in this article, “state body” means each of the
4 following:

5 (a) Every state board, or commission, or similar multimember
6 body of the state that is created by statute or required by law to
7 conduct official meetings and every commission created by
8 executive order.

9 (b) A board, commission, committee, or similar multimember
10 body that exercises any authority of a state body delegated to it by
11 that state body.

12 (c) An advisory board, advisory commission, advisory
13 committee, advisory subcommittee, or similar multimember
14 advisory body of a state body, if created by formal action of the
15 state body or of any member of the state body, and if the advisory
16 body so created consists of three or more ~~persons~~; *persons, except*
17 *as provided in subdivision (d).*

18 (d) A board, commission, committee, or similar multimember
19 body on which a member of a body that is a state body pursuant
20 to this section serves in his or her official capacity as a
21 representative of that state body and that is supported, in whole or
22 in part, by funds provided by the state body, whether the
23 multimember body is organized and operated by the state body or
24 by a private corporation.

25 (e) Notwithstanding subdivision (a) of Section 11121.1, the
26 State Bar of California, as described in Section 6001 of the
27 Business and Professions Code. This subdivision shall become
28 operative on April 1, 2016.

29 SEC. 2. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the California Constitution and shall
32 go into immediate effect. The facts constituting the necessity are:

33 In order to avoid unnecessary litigation and ensure the people’s
34 right to access the meetings of public bodies pursuant to Section
35 3 of Article 1 of the California Constitution, it is necessary that
36 this act take effect immediately.

O

AMENDED IN SENATE MARCH 5, 2019

SENATE BILL

No. 53

Introduced by Senator Wilk

~~(Coauthor: Assembly Member Lackey)~~

(Coauthors: Senators Bates, Glazer, Jones, and Portantino)

(Coauthors: Assembly Members Choi, Gallagher, Lackey, Mathis, and Patterson)

December 10, 2018

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11121 of the Government Code is
2 amended to read:

3 11121. As used in this article, “state body” means each of the
4 following:

5 (a) Every state board, or commission, or similar multimember
6 body of the state that is created by statute or required by law to
7 conduct official meetings and every commission created by
8 executive order.

9 (b) A board, commission, committee, or similar multimember
10 body that exercises any authority of a state body delegated to it by
11 that state body.

12 (c) An advisory board, advisory commission, advisory
13 committee, advisory subcommittee, or similar multimember
14 advisory body of a state body, if created by formal action of the
15 state body or of any member of the state body, and if the advisory
16 body so created consists of three or more persons, except as
17 provided in subdivision (d).

18 (d) A board, commission, committee, or similar multimember
19 body on which a member of a body that is a state body pursuant
20 to this section serves in ~~his or her~~ *their* official capacity as a
21 representative of that state body and that is supported, in whole or
22 in part, by funds provided by the state body, whether the
23 multimember body is organized and operated by the state body or
24 by a private corporation.

25 (e) Notwithstanding subdivision (a) of Section 11121.1, the
26 State Bar of California, as described in Section 6001 of the
27 Business and Professions Code. This subdivision shall become
28 operative on April 1, 2016.

29 SEC. 2. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the California Constitution and shall
32 go into immediate effect. The facts constituting the necessity are:

1 In order to avoid unnecessary litigation and ensure the people's
2 right to access the meetings of public bodies pursuant to Section
3 3 of Article 1 of the California Constitution, it is necessary that
4 this act take effect immediately.

O

Introduced by Senator Jones

February 19, 2019

An act to amend Section 8776 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 339, as amended, Jones. Land surveyors.

The Professional Land Surveyors' Act provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. The act requires a licensee to report to the board in writing the occurrence of specified events in relation to the licensee within 90 days of the date the licensee has knowledge of the event. Under the act, the failure of a licensee to report to the board in the time and manner required is grounds for disciplinary action. A violation of the act is a crime. ~~The act provides that it does not impose a duty upon any licensee to report to the board the occurrence of any of those events either by or against any other licensee.~~

~~This bill would require a licensee who has direct knowledge of the occurrence of any of the specified events either by or against any other licensee to report the occurrence to the board. By imposing a new requirement on licensees, the violation of which *prohibit a licensee who is retained as a expert from entering into a nondisclosure agreement, or similar agreement, if the agreement prohibits the licensee from reporting the occurrence of any of those specified events. Because a violation of this prohibition would be a crime, this bill would impose a state-mandate state-mandated local program.*~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8776 of the Business and Professions
2 Code is amended to read:

3 8776. (a) A licensee shall report to the board in writing the
4 occurrence of any of the following events that occurred on or after
5 January 1, 2008, within 90 days of the date the licensee has
6 knowledge of the event:

7 (1) The conviction of the licensee of any felony.

8 (2) The conviction of the licensee of any other crime that is
9 substantially related to the qualifications, functions, and duties of
10 a licensed land surveyor.

11 (3) A civil action settlement or administrative action resulting
12 in a settlement against the licensee in any action alleging fraud,
13 deceit, misrepresentation, breach or violation of contract,
14 negligence, incompetence, or recklessness by the licensee in the
15 practice of land surveying if the amount or value of the settlement
16 is greater than fifty thousand dollars (\$50,000).

17 (4) A civil action judgment or binding arbitration award, or
18 administrative action resulting in a judgment or binding arbitration
19 award, against the licensee in any action alleging fraud, deceit,
20 misrepresentation, breach or violation of contract, negligence,
21 incompetence, or recklessness by the licensee in the practice of
22 land surveying if the amount or value of the judgment or binding
23 arbitration award is twenty-five thousand dollars (\$25,000) or
24 greater.

25 (b) The report required by subdivision (a) shall be signed by
26 the licensee and set forth the facts that constitute the reportable
27 event. If the reportable event involves the action of an
28 administrative agency or court, the report shall set forth the title
29 of the matter, court or agency name, docket number, and the dates
30 the reportable event occurred.

1 (c) A licensee shall promptly respond to oral or written inquiries
2 from the board concerning the reportable events, including inquiries
3 made by the board in conjunction with license renewal.

4 (d) Nothing in this section shall impose a duty upon any licensee
5 to report to the board the occurrence of any of the events set forth
6 in subdivision (a) either by or against any other licensee.

7 (e) Failure of a licensee to report to the board in the time and
8 manner required by this section shall be grounds for disciplinary
9 action.

10 (f) For purposes of this section, a conviction includes the initial
11 plea, verdict, or finding of guilt; a plea of no contest; or
12 pronouncement of sentence by a trial court even though the
13 conviction may not be final or sentence actually imposed until all
14 appeals are exhausted.

15 (g) *A licensee who is retained as a expert shall not enter into a*
16 *nondisclosure agreement, or similar agreement, if the agreement*
17 *prohibits the licensee from reporting the occurrence of any of the*
18 *events described in subdivision (a) to the board.*

19 ~~SECTION 1. Section 8776 of the Business and Professions~~
20 ~~Code is amended to read:~~

21 ~~8776. (a) A licensee shall report to the board in writing the~~
22 ~~occurrence of any of the following events that occurred on or after~~
23 ~~January 1, 2008, within 90 days of the date the licensee has~~
24 ~~knowledge of the event:~~

25 ~~(1) The conviction of the licensee of any felony.~~

26 ~~(2) The conviction of the licensee of any other crime that is~~
27 ~~substantially related to the qualifications, functions, and duties of~~
28 ~~a licensed land surveyor.~~

29 ~~(3) A civil action settlement or administrative action resulting~~
30 ~~in a settlement against the licensee in any action alleging fraud,~~
31 ~~deceit, misrepresentation, breach or violation of contract,~~
32 ~~negligence, incompetence, or recklessness by the licensee in the~~
33 ~~practice of land surveying if the amount or value of the settlement~~
34 ~~is greater than fifty thousand dollars (\$50,000).~~

35 ~~(4) A civil action judgment or binding arbitration award, or~~
36 ~~administrative action resulting in a judgment or binding arbitration~~
37 ~~award, against the licensee in any action alleging fraud, deceit,~~
38 ~~misrepresentation, breach or violation of contract, negligence,~~
39 ~~incompetence, or recklessness by the licensee in the practice of~~
40 ~~land surveying if the amount or value of the judgment or binding~~

1 arbitration award is twenty-five thousand dollars (\$25,000) or
2 greater.

3 (b) The report required by subdivision (a) shall be signed by
4 the licensee and set forth the facts that constitute the reportable
5 event. If the reportable event involves the action of an
6 administrative agency or court, the report shall set forth the title
7 of the matter, court or agency name, docket number, and the dates
8 the reportable event occurred.

9 (c) A licensee shall promptly respond to oral or written inquiries
10 from the board concerning the reportable events, including inquiries
11 made by the board in conjunction with license renewal.

12 (d) A licensee who has direct knowledge of the occurrence of
13 any of the events set forth in subdivision (a) either by or against
14 any other licensee shall report the occurrence to the board.

15 (e) Failure of a licensee to report to the board in the time and
16 manner required by this section shall be grounds for disciplinary
17 action.

18 (f) For purposes of this section, a conviction includes the initial
19 plea, verdict, or finding of guilt; a plea of no contest; or
20 pronouncement of sentence by a trial court even though the
21 conviction may not be final or sentence actually imposed until all
22 appeals are exhausted.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.

Introduced by Senator Pan
(Principal coauthor: Assembly Member Salas)

February 22, 2019

An act to amend Sections 8726 and 8729 of, and to add Sections 8728.5, 8729.1, 8786, 8790.1, 8793, 14216, and 17910.6 to, the Business and Professions Code, and to add Sections 201.1, 15902.10, 16105.1, 16953.1, and 17702.08 to the Corporation Code, relating to professional land surveyors, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as introduced, Pan. Professional land surveyors.

(1) The Professional Land Surveyors' Act provides for the licensure and regulation of professional land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. The act establishes criminal penalties for violations of specified portions of the act, including the practice of land surveying without a license and giving false evidence to the board in obtaining a license.

Under the act, a land surveyor includes a person who engages in specified practices, including a person who locates, relocates, establishes, reestablishes, or retraces the alignment or elevation for any of the fixed works embraced within the practice of civil engineering, as defined, determines the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry, or engages in geodetic or cadastral surveying, as defined.

This bill would include within the practices that subject a person to the act, with regard to the practice of identifying the alignment or elevation of fixed works, the laying out through the use of mathematics or geometric measurements the alignment or elevation for any of the

fixed works embraced within the practice of civil engineering, including any items designed within the practice of electrical engineering or mechanical engineering. The bill would expand the practice of land surveying to include determining the benthic surface below water bodies and the measuring for volumetric calculations of earthwork. The bill, with respect to the practice of making determinations regarding the position of objects, would expand that practice to include such a determination made by applying the principles of mathematics, photogrammetry, or remote sensing. The bill would further revise that practice so that the determination regarding the position of objects is made regarding either manmade or natural objects, instead of fixed objects. The bill would modify the definition of geodetic surveying to mean performing surveys by using techniques or methods of three-dimensional data acquisitions, and make conforming changes to that effect.

The bill would impose a state-mandated local program by expanding those practices that constitute land surveying, thereby expanding the persons subject to the act, the violation of which is a crime.

(2) Existing law requires fees and civil penalties received pursuant to the act to be deposited in the Professional Engineer's, Land Surveyor's, and Geologist's Fund, and continuously appropriates those funds to the board for purposes of the act.

This bill would prohibit a business from engaging in the practice of, or offering services for, land surveying in this state unless that business obtains a certificate from the board. The bill would require the board to develop a process to that effect, including developing an application form that meets certain requirements, including that the applicant pay a fee of \$200 for that certificate. This bill would impose a minimum fine of \$20,000 on a business that performs land surveying without a certificate. By authorizing additional fees and penalties to be deposited into a continuously appropriated fund, this bill would make an appropriation. By expanding the scope of the existing crime with respect to giving false evidence to the board, this bill would impose a state-mandated local program.

(3) The act requires that any civil engineering, mechanical engineering, or electrical engineering plans and other specified documents, prepared by a registered engineer, that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the licensee, the date of signing and sealing or stamping, and the expiration date of the certificate, authority, or registration.

The bill would require any department or agency of the state or any city, county, city and county, district, or special district that accepts any maps, plans, reports, descriptions, or other documentary evidence in connection with the practice of land surveying to report to the board any of these documents that fail to identify the person authorized to practice land surveying. The bill would require an individual or business that does not have a license or a certificate to practice land surveying to employ or contract with an individual or business that has a license or certificate to practice land surveying to perform land surveying services that are incidental to the conduct of their business. The bill would require a business, as defined, that has a certificate to practice land surveying to carry professional liability insurance or to provide notice to any person or entity to which land surveying services are offered that the business does not carry professional liability insurance.

(4) Existing law requires the board to enforce all of the provisions of the act, and to prosecute all violations of the act that come to its notice.

This bill would require the board to send a copy of each valid complaint, as defined, to all boards that regulate the health and safety of persons working on construction, building, or infrastructure projects, as well as all boards that regulate the wages and other labor requirements related to those persons.

(5) Existing law requires the Secretary of State to issue a certificate of registration for a trade mark and to file articles of incorporation, a certification of limited partnership, a statement of partnership, a registration of a limited liability partnership, or the articles of organization of a limited liability company if the filing entity meets the specified requirements. Existing law prohibits a county clerk from accepting a fictitious business name statement that includes the words “corporation” or “limited liability company” if the entity is not organized as a corporation or limited liability company respectively.

This bill would prevent the Secretary of State from issuing a certificate of registration or from filing any of these documents if the trade mark or document sets for a name in which “engineer,” “engineering,” “surveyor,” “surveying,” “mapping,” “aerial mapping,” “photogrammetry,” or any modification or derivation thereof appear, unless the business has a certificate to practice land surveying granted by the board is attached. The bill would prohibit a county clerk from accepting a fictitious business name statement setting forth a name in which “engineer,” “engineering,” “surveyor,” “surveying,” “mapping,”

“aerial mapping,” “photogrammetry,” or any modification or derivation thereof appear, unless a certificate to practice land surveying granted by the board is attached.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8726 of the Business and Professions
2 Code is amended to read:

3 8726. A person, including any person employed by the state
4 or by a city, county, or city and county within the state, practices
5 land surveying within the meaning of this chapter who, either in
6 a public or private capacity, does or offers to do any one or more
7 of the following:

8 (a) Locates, relocates, establishes, reestablishes, ~~or retraces~~
9 ~~retraces, or lays out through the use of mathematics or geometric~~
10 ~~measurements~~ the alignment or elevation for any of the fixed works
11 embraced within the practice of civil engineering, as described in
12 ~~Section 6731. 6731, including, but not limited to, any items~~
13 ~~designed within the practice of electrical engineering, as described~~
14 ~~in Section 6731.5, or mechanical engineering, as described in~~
15 ~~Section 6731.6~~

16 (b) Determines the configuration or contour of the earth’s
17 surface, ~~the benthic surface below water bodies, the measuring~~
18 ~~for volumetric calculations of earthwork,~~ or the position of
19 ~~manmade or natural~~ fixed objects above, on, or below the surface
20 of the earth by applying the principles of ~~mathematics or~~
21 ~~photogrammetry~~: *mathematics, photogrammetry, or remote*
22 *sensing.*

23 (c) Locates, relocates, establishes, reestablishes, or retraces any
24 property line or boundary of any parcel of land, right-of-way,
25 easement, or alignment of those lines or boundaries.

26 (d) Makes any survey for the subdivision or resubdivision of
27 any tract of land. For the purposes of this subdivision, the term

1 “subdivision” or “resubdivision” shall be defined to include, but
2 not be limited to, the definition in the Subdivision Map Act
3 (Division 2 (commencing with Section 66410) of Title 7 of the
4 Government Code) or the Subdivided Lands Law (Chapter 1
5 (commencing with Section 11000) of Part 2 of Division 4 of this
6 code).

7 (e) By the use of the principles of land surveying determines
8 the position for any monument or reference point which marks a
9 property line, boundary, or corner, or sets, resets, or replaces any
10 monument or reference point.

11 (f) Geodetic *surveying* or cadastral surveying. As used in this
12 chapter, geodetic surveying means performing surveys, *by using*
13 *techniques or methods of three dimensional geospatial data*
14 *acquisition* in which account is taken of the figure and size of the
15 earth to determine or predetermine the horizontal or vertical
16 positions of fixed objects thereon or related thereto, geodetic
17 control points, monuments, or stations for use in the practice of
18 land surveying or for stating the ~~position~~ *geospatial establishment*
19 *of three dimensional positions* of fixed objects, geodetic control
20 points, monuments, or stations by California Coordinate System
21 ~~coordinates~~. *coordinates in accordance with Chapter 1*
22 *(commencing with Section 8801) of Division 8 of the Public*
23 *Resources Code.*

24 (g) Determines the information shown or to be shown on any
25 map or document prepared or furnished in connection with any
26 one or more of the functions described in subdivisions (a), (b), (c),
27 (d), (e), and (f).

28 (h) Indicates, in any capacity or in any manner, by the use of
29 the title “land surveyor” or by any other title or by any other
30 representation that ~~he or she~~ *the person* practices or offers to
31 practice land surveying in any of its branches.

32 (i) Procures or offers to procure land surveying work for ~~himself,~~
33 ~~herself,~~ *themselves* or others.

34 (j) Manages, or conducts as manager, proprietor, or agent, any
35 place of business from which land surveying work is solicited,
36 performed, or practiced.

37 (k) Coordinates the work of professional, technical, or special
38 consultants in connection with the activities authorized by this
39 chapter.

1 (l) Determines the information shown or to be shown within
2 the description of any deed, trust deed, or other title document
3 prepared for the purpose of describing the limit of real property
4 in connection with any one or more of the functions described in
5 subdivisions (a) to (f), inclusive.

6 (m) Creates, prepares, or modifies electronic or computerized
7 data in the performance of the activities described in subdivisions
8 (a), (b), (c), (d), (e), (f), (k), and (l).

9 (n) Renders a statement regarding the accuracy of maps or
10 measured survey data.

11 Any department or agency of the state or any city, county, or
12 city and county that has an unregistered person in responsible
13 charge of land surveying work on January 1, 1986, shall be exempt
14 from the requirement that the person be licensed as a land surveyor
15 until the person currently in responsible charge is replaced.

16 The review, approval, or examination by a governmental entity
17 of documents prepared or performed pursuant to this section shall
18 be done by, or under the direct supervision of, a person authorized
19 to practice land surveying.

20 SEC. 2. Section 8728.5 is added to the Business and Professions
21 Code, to read:

22 8728.5. (a) For purposes of this section, “business” means a
23 partnership, general partnership, limited liability partnership,
24 limited liability company, or corporation.

25 (b) A business shall not engage in the practice of, or offer
26 services for, land surveying, as defined in Section 8726, in the
27 state, unless that business obtains a certificate from the board
28 pursuant to the requirements of this section.

29 (c) The board shall create a process to certify a business
30 practicing land surveying. As a part of that process, the board shall
31 establish an application form for a business to apply for
32 certification, that shall contain all of the information required by
33 subdivision (d), as well as any other information the board
34 determines is necessary or convenient to administer this section.

35 (d) A business shall apply for a certificate to practice land
36 surveying by submitting an application form to the board. The
37 board shall grant the certificate if the business submits the
38 following requirements to the board:

39 (1) A completed application form that includes all of the
40 following:

1 (A) The name and address of the business applying for the
2 certification.

3 (B) The type of land surveying practiced by the business.

4 (C) The name and current state license number of the
5 professional land surveyor who will be the responsible charge of
6 work of the business.

7 (D) The name of the partners in a partnership, general
8 partnership, or limited liability partnership, the names of the
9 members holding a majority interest of a limited liability company,
10 or the names of the majority stockholders of a corporation.

11 (E) The signature and title of an agent authorized by the
12 partnership, general partnership, limited liability partnership,
13 limited liability company, or corporation to submit the application.

14 (2) An application fee of two hundred dollars (\$200).

15 (3) A certified copy of a resolution by the partners of a
16 partnership, the general partners of a general partnership or a
17 limited liability partnership, the managing members of a limited
18 liability company, or the board of directors of a corporation that
19 designates an individual in the business with a current license
20 issued by this state for the practice of land surveying that is the
21 responsible charge for work and that has the authority to make all
22 final decisions in the practice of land surveying on behalf of the
23 business.

24 (4) A copy of the partnership agreement of a partnership, general
25 partnership, or limited liability partnership, the articles of
26 incorporation or operating agreement of a limited liability
27 company, or the bylaws of a corporation.

28 (5) A statement of land surveying experience of the business
29 during the five years preceding the date of the application.

30 (e) A business that is organized or incorporated in a state or
31 territory outside of California shall not offer land surveying
32 services in California unless that business obtains a certificate
33 under this section.

34 SEC. 3. Section 8729 of the Business and Professions Code,
35 as amended by Section 3 of Chapter 150 of the Statutes of 2018,
36 is amended to read:

37 8729. (a) This chapter does not prohibit one or more licensed
38 land surveyors or civil engineers licensed in this state prior to 1982
39 (hereinafter called civil engineers) from practicing or offering to
40 practice, within the scope of their licensure, land surveying as a

1 sole proprietorship, partnership, limited liability partnership, firm,
2 or corporation (hereinafter called business), if the following
3 conditions are satisfied:

4 (1) A land surveyor or civil engineer currently licensed in the
5 state is an owner, partner, or officer in charge of the land surveying
6 practice of the business.

7 (2) All land surveying services are performed by or under the
8 responsible charge of a land surveyor or civil engineer.

9 (3) If the business name of a California land surveying business
10 contains the name of a person, then that person shall be licensed
11 by the board as a land surveyor or licensed by the board in any
12 year as a civil engineer. Any offer, promotion, or advertisement
13 by the business that contains the name of any individual in the
14 business, other than by use of the name of the individual in the
15 business name, shall clearly and specifically designate the license
16 discipline of each individual named.

17 (b) An out-of-state business with a branch office in this state
18 shall meet the requirements of subdivision (a) and shall have an
19 owner, partner, or officer who is in charge of the land surveying
20 work in this state, who is licensed in this state, and who is
21 physically present at the branch office in this state on a regular
22 basis. However, the name of the business may contain the name
23 of a person not licensed in this state, if that person is appropriately
24 licensed or registered in another state. Any offer, promotion, or
25 advertisement that contains the name of any individual in the
26 business, other than by use of the name of the individual in the
27 business name, shall clearly and specifically designate the license
28 or registration discipline of each individual named.

29 (c) The business name of a California land surveying business
30 may be a fictitious name. However, if the fictitious name includes
31 the names of any person, the requirements of paragraph (3) of
32 subdivision (a) shall be met.

33 (d) A person not licensed under this chapter or licensed as a
34 civil engineer in this state prior to 1982 may also be a partner or
35 an officer of a land surveying business if the conditions of
36 subdivision (a) are satisfied. Nothing in this section shall be
37 construed to permit a person who is not licensed under this chapter
38 or licensed as a civil engineer in this state prior to 1982 to be the
39 sole owner or office of a land surveying business, unless otherwise
40 exempt under this chapter.

1 ~~(e) This chapter does not prevent an individual or business~~
2 ~~engaged in any line of endeavor, other than the practice of land~~
3 ~~surveying, from employing or contracting with a licensed land~~
4 ~~surveyor or a licensed civil engineer to perform the respective land~~
5 ~~surveying services incidental to the conduct of business.~~

6 *(e) If an individual or business that does not have a license or*
7 *a certificate to practice land surveying under this chapter needs*
8 *land surveying services performed that are incidental to the*
9 *conduct of their business, the individual or business shall employ*
10 *or contract with an individual or business that has a license or*
11 *certificate to practice land surveying.*

12 (f) This section shall not prevent the use of the name of any
13 business engaged in rendering land surveying services, including
14 the use by any lawful successor or survivor, that lawfully was in
15 existence on June 1, 1941. However, the business is subject to the
16 provisions of paragraphs (1) and (2) of subdivision (a).

17 (g) A business engaged in rendering land surveying services
18 may use in its name the name of a deceased or retired person if
19 the following conditions are satisfied:

20 (1) The person's name had been used in the name of the
21 business, or a predecessor in interest of the business, prior to the
22 death or retirement of the person.

23 (2) The person shall have been an owner, partner, or officer of
24 the business, or an owner, partner, or officer of the predecessor in
25 interest of the business.

26 (3) The person shall have been licensed as a land surveyor or a
27 civil engineer by the board, if operating a place of business or
28 practice in this state, or by an applicable state board in the event
29 no place of business existed in this state.

30 (4) The person, if retired, has consented to the use of the name
31 and does not permit the use of the name in the title of another land
32 surveying business in this state during the period of that consent,
33 except that a retired person may use ~~his or her~~ *their* name as the
34 name of a new or purchased business, if that business is not
35 identical in every respect to that person's name as used in the
36 former business.

37 (5) The business shall be subject to paragraphs (1) and (2) of
38 subdivision (a).

39 (h) This section does not affect Sections 6731.2 and 8726.1.

1 (i) A current organization record form shall be filed with the
2 board for all businesses engaged in rendering professional land
3 surveying services.

4 (j) This section shall remain in effect only until January 1, 2026,
5 and as of that date is repealed.

6 SEC. 4. Section 8729 of the Business and Professions Code,
7 as amended by Section 4 of Chapter 150 of the Statutes of 2018,
8 is amended to read:

9 8729. (a) This chapter does not prohibit one or more licensed
10 land surveyors or civil engineers licensed in this state prior to 1982
11 (hereinafter called civil engineers) from practicing or offering to
12 practice within the scope of their licensure, land surveying as a
13 sole proprietorship, partnership, firm, or corporation (hereinafter
14 called business), if the following conditions are satisfied:

15 (1) A land surveyor or civil engineer currently licensed in the
16 state is an owner, partner, or officer in charge of the land surveying
17 practice of the business.

18 (2) All land surveying services are performed by or under the
19 responsible charge of a land surveyor or civil engineer.

20 (3) If the business name of a California land surveying business
21 contains the name of a person, then that person shall be licensed
22 by the board as a land surveyor or licensed by the board in any
23 year as a civil engineer. Any offer, promotion, or advertisement
24 by the business that contains the name of any individual in the
25 business, other than by use of the name of the individual in the
26 business name, shall clearly and specifically designate the license
27 discipline of each individual named.

28 (b) An out-of-state business with a branch office in this state
29 shall meet the requirements of subdivision (a) and shall have an
30 owner, partner, or officer who is in charge of the land surveying
31 work in this state, who is licensed in this state, and who is
32 physically present at the branch office in this state on a regular
33 basis. However, the name of the business may contain the name
34 of a person not licensed in this state, if that person is appropriately
35 licensed or registered in another state. Any offer, promotion, or
36 advertisement that contains the name of any individual in the
37 business, other than by use of the name of the individual in the
38 business name, shall clearly and specifically designate the license
39 or registration discipline of each individual named.

1 (c) The business name of a California land surveying business
2 may be a fictitious name. However, if the fictitious name includes
3 the names of any person, the requirements of paragraph (3) of
4 subdivision (a) shall be met.

5 (d) A person not licensed under this chapter or licensed as a
6 civil engineer in this state prior to 1982 may also be a partner or
7 an officer of a land surveying business if the conditions of
8 subdivision (a) are satisfied. Nothing in this section shall be
9 construed to permit a person who is not licensed under this chapter
10 or licensed as a civil engineer in this state prior to 1982 to be the
11 sole owner or office of a land surveying business, unless otherwise
12 exempt under this chapter.

13 ~~(e) This chapter does not prevent an individual or business~~
14 ~~engaged in any line of endeavor, other than the practice of land~~
15 ~~surveying, from employing or contracting with a licensed land~~
16 ~~surveyor or a licensed civil engineer to perform the respective land~~
17 ~~surveying services incidental to the conduct of business.~~

18 *(e) If an individual or business that does not have a license or*
19 *a certificate to practice land surveying under this chapter needs*
20 *land surveying services performed that are incidental to the*
21 *conduct of their business, the individual or business shall employ*
22 *or contract with an individual or business that has a license or*
23 *certificate to practice land surveying.*

24 (f) This section shall not prevent the use of the name of any
25 business engaged in rendering land surveying services, including
26 the use by any lawful successor or survivor, that lawfully was in
27 existence on June 1, 1941. However, the business is subject to the
28 provisions of paragraphs (1) and (2) of subdivision (a).

29 (g) A business engaged in rendering land surveying services
30 may use in its name the name of a deceased or retired person if
31 the following conditions are satisfied:

32 (1) The person's name had been used in the name of the
33 business, or a predecessor in interest of the business, prior to the
34 death or retirement of the person.

35 (2) The person shall have been an owner, partner, or officer of
36 the business, or an owner, partner, or officer of the predecessor in
37 interest of the business.

38 (3) The person shall have been licensed as a land surveyor or a
39 civil engineer by the board, if operating a place of business or

1 practice in this state, or by an applicable state board in the event
2 no place of business existed in this state.

3 (4) The person, if retired, has consented to the use of the name
4 and does not permit the use of the name in the title of another land
5 surveying business in this state during the period of that consent,
6 except that a retired person may use ~~his or her~~ *their* name as the
7 name of a new or purchased business, if that business is not
8 identical in every respect to that person's name as used in the
9 former business.

10 (5) The business shall be subject to paragraphs (1) and (2) of
11 subdivision (a).

12 (h) This section does not affect Sections 6731.2 and 8726.1.

13 (i) A current organization record form shall be filed with the
14 board for all businesses engaged in rendering professional land
15 surveying services.

16 (j) This section shall become operative on January 1, 2026.

17 SEC. 5. Section 8729.1 is added to the Business and Professions
18 Code, to read:

19 8729.1. A business that obtains a certificate under Section
20 8728.5, shall either carry professional liability insurance or provide
21 notice to any person or entity to which land surveying services are
22 offered that the business does not carry professional liability
23 insurance. The notice shall consist of a sign prominently displayed
24 in the reception area or the entrance of the business and on every
25 written contract for the performance of land surveying.

26 SEC. 6. Section 8786 is added to the Business and Professions
27 Code, to read:

28 8786. Any department or agency of the state or any city, county,
29 city and county, district, or special district that accepts any maps,
30 plans, reports, descriptions, or other documentary evidence in
31 connection with the practice of land surveying, as described in
32 Section 8726, shall report to the board any of these documents
33 received that fail to identify the person authorized to practice land
34 surveying pursuant to Section 8761.

35 SEC. 7. Section 8790.1 is added to the Business and Professions
36 Code, to read:

37 8790.1. (a) Upon receipt of a valid complaint, the board shall
38 send a copy of the complaint to the following state boards:

39 (1) Boards that regulate the health and safety of persons working
40 on construction, building, or infrastructure projects.

1 (2) Boards that regulate the wages and other labor requirements
2 related to persons working on construction, building, or
3 infrastructure projects.

4 (b) For the purposes of this section, “valid complaint” means
5 one for which the board determines that a violation of this chapter
6 may have or is likely to have occurred.

7 (c) It is the intent of the Legislature in enacting this section to
8 ensure these state boards are made aware of the possible need to
9 further investigate and regulate the cited business, as defined by
10 subdivision (a) of Section 8728.5.

11 SEC. 8. Section 8793 is added to the Business and Professions
12 Code, to read:

13 8793. Any business, as defined in subdivision (a) of Section
14 8728.5, that performs land surveying without a certificate obtained
15 under Section 8728.5 shall pay a fine of a minimum of twenty
16 thousand dollars (\$20,000).

17 SEC. 9. Section 14216 is added to the Business and Professions
18 Code, to read:

19 14216. The Secretary of State shall not issue a certificate of
20 registration for a mark setting forth a name in which “engineer,”
21 “engineering,” “surveyor,” “surveying,” “mapping,” “aerial
22 mapping,” “photogrammetry,” or any modification or derivation
23 thereof appear, unless a certificate granted under Section 8728.5
24 of the Business and Professions Code by the Board for Professional
25 Engineers, Land Surveyors, and Geologists is attached.

26 SEC. 10. Section 17910.6 is added to the Business and
27 Professions Code, to read:

28 17910.6. A county clerk shall not accept a fictitious business
29 name statement setting forth a name in which “engineer,”
30 “engineering,” “surveyor,” “surveying,” “mapping,” “aerial
31 mapping,” “photogrammetry,” or any modification or derivation
32 thereof appear, unless a certificate granted under Section 8728.5
33 of the Business and Professions Code by the Board for Professional
34 Engineers, Land Surveyors, and Geologists is attached.

35 SEC. 11. Section 201.1 is added to the Corporations Code, to
36 read:

37 201.1. The Secretary of State shall not file articles setting forth
38 a name in which “engineer,” “engineering,” “surveyor,”
39 “surveying,” “mapping,” “aerial mapping,” “photogrammetry,”
40 or any modification or derivation thereof appear, unless a certificate

1 granted under Section 8728.5 of the Business and Professions Code
2 by the Board for Professional Engineers, Land Surveyors, and
3 Geologists is attached.

4 SEC. 12. Section 15902.10 is added to the Corporations Code,
5 to read:

6 15902.10. The Secretary of State shall not file a certificate of
7 limited partnership setting forth a name in which “engineer,”
8 “engineering,” “surveyor,” “surveying,” “mapping,” “aerial
9 mapping,” “photogrammetry,” or any modification or derivation
10 thereof appear, unless a certificate granted under Section 8728.5
11 of the Business and Professions Code by the Board for Professional
12 Engineers, Land Surveyors, and Geologists is attached.

13 SEC. 13. Section 16105.1 is added to the Corporations Code,
14 to read:

15 16105.1. The Secretary of State shall not file a statement setting
16 forth a name in which “engineer,” “engineering,” “surveyor,”
17 “surveying,” “mapping,” “aerial mapping,” “photogrammetry,”
18 or any modification or derivation thereof appear, unless a certificate
19 granted under Section 8728.5 of the Business and Professions Code
20 by the Board for Professional Engineers, Land Surveyors, and
21 Geologists is attached.

22 SEC. 14. Section 16953.1 is added to the Corporations Code,
23 to read:

24 16953.1. The Secretary of State shall not file a registration
25 setting forth a name in which “engineer,” “engineering,”
26 “surveyor,” “surveying,” “mapping,” “aerial mapping,”
27 “photogrammetry,” or any modification or derivation thereof
28 appear, unless a certificate granted under Section 8728.5 of the
29 Business and Professions Code by the Board for Professional
30 Engineers, Land Surveyors, and Geologists is attached.

31 SEC. 15. Section 17702.08 is added to the Corporations Code,
32 to read:

33 17702.08. The Secretary of State shall not file an articles of
34 organization setting forth a name in which “engineer,”
35 “engineering,” “surveyor,” “surveying,” “mapping,” “aerial
36 mapping,” “photogrammetry,” or any modification or derivation
37 thereof appear, unless a certificate granted under Section 8728.5
38 of the Business and Professions Code by the Board for Professional
39 Engineers, Land Surveyors, and Geologists is attached.

1 SEC. 16. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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