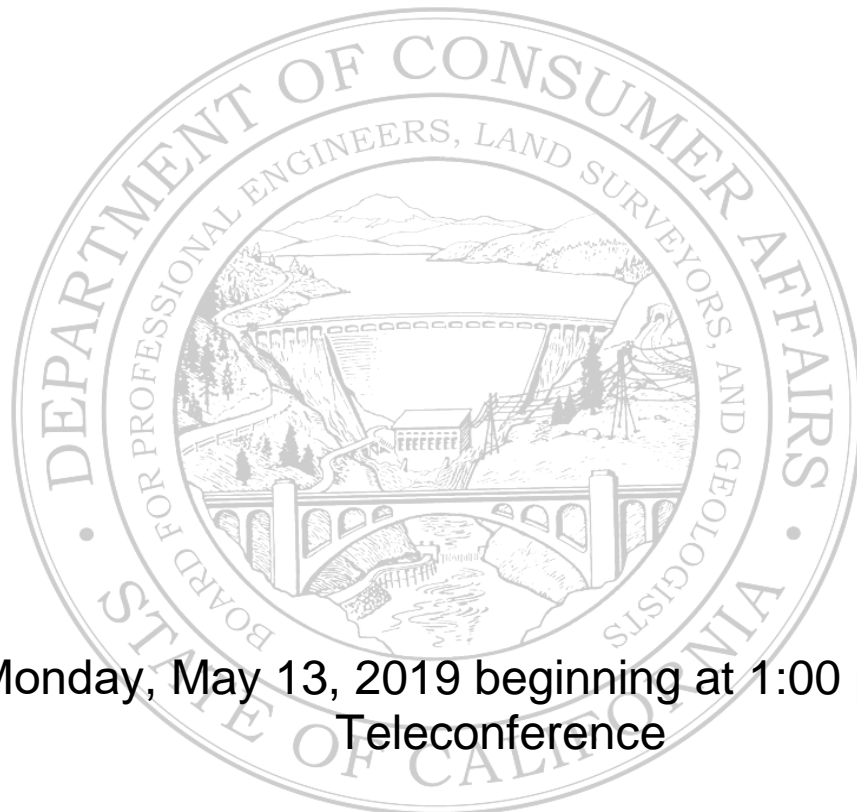




Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers, Land Surveyors, and Geologists



Monday, May 13, 2019 beginning at 1:00 p.m.
Teleconference

Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive
3rd Floor Conference Room
Sacramento, CA 95833

Glenn County Public Works
777 N. Colusa Street
Willows, CA 95988

Elihu Harris Building
1515 Clay Street, Room 14
Oakland, CA 94612-1499

Los Angeles City Hall
200 N Spring St., Rm. 1050
Los Angeles, CA 90012

City of Seaside
440 Harcourt Avenue,
Conference Room
Seaside, CA 93955

Rick Engineering Company
1770 Iowa Avenue, Suite 100
Riverside, CA 92507

CalTrans District 11
4050 Taylor Street
Breakout Room 1-127
San Diego, CA 92110

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LAND SURVEYORS, AND GEOLOGISTS
MAY 13, 2019

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I. Roll Call to Establish a Quorum

II. Public Comment for Items Not on the Agenda

NOTE: The Board cannot take action on items not on the agenda. The Board will also allow for Public Comment during the discussion of each item on the agenda. Please see the last page of this Official Notice and Agenda for additional information regarding Public Comment.

III. Consideration of Rulemaking Proposal (Possible Action)

- A. Approval of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 407 and 3005 (Fees); to Amend Title 16, California Code of Regulations section 410 (Certificates); and to Adopt to Title 16, California Code of Regulations section 3010 (Certificates)

Consideration of Rulemaking Proposal
Approval of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 407 and 3005 (Fees); to Amend Title 16, California Code of Regulations section 410 (Certificates); and to Adopt Title 16, California Code of Regulations section 3010 (Certificates)

Subject Matter of Proposed Regulation: Regulatory Fees and Certificates

1. Section(s) Affected:

Amend Title 16, California Code of Regulations sections 407, 410, and 3005, and Adopt Title 16, California Code of Regulations section 3010 – Fees and Certificates.

Specific Purpose of each adoption, amendment, or repeal:

1. Problem being addressed:

The Board last adjusted fees in April and May of 2012 and that fee structure has provided operational program support until Fiscal Year (FY) 2017-18. The Board's Fund is structurally imbalanced. Program expenditures exceeded revenue in FY 2017-18. Expenditure projections are expected to exceed revenue in FY 2018-19 and ongoing. Analysis of the Fund Condition confirms the Board must implement budgetary adjustments to remain solvent. The Board's current fee levels are not sufficient to keep the fund solvent long term. Specifically, the fund is expected to drop to 2.0 months in reserve in FY 2019-20. Based on projections the Board's budget will become insolvent in FY 2020-21 with a deficit of -\$2.8M and -2.5 Months in Reserve (MIR). In FY 2021-22, this deficit will be approximately -\$7.2M or -6.4 MIR. The current fee structure is not sufficient for the services provided.

The Board operates under a special fund. Special funds created by statute are used to budget and account for taxes, licenses, and fees that are restricted by law for particular activities of the government. Statute indicates that the costs incurred must be equal to the cost objectives. Therefore, the cost to provide an examination for license or the review of an application cannot exceed the actual cost associated to develop and administer that examination or review that application. One example of a fee disparity are the application fees charged under the Geologist and Geophysicist Act versus those charged under the Professional Engineers Act and the Professional Land Surveyors' Act. Applicants for licensure as professional geologists and geophysicists are charged a \$250 application fee, while applicants for licensure as professional engineers and land surveyors are charged a \$125 application fee. This means professional geologists and geophysicists are charged more than professional engineers and land surveyors for generally the same service. Other cost disparities arise when evaluating examination fees across the Board's state exams relative to the actual cost to develop and administer these exams. The cost incurred to fulfill a service is not equal to the fee associated with that service.

2. Anticipated benefits from this regulatory action:

The proposed fee amendments address the Board's structural imbalance and are aimed at protecting the Fund from becoming insolvent. This proposal is designed to enable the Board to maintain its licensing, disciplinary, and oversight operations to protect California's consumers, while also ensuring any projected surpluses are within the reserve limits. Additionally, the fee

structure proposed sets forth a fee schedule that baselines fees equal to their individual unit cost and adjusts certain fees to match the Board's strategic priorities while producing adequate revenue to fund approved budgetary requirements. Specific goals set forth in this fee proposal include setting fees to generate efficient revenue within adequate reserve limits; standardizing application, examination, and renewal fees across all regulated professions; and supplementing application and examination fees for new applications to foster licensure by incrementally increasing renewal fees.

Staff Comments:

At the November 1, 2018, meeting, the Board adopted a motion directing staff to begin the pre-notice review process to amend regulations relating to fees and duplicate (replacement) certificates. In adopting the motion, the Board made clear that it was approving the specific fees listed in the proposal as well as the policies expressed in the proposal presented by Board staff. The Board further made it clear that it understood that the specific language used in the Sections 407, 410, and 3005, and possibly new sections if needed, would be finalized by Board staff and DCA Legal Counsel to ensure consistency and standardization between the regulations for professional engineers and land surveyors (Division 5 of 16 CCR) and those for professional geologists and geophysicists (Division 29 of 16 CCR), including addressing duplicate (replacement) certificates. Furthermore, the Board understood that the language would be presented to the Board for final approval once the pre-notice review process had been completed and prior to the commencement of the official rulemaking process.

We have since been informed that the Board must approve the actual language to begin the pre-notice review process, even though changes to the language may be made during the pre-notice review process and the Board would be required to approve those changes prior to beginning the official rulemaking process.

RECOMMENDED MOTION:

The Board approves the proposed language to amend Title 16, California Code of Regulations sections 407, 410, and 3005 and to adopt Title 16, California Code of Regulations section 3010. The Board further directs staff to begin the pre-notice review process and the official rulemaking process with the understanding that, if there are any substantive changes to the language during the pre-notice review process, it will then be returned to the Board for consideration and approval prior to beginning the official rulemaking process. In approving the proposed language, and the overall regulatory proposals, the Board acknowledges the policy considerations expressed in this proposal and that it anticipates the standardized fee structure proposed will foster an affordable path to licensure, align fees with the full cost of operational services, and set fees to facilitate the effective administration of the Board while meeting the needs of the public, applicants, and licensees.

Title 16, California Code of Regulations

407. Fees.

(a) ~~All fees required by provisions of the code as implemented by the board shall be transmitted by money order, bank draft, cash or check, payable to the Department of Consumer Affairs, at Sacramento.~~

~~(b)~~ The following is the prescribed application fee for:

(1) Authority to use the title "structural engineer" ~~\$125~~ \$175

(2) Authority to use the title "geotechnical engineer" ~~\$125~~ \$175

(3) Licensure as a professional engineer ~~\$125~~ \$175

(4) Licensure as a professional land surveyor ~~\$125~~ \$175

(5) Certification as an engineer-in-training or as a land surveyor-in-training ~~\$50~~ \$75

~~(c)~~ ~~(b)~~ The following is the prescribed examination fee for state-specific examinations:

(1) California Special Civil Seismic Principles ~~\$150~~ \$175

(2) California Special Civil Engineering Surveying ~~\$150~~ \$175

(3) Geotechnical Engineering ~~\$150~~ \$175

(4) California State-Specific Land Surveying ~~\$150~~ \$175

(5) Traffic Engineering ~~\$150~~ \$175

~~(d)~~ ~~(c)~~ The two-year biennial renewal fee for a license that expires on or after ~~July 1, 2012, January 1, 2020,~~ shall be ~~\$115~~ \$180. ~~The two-year biennial renewal fee for a license that expires between October 1, 2005, and June 30, 2012, shall be \$125.~~

~~(e)~~ The fee for an examination appeal filed pursuant to Rule 444 shall be ~~\$134.00~~.

~~(f)~~ ~~(d)~~ The fee for each retired license shall be ~~\$62.50; no~~ \$75. No renewal fee or other fee shall be charged for the retired license. ~~(As used in this subdivision, "license" includes certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles "structural engineer," "geotechnical engineer," "soil engineer," "soils engineer," or "consulting engineer.")~~

~~(e)~~ The duplicate certificate fee prescribed in Section 410 shall be \$10.

~~(g)~~ ~~(f)~~ Fees required under provisions of this rule transmitted through the United States mail shall be deemed filed on the date shown by the post office cancellation mark stamped on the envelope containing it, the fee or on the date mailed if satisfactory proof is made that mailing occurred on an earlier date.

~~(h)~~ ~~Renewal applications filed with the Board more than thirty (30) days after 12 midnight on the expiration date pursuant to the Professional Land Surveyors' Act and more than sixty (60) days after 12 midnight on the expiration date pursuant to the Professional Engineers Act and not accompanied by the prescribed delinquent penalty fee equal to 50 percent of the renewal fee, shall be returned by the executive officer with a statement of the reason therefor.~~

~~(g)~~ The delinquency fee for renewal of a license is 50% of the renewal fee in effect on the date of reinstatement.

~~(i)~~ ~~(h)~~ Refund of fees submitted to the Board shall be made only as follows:

(1) Any application fees or penalties imposed and collected illegally, by mistake, inadvertence, or error shall be refunded in full.

As used in this section, "license" includes certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles "structural engineer," "geotechnical engineer," "soil engineer," "soils engineer," "consulting engineer," or "photogrammetric surveyor."

Note: Authority cited: Sections 6716, 6799, 8710, and 8805, Business and Professions Code. Reference: Sections 158, 6706.3, ~~6740, 6732,~~ 6795, 6796, 6798, 6799, 8775.3, 8801, 8802, 8804, 8804.5, and 8805, Business and Professions Code.

410. Certificates.

(a) Certificates and licenses will be issued in the order in which the applicants qualify.

(b) A duplicate of a certificate issued in accordance with Section 6765 of the Professional Engineers Act or Section 8749 of the Professional Land Surveyors' Act shall be issued only to replace one lost, destroyed, or mutilated, upon a written request accompanied by a fee of ~~\$10~~ as prescribed in Section 407 and an affidavit verifying the loss, destruction, or mutilation of the previous certificate. The affidavit of lost, destroyed, or mutilated license must be submitted on a form provided by the Board.

Note: Authority cited: Sections 6716, 6765, and 8710, and 8749, Business and Professions Code. Reference: Sections 119, 122, ~~6732.2, 6756, 6762, 6763, 6765, 6766, 6787, 6799, 8747, 8749, 8752, 8792~~ and 8805, Business and Professions Code; and ~~Section 2015.5, Code of Civil Procedure.~~

3005. Fees.

~~(a) All fees required by provisions of the code and rules of the board shall be transmitted by money order, bank draft or check, payable to the Department of Consumer Affairs.~~

~~(b)~~ The following is the prescribed application fee for:

(1) Licensure as a Professional Geologist or a Professional Geophysicist ~~\$250.00;~~ \$175

(2) Certification as a specialty geologist or specialty geophysicist ~~\$250.00;~~ \$175

(3) Certification as a geologist-in-training \$50

~~(c)~~ (b) The following is the prescribed examination fee for:

(1) The Practice of Geology national examination \$250;

(2) The California specific geologist examination ~~\$150;~~ \$175

(3) The Fundamentals of Geology national examination ~~\$150;~~ \$200

(4) Examination for licensure as a geophysicist ~~\$100.00;~~ \$175

(5) Examination for certification as a specialty geologist or specialty geophysicist

~~\$100.00.~~ \$175

~~(d)~~ (c) The duplicate certificate fee ~~\$6.00~~ shall be \$10.

~~(e)~~ The following is the prescribed renewal fee for:

(1) Licensure as a geologist or a geophysicist ~~\$270.00;~~

(2) ~~Certification as a specialty geologist or a specialty geophysicist \$67.50.~~

(d) The two-year biennial renewal fee for a license that expires on or after January 1, 2020, shall be \$180.

(f) ~~(e)~~ The delinquency fee for renewal of ~~licensure as a geologist or geophysicist or certification as a specialty geologist or specialty geophysicist~~ a license is 50% of the renewal fee in effect on the last regular renewal date.

~~(g)~~ When transmitted through the mail, fees

(f) Fees required under provisions of this rule transmitted through the United States mail shall be deemed filed on the date shown by the post office cancellation mark appearing on the envelope containing the fee or on the date mailed if satisfactory proof is made that mailing occurred on an earlier date.

~~(h)~~ (g) The fee for the retired license shall be ~~\$62.50~~ \$75. No renewal fee or other fee shall be charged for the retired license. ~~As used in this subdivision, "license" includes certificate of registration or license as a professional geologist, certificate of registration as a registered certified specialty geologist, and certificate of registration as a professional geophysicist.~~

(h) Refund of fees submitted to the Board shall be made only as follows:

(1) Any application fees or penalties imposed and collected illegally, by mistake, inadvertence, or error shall be refunded in full.

As used in this section, "license" includes certificate of registration or license as a professional geologist, certificate of registration or license as a professional geophysicist, and certificate of registration or license as a registered certified specialty geologist or specialty geophysicist.

Note: Authority cited: Sections 7818 and ~~7851~~ 7887, Business and Professions Code. Reference: Sections ~~158, 7846~~ 7851, 7880, 7881, and 7887, Business and Professions Code.

3010. Certificates.

(a) Certificates and licenses will be issued in the order in which the applicants qualify.

(b) A duplicate of a certificate issued in accordance with Section 7853 of the Geologist and Geophysicist Act shall be issued only to replace one lost, destroyed, or mutilated, upon a written request accompanied by a fee as prescribed in Section 3005 and an affidavit verifying the loss, destruction, or mutilation of the previous certificate. The affidavit of lost, destroyed, or mutilated license must be submitted on a form provided by the Board.

Note: Authority cited: Section 7818 and 7854, Business and Professions Code. Reference: Sections 119, 122, 7854, and 7887, Business and Professions Code.

IV. Discussion of Legislation for 2019 (Possible Action)

- AB 544 Professions and vocations: inactive license fees and accrued and unpaid renewal fees.
- AB 1522 Board for Professional Engineers, Land Surveyors, and Geologists
- SB 53 Open meetings.
- SB 339 Land surveyors.
- SB 556 Professional land surveyors and engineers.

AB 544 (Brough R-Dana Point)

Professions and vocations: inactive license fees and accrued and unpaid renewal fees

Status: 5/1/2019 – Ordered to Assembly Appropriations Suspense File

Location: 5/1/2019 – Assembly Appropriations Committee

Amended: 3/21/2019

Board Position: 4/11/19 – Watch

Board Staff Analysis: 5/2/19

Bill Summary: 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 and unpaid renewal and delinquent 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 and delinquent fees as a condition of reinstating an expired license or registration.

Staff Comment: Under current law, the Board’s licensees must pay all accrued and unpaid renewal and delinquent fees to bring their expired license current. Since the renewal periods are for two years, if an individual’s license is expired for more than two years, they must pay for all of the missed renewal periods to bring their license current. For example, if the license expired on December 31, 2016, and the individual wished to renew as of April 2, 2019, they would have to pay for two renewal and delinquency cycles to bring the license current to December 31, 2020. This bill would change the law so that the licensee would pay only the current renewal fee. Since the Board does not have an inactive status for any of its licenses, those provisions would not apply to the Board.

At its April 11, 2019, meeting, the Board voted to take a “Watch” position and to express its concerns with removing the requirement to pay “all accrued and unpaid renewal fees” from Sections 6796, 7881, 7883, and 8802 as doing so rewards individuals who fail to timely renew their licenses.

AB 544 passed the Assembly Business and Professions Committee on consent on April 23, 2019, and was ordered to the Assembly Appropriations Committee. It has been placed on the suspense file and will be taken up by the Committee on May 15, 2019.

Staff has performed further fiscal analysis of the effect this bill could have on the Board’s fund if the Board were no longer able to collect “accrued and unpaid” renewal and delinquency fees. It is estimated that this change could have an impact of between \$300,000 to \$400,000, annually, to the Board’s fund.

Staff Recommendation: Oppose AB 544, as amended March 21, 2019

Laws: 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.

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~~ *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.~~

O

AB 1522 (Committee on Business and Professions)
Board for Professional Engineers, Land Surveyors, and Geologists

Status: 5/1/2019 – Ordered to Assembly Appropriations Suspense File

Location: 5/1/2019 – Assembly Appropriations Committee

Introduced: 2/22/2019

Board Position: 4/11/19 – Support

Board Staff Analysis: 5/2/19

Bill Summary: Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to license and regulate professional engineers, land surveyors, 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.

Staff Comment: Staff has advised the Committee staff that the section in the Professional Land Surveyors' Act (Section 8710) that also contains the sunset date was left out of the bill; we have been assured it will be added to the bill.

AB 1522 passed in the Assembly Business and Professions Committee on consent and was referred to the Assembly Appropriations Committee. It has been placed on the suspense file to be acted on at the Committee hearing on May 15. Board staff has been advised that the amendments requested by the Board will be made when the bill is referred to the Senate.

Staff Recommendation: No Board action necessary at this time.

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

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.

SB 53 (Wilk R-Santa Clarita)
Open meetings

Status: 5/6/2019 – Referred to Assembly Committee on Governmental Organization

Location: 5/6/2019 – Assembly Committee on Governmental Organization

Amended: 3/5/2019

Board Position: 4/11/19 – Oppose

Board Staff Analysis: 5/7/19

Bill Summary: 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.

Staff Comment: As originally introduced, this bill would amend Government Code section 11121 by adding the phrase “except as provided in subdivision (d)” to the end of the sentence in subdivision (c). The March 5, 2019, amendment simply replaces the gender-specific terms with gender-neutral language. This bill is identical to AB 85 (Wilk) from 2015 and nearly identical to AB 2058 (Wilk) from 2014, both of which were vetoed by then-Governor Brown. The Board opposed AB 85 and provided the following explanation in its opposition letter.

Assembly Bill 85 proposes to amend the Bagley-Keene Open Meeting Act, specifically Government Code section 11121, relating to what constitutes a “state body” for purposes of compliance with the Act to conduct meetings in an open forum to allow for the public to participate. The author has indicated that the purpose of this bill is to clarify the Bagley-Keene Open Meeting Act regarding what constitutes a “state body” under its provisions. According to the author, there is an ambiguity in the current law regarding whether standing committees composed of fewer than three members must comply with the Act. The author contends that some state agencies interpret the law to allow standing committees that contain fewer than three members and do not vote on action items to hold meetings that are closed to the public. The author indicates that the amendment proposed by AB 85 is intended to clarify that standing committees, including advisory committees composed of less than three members, are subject to the Act and must allow for public participation at their meetings.

The Board respectfully disagrees that there is an ambiguity in the current law and believes that the proposed amendment would, in fact, create an ambiguity regarding what constitutes an advisory body that does not have authority to act on its own. As Governor Brown said in his veto message of AB 2058 (Wilk), 2013-2014 Legislative Session, advisory committees do not have the authority to act on their own. They must present any

findings or recommendations to the overall state body before formal action can be taken, and that state body must conduct its meetings in an open public forum and allow for public input before any action can be taken.

The Board strongly believes in complying with the Bagley-Keene Open Meeting Act because of the importance of public participation and encourages members of the public to attend its meetings and address the Board. However, the Board cannot support AB 85 in its current form due to the ambiguity created by this proposed amendment.

Since SB 53 adds the same language to subdivision (c) that was proposed to be added by AB 85, the same ambiguity exists that concerned the Board with the previous bill.

A letter expressing the Board's opposition will be sent when the bill is assigned to committee and scheduled for hearing.

Staff Recommendation: No Board action required at this time

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

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: 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.

SB 339 (Jones R-Santee)
Land surveyors

Status: 5/6/2019 – Passed Senate; to Assembly

Location: 5/7/2019 – In Assembly; Read first time; Held at Desk

Amended: 4/29/2019

Board Position: 4/11/19 – Oppose

Board Staff Analysis: 5/7/19

Bill Summary: 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. This bill would prohibit a licensee who is retained as an 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-mandated local program. This bill would provide that no reimbursement is required by this act for a specified reason.

Staff Comment: This bill is sponsored by the California Land Surveyors Association (CLSA). CLSA has indicated that licensees who serve as experts in civil matters must sign nondisclosure agreements that prohibit them from notifying the Board of suspected violations of the law by other licensees. CLSA indicates that the intent of this proposal is to allow licensees to report suspected violations to the Board, which they cannot do if they have entered into a nondisclosure agreement.

At its April 11, 2019, meeting, the Board voted to oppose SB 339 as written (March 25, 2019, version). The Board also voted to express its support for the concept that its licensees should not be prohibited by the terms of a contract or other agreement from providing information to the Board regarding suspected violations of the licensing laws. Staff conveyed this position to the sponsors, the author, and the Senate Committee on Business, Professions and Economic Development. The Senate Committee recommended that the bill be amended to state, “If a licensee who is retained as an expert witness enters into a nondisclosure agreement, that agreement shall not be construed to prevent the licensee from reporting a potential violation of the Professional Land Surveyors’ Act to the board.” The Author accepted the recommended amendment, and the bill passed out of committee. The bill was amended on April 29, 2019, to add Section 8790.5 to the Professional Land Surveyors’ Act to state the above. Since the new language is consistent with the concept the Board indicated it supported, staff recommends that the Board take a position of Support on SB 339, as amended April 29, 2019. Staff also recommends that the Board direct that a request be made to the Author and Sponsor to amend the bill to include similar provisions in the Professional Engineers Act and the Geologist and Geophysicist Act.

Staff Recommendation: Support, as amended April 29, 2019, and direct staff to request that similar provisions be added to the Professional Engineers Act and the Geologist and Geophysicist Act.

Laws: An act to add Section 8790.5 to the Business and Professions Code, relating to professions and vocations.

AMENDED IN SENATE APRIL 29, 2019
AMENDED IN SENATE MARCH 25, 2019

SENATE BILL

No. 339

Introduced by Senator Jones

February 19, 2019

An act to ~~amend Section 8776 of~~ *add Section 8790.5 to 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 specifies that a licensee shall not be considered to have violated a confidential settlement agreement or other confidential agreement by providing a required report to the board. The act also requires the board to enforce all of the provisions of the act and cause the prosecution of all violations coming to its notice.*

~~This bill would prohibit a licensee who is retained as an 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-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.~~

~~This bill would specify that if a licensee who is retained as an expert witness enters into a nondisclosure agreement, that agreement shall not be construed to prevent the licensee from reporting a potential violation of the Professional Land Surveyors' Act to the board.~~

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

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

1 ~~SECTION 1. Section 8790.5 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 ~~8790.5. If a licensee who is retained as an expert witness enters~~
4 ~~into a nondisclosure agreement, that agreement shall not be~~
5 ~~construed to prevent the licensee from reporting a potential~~
6 ~~violation of the Professional Land Surveyors' Act to the board.~~

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

9 ~~8776. (a) A licensee shall report to the board in writing the~~
10 ~~occurrence of any of the following events that occurred on or after~~
11 ~~January 1, 2008, within 90 days of the date the licensee has~~
12 ~~knowledge of the event:~~

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

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

17 ~~(3) A civil action settlement or administrative action resulting~~
18 ~~in a settlement against the licensee in any action alleging fraud,~~
19 ~~deceit, misrepresentation, breach or violation of contract,~~
20 ~~negligence, incompetence, or recklessness by the licensee in the~~
21 ~~practice of land surveying if the amount or value of the settlement~~
22 ~~is greater than fifty thousand dollars (\$50,000).~~

23 ~~(4) A civil action judgment or binding arbitration award, or~~
24 ~~administrative action resulting in a judgment or binding arbitration~~
25 ~~award, against the licensee in any action alleging fraud, deceit,~~
26 ~~misrepresentation, breach or violation of contract, negligence,~~

1 incompetence, or recklessness by the licensee in the practice of
2 land surveying if the amount or value of the judgment or binding
3 arbitration award is twenty-five thousand dollars (\$25,000) or
4 greater.

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

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

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

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

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

25 (g) A licensee who is retained as a expert shall not enter into a
26 nondisclosure agreement, or similar agreement, if the agreement
27 prohibits the licensee from reporting the occurrence of any of the
28 events described in subdivision (a) to the board.

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

SB 556 (Pan D-Sacramento)
Professional land surveyors and engineers

Status: 4/29/2019 – Referred to Senate Appropriations Committee

Location: 4/29/2019 – Senate Appropriations Committee; set for hearing on 5/13/2019

Amended: 4/29/2019

Board Position: Oppose, as introduced 2/22/19

Board Staff Analysis: 5/6/19

Bill Summary: This bill would amend the Professional Engineers Act (Business and Professions Code (BPC) section 6700, et seq.) and the Professional Land Surveyors’ Act (BPC section 8700, et seq.).

This bill would amend the definition of what constitutes the practice of land surveying (BPC 8726). It would also create a new certification program for land surveying businesses, as defined (BPC 8728.5, and 8793). It would also require the Board to provide a copy of all “valid complaints,” as defined, to certain other state boards, as specified, so that the other state boards could conduct their own investigations (BPC 8790.1).

Staff Comment:

This bill is sponsored by the California & Nevada Civil Engineers and Land Surveyors Association Inc. (CELSA) and the International Union of Operating Engineers.

Analysis of bill as introduced (2/22/19):

This bill proposes to amend the Professional Land Surveyors’ Act [PLS Act] in a variety of areas.

1. The definition of the practice of land surveying (BPC Sect. 8726)

The bill proposes to amend subdivisions (a), (b), and (f) of Sect. 8726, regarding the definition of what constitutes the practice of land surveying.

- Staff has serious concerns with the amendments to subdivisions (a) and (b). These amendments would expand the scope of practice of land surveying by adding work done in relationship to electrical and mechanical engineering work (a) and work done using remote sensing (b). These are new elements not covered by current law. Additionally, the effect of amending Sect. 8726(a) and (b) without making the same amendments to Sect. 6731.1(a) and (b) is to expand the scope of practice of land surveyors while narrowing the scope of practice of civil engineers.
- Staff has no concerns with the amendments to subdivision (f), which simply clarify the definition of “geodetic surveying” as used in the PLS Act.

2. Creation of certification program for land surveying businesses (BPC Sect. 8728.5, 8793, 14216, and 17910.6 and Corp. Code Sect. 201.1, 15902.10, 16105.1, 16953.1, and 17702.08)

The bill proposes to add sections to the Business and Professions Code and the Corporations Code to create a certification program for land surveying business.

- Staff has numerous concerns with this proposal, as outlined below.
 - A. The types of business entities listed in proposed Sect. 8728.5 is not the same as the types of business entities listed in current Sect. 8729. There is no explanation for the differences, nor was it proposed to amend the types of business entities in Sect. 8729, even though other amendments to that section are proposed in the bill.
 - B. Proposed Section 8728.5 lists certain information the Board is mandated to obtain during the application process and also mandates that the Board issue the certificate if all of the

information is provided. However, the section also indicates that the Board may request additional information. This is contradictory: the Board cannot both have the discretion to request additional information before issuing the certificate and be mandate to issue the certificate if all of the information listed in statute is provided.

- C. The listed requirements that the business must meet are inconsistent with other provisions in the laws; specifically, the laws that allow civil engineers licensed after January 1, 1982, to operate businesses that offer land surveying services that are incidental to their civil engineering projects and the laws that allow civil engineers licensed prior to January 1, 1982, to offer and practice land surveying as if they were licensed land surveyors. Additionally, the listed requirements are inconsistent among themselves; in one subsection, it requires a professional land surveyor to be in responsible charge (leaving out legally-authorized civil engineers), while in another, it requires a person legally authorized to practice land surveying to be in responsible charge (including legally-authorized civil engineers).
- D. The business would be required to identify the “type of land surveying” performed. In California, there are not separate “types” or branches or disciplines or licenses for land surveying. Individuals licensed to practice land surveying in California are legally authorized to practice all aspects of land surveying covered in the definition. If a business is required to designate the “type” of land surveying they offer, or specialize in, would they be precluded from offering other “types” of land surveying that they did not designate?
- E. The bill specifies that the application fee for the certificate is set at \$200. This does not take into consideration that, as a Special Fund agency, the Board is to charge the amount that covers the cost to provide the service. Specifying a fixed amount does not allow the Board to determine what it will cost the Board to provide this service and charge the appropriate amount. What if it costs the Board less than \$200 to process the application? What if it costs more? Additionally, there is no indication whether this is a one-time application fee or how often a business must “apply” for a certificate.
- F. The bill requires the business to provide a statement of the land surveying experience for the preceding five years prior to application. This would prevent newly-licensed individuals from offering their services through a business entity since they would not have the required five years’ worth of experience. Additionally, once a person meets all of the legal requirements and is issued a license, they may immediately start practicing and offering land surveying as the person in responsible charge; there is currently no requirement that they demonstrate additional experience after they become licensed before they are allowed to create a business entity through which to offer their services.
- G. The bill includes a provision that any business that offers land surveying services without having a certificate shall pay a fine of a minimum of \$20,000. There is nothing in the bill that indicates how it would be determined if the fine should be more than the minimum amount specified, nor is there anything that would tie this fine to the Board’s citation regulations or the enabling statutes that allowed the Board to adopt the citation regulations. These statutes and regulations specify a maximum fine amount and what factors must be considered in determining the appropriate amount of the fine up to that maximum. They also provide the cited person with rights to appeal the citation. This proposal includes none of those provisions.
- H. Sections would be added to the Business Rights and General Business Regulations divisions of the Business and Professions Code and to the Corporations Code that would prohibit the Secretary of State and county clerks from accepting and filing the required paperwork for businesses who use the words “engineer,” “engineering,” “surveyor,” “surveying,” “mapping,” “aerial mapping,” “photogrammetry,” or any modification or derivation thereof in the business name unless the business has been issued a certificate as a land surveying business by the Board. This provision would preclude professional engineers the words “engineer” and

“engineering” in their business names unless that business was also a land surveying business certified under the Professional Land Surveyors’ Act. It would also prevent certified engineering geologists and general engineering contractors from using the word “engineering” in their business name, unless the business was certified as a land surveying business.

- I. The bill does not provide for a delayed implementation of this new certification program to allow the Board time to establish the program and notify licensees of the new requirement.

3. Professional liability insurance (Sect. 8729.1)

The bill would require land surveying businesses to obtain professional liability insurance or advise their clients that they do not have such insurance.

- While the bill provides the specific ways in which the business must advise clients that they do not have professional liability insurance, there is no requirement to advise their clients that they do have such insurance. Other professions, such as attorneys, require notice be provided to the clients regarding whether or not the licensee carries professional liability insurance, rather than simply requiring notice that they do not carry such insurance.

4. Requirement for certain government entities to refer certain matters to the Board (Sect. 8786)

The bill would add a section to the PLS Act requiring any state or local agency that accepts land surveying documents to report to the Board if any of those documents do not identify the person legally authorized to practice land surveying who was in responsible charge of the preparation of the documents.

- While it would be helpful for other government agencies to report suspected violations to the Board, staff questions whether they should be mandated to do so by the Board’s licensing law. Additionally, there would be little recourse for the Board to enforce this section if the other government agencies did not report.

5. Requirement for the Board to refer “valid complaints” to other state boards (Sect. 8790.1)

A section would be added to the PLS Act that would require the Board to provide a copy of a “valid complaint,” as defined, upon receipt, to state boards that regulate the health, safety, wages, and other labor requirements of persons working on construction, building, or infrastructure projects. The bill defines “valid complaint” as one which the Board determines that a violation of the PLS Act may have or is likely to have occurred. The bill also includes a statement of Legislative intent that the enactment of this section is to ensure that the state boards are made aware of the possible need to investigate and regulate the cited businesses who have been issued a certificate to offer land surveying services.

- Staff has several concerns with this section, as described below.
 - A. Without a definition of “state board,” it is not clear if the intent is that the Board would provide a copy of the complaint only to an entity considered to be a board or if a broader interpretation should be applied to include any state agency.
 - B. Based on the definition of “valid complaint,” any complaint received by the Board that falls within the Board’s jurisdiction would be considered a “valid complaint” even before an investigation has been conducted and a determination made as to whether a violation has actually occurred. There is no indication of whether the Board would need to notify the state board if it were to later determine that no violation had occurred. Additionally, there is nothing in the proposed language to tie the area of alleged violation to “construction, building, or infrastructure projects”; as such, the Board would be required to send complaints that may have nothing to do with such projects to state boards.
 - C. The Legislative intent language could be interpreted to require the other state boards to conduct investigations, even if the complaints referred have nothing to do with the regulatory authority of the state boards.

- D. The Legislative intent language refers to “cited” business that has a certificate to offer land surveying services. This is the only reference to a land surveying business, as well as the only use of the term “cited.” The use of the word “cited” seems to imply that an investigation has been conducted, and a citation has been issued to a business; however, that does not coincide with the definition of “valid complaint” provided in the section. Additionally, the reference to land surveying businesses could be interpreted to mean that only complaints against businesses would be referred. There is no indication in the definition of “valid complaint” that it includes only those against businesses.

6. Changes to Section 8729(e)

This bill proposes to repeal the existing subdivision (e) of Sect. 8729 and replace it with a new version of subdivision (e). Currently, this subdivision allows an individual or business engaged in any other endeavor other than land surveying to employ or contract with an individual legally authorized to practice land surveying to perform land surveying services that are incidental to the conduct of the business. The new version would require an individual or business who is not licensed or certified to practice land surveying to employ or contract with an individual or business who is licensed or certified to perform any incidental land surveying services.

- Staff is concerned that this rephrasing could be interpreted to allow businesses to offer land surveying while simply employing or contracting with someone legally authorized to practice land surveying. The current interpretation and enforcement of the PLS Act, as a whole, requires any business offering land surveying services to have an owner, partner, or officer who is legally authorized to practice land surveying; it is not sufficient to simply employ or contract with a licensee. Additionally, the new version could be interpreted to mean that an unlicensed person, such as a consumer, who hires an unlicensed person to perform land surveying would be in violation of the laws.

General concerns:

- This bill sets up new certification program under only one of the three Acts regulated and enforced by the Board; it does not require certifications for engineering or geology or geophysics businesses. Furthermore, the bill requires only one of the professions the Board regulates to obtain professional liability insurance or provide notice to their clients that they do not carry it.
- As noted above, the wording is inconsistent between subsections and sections within the PLS Act, as well as between the different Acts under the Board’s authority. The wording is also confusing and open to multiple interpretations.

Analysis of bill as amended on 4/11/19:

SB 556 was amended on April 11, 2019, to remove the provisions relating to professional liability insurance, the requirement for certain government entities to refer certain matters to the Board, and the words and phrases that could be used in the name of a business offering surveying services. The removal of these provisions addresses some of the concerns the Board had with the introduced version of the bill. Additionally, a definition of “remote sensing” has been added to Section 8726(b), which does address our previous concerns as to how that phrase should be interpreted. However, the remainder of the amendments do not address our previous concerns; they also raise new ones.

The amendments add proposed changes to the definition of engineering surveying in Section 6731.1; however, the wording still does not align with that used in the definition of land surveying in Section 8726. While the proposed changes to the definitions would expand the scope of practice, the amendments include exemptions for contractors licensed under the Contractors State License Law performing electrical and mechanical work and for “building contractors and others.” It is unclear to staff who would be included

under the phrase “building contractors and others.” Additionally, the sponsors have indicated that the reason the definitions of the practice need to be clarified is because licensed contractors do not understand what work they cannot do as licensed contractors and what work requires licensure as a civil engineer or a land surveyor. However, the amendments would now exempt contractors, which raises the question of why propose changes to the definitions to provide clarification for contractors if they are exempt from the provisions.

Furthermore, the amendments propose to add a new subdivision (subdivision (o)) to Section 8726 that states “Nothing in this section shall require the use of a licensed land surveyor for underground utility locating and subsurface imaging that is not required under this chapter as it read on January 1, 2018.” The wording itself is confusing, and it is not clear why a date two years prior to the effective date of the amendments was chosen. It appears that this subdivision could be interpreted as saying that a licensed land surveyor would no longer be required for any work relating to underground utility locating and subsurface imaging, even if that work fell under one of the other subdivisions in Section 8726. Under current law, some activities associated with underground utility locating and subsurface imaging may constitute the practice of land surveying (just as they may also involve the practices of civil engineering and geophysics). The determination of whether land surveying is involved, which would then require a license as a land surveyor, has to be made on a case-by-case basis.

Additionally, amendments were made to proposed new Section 8728.5 regarding the certification of land surveying businesses. Limited liability companies were removed from the listed types of business entities that must obtain a certificate, but a statement was added to say that sole proprietorships and limited liability companies are not required to obtain a certificate. This makes it appear that these types of business entities could offer land surveying without obtaining a certificate or meeting any other requirements. The requirement for the application fee to be \$200 was removed and replaced with wording to say that the Board shall charge “an application fee as determined pursuant to Section 8805.” However, no amendments to Section 8805 were proposed to specify the maximum amount that could be charged for such an application fee. The amendments also added provisions to allow the Board to adopt regulations to implement the program, including describing the circumstances under which the business would have to seek renewal of an existing certificate. However, no language was included to indicate if the Board can charge a fee for the renewal, which is authority that must be given to the Board via statute before the Board can include a specific fee in regulation.

Subdivision (e) of Section 8729 was also amended in an attempt to alleviate the confusion caused by the amendments proposed in the original version of the bill. However, the new wording adds more confusion by indicating that a business that does not hold a certificate to offer land surveying may “employ, pursuant to paragraph (1) of subdivision (a),” a licensed land surveyor. However, paragraph (1) of subdivision (a) does not provide for a land surveyor to simply be an employee of a business that offers land surveying; it requires the licensee to be an owner, partner, or officer. Therefore, in order to “employ, pursuant to paragraph (1) of subdivision (a),” a land surveyor, the land surveyor would have to be an owner, partner, or officer of the business, in which case the business could legally offer and perform land surveying services and would not need to obtain a certificate under Section 8728.5 based on the other wording in this section. The sponsors have indicated that licensed contractors misunderstand or misinterpret the existing wording in Section 8729(e) as allowing them to offer (contract for) land surveying services as long as the work is performed under the responsible charge of a licensee. We have pointed out that the existing wording does not allow for the offering of land surveying services; it allows non-land surveying businesses to hire or contract with a licensee to perform such services.

Amendments were made to Section 8793 to remove the reference that set minimum amount of \$20,000 for the fine issued to a business that did not have a certificate under Section 8728.5. Language was added to say that such businesses would be subject to the Board's citation authority under Section 148 and that the Board could impose a fine "in an amount that is higher than the maximum authorized in Section 125.9, if the board concludes it is necessary to deter violations of the chapter." However, there is still no maximum amount specified in statute, nor any factors the Board must consider in coming to the conclusion that a higher fine is "necessary to deter violations." Failing to include the maximum amount of the fine allowed and the general framework of what must be considered would leave the Board open to challenges that any fine above the current statutory maximum was decided in an arbitrary and capricious manner.

Analysis of bill as amended on 4/29/19:

SB 556 was heard in the Senate Business, Professions, and Economic Development Committee on April 22, 2019. The Committee staff analysis raised many of the same concerns as those expressed by the Board. However, the Committee analysis recommended only three amendments and suggested that the Author continue to work with the Board and other stakeholders to address the other concerns. The recommended amendments were accepted by the Author, and the bill passed the Committee.

The amendments were published in bill form on April 29, 2019. They include removing the requirement in Section 8728.5 that the Board shall consider the last five years of land surveying experience of the business as one of the qualifying requirements for the issuance of a certificate and the addition of statement that the section would not become operative until January 1, 2022. This delayed operative date was added to allow the Board time to adopt regulations and implement the new requirement. Additionally, Section 8729 was struck from the bill so that no amendments would be made to the existing language of that section.

While these amendments do address some of the Board's concerns, they do not go far enough in addressing all of the Board's concerns with this bill.

General staff comments:

Staff has met with the Author's staff and representatives of the sponsors of the bill, as well as representatives from the International Union of Operating Engineers Local 3 and Local 12; the American Council of Engineer Companies of California (ACEC-CA); and the California Land Surveyors Association (CLSA). We have advised them of the Board's opposition to this bill and the concerns that prompted the Board to take this position. The Author's staff and the sponsors have indicated they are interested in continuing to work on the language in the bill to address the Board's concerns.

The sponsors advised that their intent in adding exemptions for contractors in Sections 6731.1(a) and 8726(a) and for adding subdivision (o) to Section 8726 was simply to add "comfort language" for various contractor/laborer/trade groups who expressed concerns with the bill and not to change any existing interpretations of the law. If the overall intent behind amending Sections 6731.1 and 8726 is simply to clarify existing law so that contractors will be able to be understand what work they cannot perform, then we question why it is necessary to include language to exempt contractors. Additionally, the use of the phrase "and others" in the proposed amendments is so broad that it would seem to exempt everyone. We believe that these exemptions are not appropriate and would interfere with the Board's ability to protect the health, safety, welfare, and property of consumers.

We continue to remain concerned with the addition of the reference to electrical and mechanical engineering work in Section 8726(a) since it could be interpreted as preventing electrical engineers and mechanical engineers from performing work that they are currently authorized to perform under their

licenses. We do not see the need for this addition, especially if an exemption for licensed contractors is included.

We also questioned why the sponsors believe it is necessary to add another layer of regulation on businesses by requiring them to apply for an obtain a certificate in order to operate when existing law, in Section 8729, requires Organization Record (OR) forms to be filed indicating the location(s) of the business; the types of services offered and provided; the type of business entity; the owners, partners, or officers of the business; and the licensees in responsible charge of the work performed by the business. We asked if the intent was to no longer require the OR form. The sponsors indicated that both would be required; the business would have to apply for and obtain a certificate, while the licensees would have to file the OR form.

With regard to adding Section 8790.1 to the law, we expressed concerns with the wording of the section and how confusing it is. Some of the representatives indicated that the intent is for the Board to notify the Contractors State License Board (CLSB) if a citation is issued to a licensed contractor for offering or practicing land surveying without legal authority. We advised them that the wording as proposed does not clearly state this. We also recommended that they should inquire with CSLB to determine if CSLB has the authority to take enforcement action against a licensee based on action taken by another licensing board for actions that are not violations of the Contractors State License Law.

There are also fiscal impact issues related to this bill. The changes to the definitions of engineering surveying and land surveying would require the Board to conduct new occupational analyses and develop new test plans for both the California Civil Engineering Surveying examination and the California Professional Land Surveyor examination. Additionally, expanding the scopes of the two practices will likely result in an increase in the number of complaints filed regarding what services must be performed by a licensee. Furthermore, the creation and implementation of a new certification program will require additional staff positions, in addition to the enforcement of the program increasing the workload of the Board's Enforcement Unit.

Although some of the amendments made in the April 11 and April 29 versions of SB 556 do address some of the Board's concerns, we do not believe they are sufficient to remove the Board's opposition to this bill.

Staff Recommendation: Oppose SB 556, as amended April 29, 2019.

Laws: An act to amend Sections 6731.1 and 8726 of, and to add Sections 8728.5, 8790.1, and 8793 to, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

AMENDED IN SENATE APRIL 11, 2019

SENATE BILL

No. 556

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

February 22, 2019

An act to amend Sections ~~8726~~ 6731.1, 8726, and 8729 of, and to add Sections 8728.5, ~~8729.1~~, 8786, 8790.1, ~~8793~~, 14216, and 17910.6 and 8793 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 amended, Pan. Professional land ~~surveyors~~. *surveyors and engineers.*

(1) The *Professional Engineers Act and the Professional Land Surveyors' Act* provides for the licensure and regulation of professional *engineers and land surveyors* by the Board for Professional Engineers, Land Surveyors, and Geologists. ~~The act establishes~~ *Those acts establish* 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~~, *those acts*, a land surveyor includes a person who engages in specified practices, ~~including~~ *and civil engineering is defined to include* 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, those acts,~~ with regard to the practice of identifying the alignment or elevation of *buildings, as defined, or other* 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 *and civil engineering* 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.~~ *sensing, as defined.* 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~~ *surveying, for purposes of the Professional Land Surveyor Act,* 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~~ *Professional Land Surveyors' 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~~ *business, except for a sole proprietorship or a limited liability company,* 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 fee,~~ *as determined by the board, for that certificate. certificate and a process to renew and revoke a certificate.* This bill would ~~impose a minimum fine of \$20,000~~ *authorize the board*

to impose a fine, as specified, 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.~~

(3) The Professional Land Surveyors' Act authorizes an individual or business engaged in any line of endeavor other than the practice of civil, electrical, or mechanical engineering from employing or contracting with a licensed civil, electrical, or mechanical engineer to perform the respective engineering services that are incidental to the conduct of business.

~~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 a business that has a 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)~~

~~(5) 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 6731.1 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 *6731.1. Civil engineering also includes the practice or offer to*
- 4 *practice, either in a public or private capacity, all of the following:*
- 5 *(a) Locates, relocates, establishes, reestablishes, ~~or retraces~~*
- 6 *retraces, or lays out through the use of mathematics or geometric*

1 *measurements* the alignment or elevation for any ~~of~~ *buildings or*
 2 *other* the fixed works embraced within the practice of civil
 3 engineering, as described in Section 6731.

4 (1) *This subdivision shall not prohibit a contractor, licensed*
 5 *under Chapter 9 (commencing with Section 7000) of Division 3,*
 6 *while engaged in the business of contracting for the installation*
 7 *or layout of electrical or mechanical systems or facilities, from*
 8 *designing those systems or facilities in accordance with the*
 9 *applicable building codes and standards for work to be performed*
 10 *and supervised by that contractor within the classification for*
 11 *which their license is issued, or from preparing electrical or*
 12 *mechanical shop or field drawings for work which the contractor*
 13 *has contracted to perform.*

14 (2) *For purposes of this subdivision, “buildings” means the*
 15 *exterior location of the building or building control lines and does*
 16 *not limit building contractors or others from layout of items based*
 17 *on the grid lines or building corners set by a licensed surveyor.*

18 (b) (1) *Determines the configuration or contour of the earth’s*
 19 ~~surface~~ *surface, the benthic surface below water bodies, the*
 20 *measuring for volumetric calculations of earthwork, or the position*
 21 *of manmade or natural fixed objects above, on, or below the*
 22 *surface of earth by applying the principles of ~~trigonometry or~~*
 23 ~~photogrammetry.~~ *mathematics, photogrammetry, or remote*
 24 *sensing.*

25 (2) *For purposes of this subdivision, “remote sensing” means*
 26 *the detecting, collection, processing, and analysis of physical*
 27 *objects regarding the location or dimensions of a location or*
 28 *object, or otherwise using various acquisition methods intended*
 29 *to or resulting in the determination of the configuration or contour*
 30 *of the earth’s surface, or the position of fixed objects above, on,*
 31 *or below the surface of the earth.*

32 (c) *Creates, prepares, or modifies electronic or computerized*
 33 *data in the performance of the activities described in subdivisions*
 34 *(a) and (b).*

35 (d) *Renders a statement regarding the accuracy of maps or*
 36 *measured survey data pursuant to subdivisions (a), (b), and (c).*

37 **SECTION 1.**

38 *SEC. 2.* Section 8726 of the Business and Professions Code is
 39 amended to read:

1 8726. A person, including any person employed by the state
2 or by a city, county, or city and county within the state, practices
3 land surveying within the meaning of this chapter who, either in
4 a public or private capacity, does or offers to do any one or more
5 of the following:

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

14 *(1) This section shall not prohibit a contractor, licensed under*
15 *Chapter 9 (commencing with Section 7000) of Division 3, while*
16 *engaged in the business of contracting for the installation or layout*
17 *of electrical or mechanical systems or facilities, from designing*
18 *those systems of facilities in accordance with the applicable*
19 *construction codes and standards for work to be performed and*
20 *supervised by that contractor within the classification for which*
21 *their license is issued, or from preparing electrical or mechanical*
22 *shop or field drawings for work the contractor has contracted to*
23 *perform.*

24 *(2) For purposes of this subdivision, “buildings” means the*
25 *exterior location of the building or building control lines and does*
26 *not limit building contractors or others from layout of items based*
27 *on the grid lines or building corners set by a licensed surveyor.*

28 (b) (1) Determines the configuration or contour of the earth’s
29 surface, the benthic surface below water bodies, the measuring for
30 volumetric calculations of earthwork, or the position of manmade
31 or natural fixed objects above, on, or below the surface of the earth
32 by applying the principles of mathematics, photogrammetry, or
33 remote sensing.

34 *(2) For purposes of this subdivision, “remote sensing” means*
35 *the detecting, collection, processing, and analysis of physical*
36 *objects regarding the location or dimensions of a location or*
37 *object, or otherwise using various acquisition methods intended*
38 *to or resulting in the determination of the configuration or contour*
39 *of the earth’s surface, or the position of fixed objects above, on,*
40 *or below the surface of the earth.*

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

4 (d) Makes any survey for the subdivision or resubdivision of
5 any tract of land. For the purposes of this subdivision, the term
6 “subdivision” or “resubdivision” shall be defined to include, but
7 not be limited to, the definition in the Subdivision Map Act
8 (Division 2 (commencing with Section 66410) of Title 7 of the
9 Government Code) or the Subdivided Lands Law (Chapter 1
10 (commencing with Section 11000) of Part 2 of Division 4 of this
11 code).

12 (e) By the use of the principles of land surveying determines
13 the position for any monument or reference point which marks a
14 property line, boundary, or corner, or sets, resets, or replaces any
15 monument or reference point.

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

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

32 (h) Indicates, in any capacity or in any manner, by the use of
33 the title “land surveyor” or by any other title or by any other
34 representation that the person practices or offers to practice land
35 surveying in any of its branches.

36 (i) Procures or offers to procure land surveying work for
37 themselves or others.

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

1 (k) Coordinates the work of professional, technical, or special
2 consultants in connection with the activities authorized by this
3 chapter.

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

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

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

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

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

23 *(o) Nothing in this section shall require the use of a licensed*
24 *land surveyor for underground utility locating and subsurface*
25 *imaging that is not required under this chapter as it read on*
26 *January 1, 2018.*

27 ~~SEC. 2.~~

28 *SEC. 3.* Section 8728.5 is added to the Business and Professions
29 Code, to read:

30 8728.5. (a) For purposes of this section, “business” means a
31 partnership, general partnership, limited liability partnership,
32 ~~limited liability company~~, or corporation. *However, “business”*
33 *does not include a sole proprietorship or a limited liability*
34 *company. Nothing in this section requires a certificate for any*
35 *form of corporation or partnership otherwise prohibited in this*
36 *chapter from offering or providing land surveying services.*

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

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

7 (d) A business shall apply for a certificate to practice land
 8 surveying by submitting an application form to the board. The
 9 board shall grant the certificate if the business submits *may develop*
 10 *rules and regulations governing the conditions under which a*
 11 *certificate shall be granted, including, but not limited to, taking*
 12 *into consideration whether the business has submitted* the following
 13 requirements to the board:

14 (1) A completed application form that includes all of the
 15 following:

16 (A) The name and address of the business applying for the
 17 certification.

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

19 ~~(C)~~

20 (B) The name and current state license number of the
 21 professional land surveyor *or civil engineer* who will be the
 22 responsible charge of work of the business.

23 ~~(D)~~

24 (C) The name of the partners in a partnership, general
 25 partnership, or limited liability partnership, ~~the names of the~~
 26 ~~members holding a majority interest of a limited liability company,~~
 27 or the names of the majority stockholders of a corporation.

28 ~~(E)~~

29 (D) The signature and title of an agent authorized by the
 30 partnership, general partnership, limited liability partnership,
 31 ~~limited liability company,~~ or corporation to submit the application.

32 ~~(2) An application fee of two hundred dollars (\$200):~~

33 (2) (A) *The board shall charge an application fee as determined*
 34 *pursuant to Section 8805.*

35 (B) *The board may develop rules and regulations governing*
 36 *both of the following:*

37 (i) *The circumstances when the board may require a business*
 38 *to seek a renewal of an existing certificate, including, but not*
 39 *limited to, consideration of a business's change of ownership.*

1 (ii) *The circumstances when the board may revoke an existing*
 2 *certificate.*

3 (3) A ~~certified~~ copy of a resolution by the partners of a
 4 partnership, the general partners of a general partnership or a
 5 limited liability partnership, ~~the managing members of a limited~~
 6 ~~liability company~~, or the board of directors of a corporation that
 7 designates an individual in the business with a current license
 8 issued by this state for the practice of land surveying *or civil*
 9 *engineering who is authorized to practice surveying* that is the
 10 responsible charge for work and that has the authority to make all
 11 final decisions in the practice of land surveying on behalf of the
 12 business.

13 (4) A copy of the partnership agreement of a partnership, general
 14 partnership, or limited liability partnership, the articles of
 15 incorporation ~~or operating agreement of a limited liability~~
 16 ~~company~~, or the bylaws of a corporation.

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

19 (e) A business that is organized or incorporated in a state or
 20 territory outside of California shall not offer land surveying
 21 services in California unless that business obtains a certificate
 22 under ~~this section.~~ *section and complies with all other requirements*
 23 *of this chapter.*

24 ~~SEC. 3.~~

25 *SEC. 4.* Section 8729 of the Business and Professions Code,
 26 as amended by Section 3 of Chapter 150 of the Statutes of 2018,
 27 is amended to read:

28 8729. (a) This chapter does not prohibit one or more licensed
 29 land surveyors or civil engineers licensed in this state prior to 1982
 30 (hereinafter called civil engineers) from practicing or offering to
 31 practice, within the scope of their licensure, land surveying as a
 32 sole proprietorship, partnership, limited liability partnership, firm,
 33 or corporation (hereinafter called business), if the following
 34 conditions are satisfied:

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

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

1 (3) If the business name of a California land surveying business
2 contains the name of a person, then that person shall be licensed
3 by the board as a land surveyor or licensed by the board in any
4 year as a civil engineer. Any offer, promotion, or advertisement
5 by the business that contains the name of any individual in the
6 business, other than by use of the name of the individual in the
7 business name, shall clearly and specifically designate the license
8 discipline of each individual named.

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

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

25 (d) A person not licensed under this chapter or licensed as a
26 civil engineer in this state prior to 1982 may also be a partner or
27 an officer of a land surveying business if the conditions of
28 subdivision (a) are satisfied. Nothing in this section shall be
29 construed to permit a person who is not licensed under this chapter
30 or licensed as a civil engineer in this state prior to 1982 to be the
31 sole owner or office of a land surveying business, unless otherwise
32 exempt under this chapter.

33 (e) ~~If an individual or a business that does not have a license or~~
34 ~~a certificate to practice land surveying under this chapter needs~~
35 ~~land surveying services performed that are incidental to the conduct~~
36 ~~of their business, the individual or business shall employ employ,~~
37 ~~pursuant to paragraph (1) of subdivision (a), or contract with an~~
38 ~~individual or business that has a license or a business that has a~~
39 ~~certificate to practice land surveying.~~

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

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

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

12 (2) The person shall have been an owner, partner, or officer of
13 the business, or an owner, partner, or officer of the predecessor in
14 interest of the business.

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

19 (4) The person, if retired, has consented to the use of the name
20 and does not permit the use of the name in the title of another land
21 surveying business in this state during the period of that consent,
22 except that a retired person may use their name as the name of a
23 new or purchased business, if that business is not identical in every
24 respect to that person's name as used in the former business.

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

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

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

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

33 ~~SEC. 4.~~

34 *SEC. 5.* Section 8729 of the Business and Professions Code,
35 as amended by Section 4 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, firm, or corporation (hereinafter
2 called business), if the following conditions are satisfied:

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

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

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

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

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

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

1 (e) If an individual or *a* business that does not have a license or
 2 a certificate to practice land surveying under this chapter needs
 3 land surveying services performed that are incidental to the conduct
 4 of their business, the ~~individual or business~~ shall ~~employ~~ *employ*,
 5 *pursuant to paragraph (1) of subdivision (a)*, or contract with an
 6 ~~individual or business~~ that has a license or *a business that has a*
 7 certificate to practice land surveying.

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

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

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

19 (2) The person shall have been an owner, partner, or officer of
 20 the business, or an owner, partner, or officer of the predecessor in
 21 interest of the business.

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

26 (4) The person, if retired, has consented to the use of the name
 27 and does not permit the use of the name in the title of another land
 28 surveying business in this state during the period of that consent,
 29 except that a retired person may use their name as the name of a
 30 new or purchased business, if that business is not identical in every
 31 respect to that person's name as used in the former business.

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

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

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

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

39 ~~SEC. 5. Section 8729.1 is added to the Business and Professions~~
 40 ~~Code, to read:~~

1 ~~8729.1. A business that obtains a certificate under Section~~
 2 ~~8728.5, shall either carry professional liability insurance or provide~~
 3 ~~notice to any person or entity to which land surveying services are~~
 4 ~~offered that the business does not carry professional liability~~
 5 ~~insurance. The notice shall consist of a sign prominently displayed~~
 6 ~~in the reception area or the entrance of the business and on every~~
 7 ~~written contract for the performance of land surveying.~~

8 ~~SEC. 6. Section 8786 is added to the Business and Professions~~
 9 ~~Code, to read:~~

10 ~~8786. Any department or agency of the state or any city, county,~~
 11 ~~city and county, district, or special district that accepts any maps,~~
 12 ~~plans, reports, descriptions, or other documentary evidence in~~
 13 ~~connection with the practice of land surveying, as described in~~
 14 ~~Section 8726, shall report to the board any of these documents~~
 15 ~~received that fail to identify the person authorized to practice land~~
 16 ~~surveying pursuant to Section 8761.~~

17 ~~SEC. 7.~~

18 ~~SEC. 6. Section 8790.1 is added to the Business and Professions~~
 19 ~~Code, to read:~~

20 ~~8790.1. (a) Upon receipt of a valid complaint, the board shall~~
 21 ~~send a copy of the complaint to the following state boards:~~

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

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

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

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

34 ~~SEC. 8.~~

35 ~~SEC. 7. Section 8793 is added to the Business and Professions~~
 36 ~~Code, to read:~~

37 ~~8793. Any business, as defined in subdivision (a) of Section~~
 38 ~~8728.5, that performs land surveying without a certificate obtained~~
 39 ~~under Section 8728.5 shall pay a fine of a minimum of twenty~~
 40 ~~thousand dollars (\$20,000); *be subject to the board’s citation*~~

1 authority pursuant to Section 148. For purposes of this section,
 2 and notwithstanding Section 125.9, the board may impose fines
 3 on a business described in this section, in an amount that is higher
 4 than the maximum authorized in Section 125.9, if the board
 5 concludes it is necessary to deter violations of this chapter.

6 ~~SEC. 9. Section 14216 is added to the Business and Professions~~
 7 ~~Code, to read:~~

8 ~~14216. The Secretary of State shall not issue a certificate of~~
 9 ~~registration for a mark setting forth a name in which “engineer,”~~
 10 ~~“engineering,” “surveyor,” “surveying,” “mapping,” “aerial~~
 11 ~~mapping,” “photogrammetry,” or any modification or derivation~~
 12 ~~thereof appear, unless a certificate granted under Section 8728.5~~
 13 ~~of the Business and Professions Code by the Board for Professional~~
 14 ~~Engineers, Land Surveyors, and Geologists is attached.~~

15 ~~SEC. 10. Section 17910.6 is added to the Business and~~
 16 ~~Professions Code, to read:~~

17 ~~17910.6. A county clerk shall not accept a fictitious business~~
 18 ~~name statement setting forth a name in which “engineer,”~~
 19 ~~“engineering,” “surveyor,” “surveying,” “mapping,” “aerial~~
 20 ~~mapping,” “photogrammetry,” or any modification or derivation~~
 21 ~~thereof appear, unless a certificate granted under Section 8728.5~~
 22 ~~of the Business and Professions Code by the Board for Professional~~
 23 ~~Engineers, Land Surveyors, and Geologists is attached.~~

24 ~~SEC. 11. Section 201.1 is added to the Corporations Code, to~~
 25 ~~read:~~

26 ~~201.1. The Secretary of State shall not file articles setting forth~~
 27 ~~a name in which “engineer,” “engineering,” “surveyor,”~~
 28 ~~“surveying,” “mapping,” “aerial mapping,” “photogrammetry,”~~
 29 ~~or any modification or derivation thereof appear, unless a certificate~~
 30 ~~granted under Section 8728.5 of the Business and Professions Code~~
 31 ~~by the Board for Professional Engineers, Land Surveyors, and~~
 32 ~~Geologists is attached.~~

33 ~~SEC. 12. Section 15902.10 is added to the Corporations Code,~~
 34 ~~to read:~~

35 ~~15902.10. The Secretary of State shall not file a certificate of~~
 36 ~~limited partnership setting forth a name in which “engineer,”~~
 37 ~~“engineering,” “surveyor,” “surveying,” “mapping,” “aerial~~
 38 ~~mapping,” “photogrammetry,” or any modification or derivation~~
 39 ~~thereof appear, unless a certificate granted under Section 8728.5~~

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

3 ~~SEC. 13.~~ Section 16105.1 is added to the Corporations Code,
4 to read:

5 16105.1. The Secretary of State shall not file a statement setting
6 forth a name in which “engineer,” “engineering,” “surveyor,”
7 “surveying,” “mapping,” “aerial mapping,” “photogrammetry,”
8 or any modification or derivation thereof appear, unless a certificate
9 granted under Section 8728.5 of the Business and Professions Code
10 by the Board for Professional Engineers, Land Surveyors, and
11 Geologists is attached.

12 ~~SEC. 14.~~ Section 16953.1 is added to the Corporations Code,
13 to read:

14 16953.1. The Secretary of State shall not file a registration
15 setting forth a name in which “engineer,” “engineering,”
16 “surveyor,” “surveying,” “mapping,” “aerial mapping,”
17 “photogrammetry,” or any modification or derivation thereof
18 appear, unless a certificate granted under Section 8728.5 of the
19 Business and Professions Code by the Board for Professional
20 Engineers, Land Surveyors, and Geologists is attached.

21 ~~SEC. 15.~~ Section 17702.08 is added to the Corporations Code,
22 to read:

23 17702.08. The Secretary of State shall not file an articles of
24 organization setting forth a name in which “engineer,”
25 “engineering,” “surveyor,” “surveying,” “mapping,” “aerial
26 mapping,” “photogrammetry,” or any modification or derivation
27 thereof appear, unless a certificate granted under Section 8728.5
28 of the Business and Professions Code by the Board for Professional
29 Engineers, Land Surveyors, and Geologists is attached.

30 ~~SEC. 16.~~

31 *SEC. 8.* No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

O

AMENDED IN SENATE APRIL 29, 2019

AMENDED IN SENATE APRIL 11, 2019

SENATE BILL

No. 556

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

February 22, 2019

An act to amend Sections ~~6731.1, 8726, and 8729~~ *6731.1 and 8726* of, and to add Sections 8728.5, 8790.1, and 8793 to, the Business and Professions Code, relating to ~~professional land surveyors, professions and vocations,~~ and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, Pan. Professional land surveyors and engineers.

(1) The Professional Engineers Act and the Professional Land Surveyors' Act provides for the licensure and regulation of professional engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. ~~Those acts establish 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. A violation of those acts is a misdemeanor.~~

Under those acts, a land surveyor *or civil engineer* includes a person who ~~engages in specified practices, and civil engineering is defined to include 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,~~ *defined*. *Existing law also includes within the practice of a land surveyor or civil engineer a person who* 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 those acts, with regard to the practice of identifying the alignment or elevation of buildings, as defined, or other fixed works, revise the practice of land surveying and civil engineering to, among other things, include the laying out through the use of mathematics or geometric measurements the alignment or elevation for any of the building or other fixed works embraced within the practice of civil engineering, including any and, for land surveying, would specify that these include items designed within the practice of electrical engineering or mechanical engineering. The bill would expand also include within the practice of land surveying and civil engineering 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 earthwork and would include the use of remote sensing, as defined. 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. defined, for making certain determinations. The bill would modify the definition of geodetic surveying, for purposes of the Professional Land Surveyor Act, 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 By expanding the practices that constitute civil engineering and land surveying, thereby expanding the persons subject to the act, the violation of which is a crime. crime, the bill would impose a state-mandated local program.~~

(2) Existing law requires fees and civil penalties received pursuant to the Professional Land Surveyors' 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, on and after January 1, 2022, would prohibit a business, except for a sole proprietorship or a limited liability company, 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, as determined by the board, for that certificate and a process to renew and revoke a certificate. This bill would authorize the board to impose a fine, as specified, 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 Professional Land Surveyors' Act authorizes an individual or business engaged in any line of endeavor other than the practice of civil, electrical, or mechanical engineering from employing or contracting with a licensed civil, electrical, or mechanical engineer to perform the respective engineering services that are incidental to the conduct of business.~~

~~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 that has a license or a business that has a certificate to practice land surveying to perform land surveying services that are incidental to the conduct of their business.~~

~~(4)~~

(3) 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)~~

(4) 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 6731.1 of the Business and Professions
2 Code is amended to read:

3 6731.1. Civil engineering also includes the practice or offer to
4 practice, either in a public or private capacity, all of the following:

5 (a) Locates, relocates, establishes, reestablishes, retraces, or
6 lays out through the use of mathematics or geometric measurements
7 the alignment or elevation for any buildings or other ~~the~~ fixed
8 works embraced within the practice of civil engineering, as
9 described in Section 6731.

10 (1) This subdivision shall not prohibit a contractor, licensed
11 under Chapter 9 (commencing with Section 7000) of Division 3,
12 while engaged in the business of contracting for the installation
13 or layout of electrical or mechanical systems or facilities, from
14 designing those systems or facilities in accordance with the
15 applicable building codes and standards for work to be performed
16 and supervised by that contractor within the classification for which
17 their license is issued, or from preparing electrical or mechanical
18 shop or field drawings for work which the contractor has contracted
19 to perform.

20 (2) For purposes of this subdivision, “buildings” means the
21 exterior location of the building or building control lines and does
22 not limit building contractors or others from layout of items based
23 on the grid lines or building corners set by a licensed surveyor.

24 (b) (1) Determines the configuration or contour of the earth’s
25 surface, the benthic surface below water bodies, the measuring for
26 volumetric calculations of earthwork, or the position of manmade
27 or natural fixed objects above, on, or below the surface of earth
28 by applying the principles of mathematics, photogrammetry, or
29 remote sensing.

30 (2) For purposes of this subdivision, “remote sensing” means
31 the detecting, collection, processing, and analysis of physical
32 objects regarding the location or dimensions of a location or object,
33 or otherwise using various acquisition methods intended to or
34 resulting in the determination of the configuration or contour of
35 the earth’s surface, or the position of fixed objects above, on, or
36 below the surface of the earth.

1 (c) Creates, prepares, or modifies electronic or computerized
2 data in the performance of the activities described in subdivisions
3 (a) and (b).

4 (d) Renders a statement regarding the accuracy of maps or
5 measured survey data pursuant to subdivisions (a), (b), and (c).

6 SEC. 2. Section 8726 of the Business and Professions Code is
7 amended to read:

8 8726. A person, including any person employed by the state
9 or by a city, county, or city and county within the state, practices
10 land surveying within the meaning of this chapter who, either in
11 a public or private capacity, does or offers to do any one or more
12 of the following:

13 (a) Locates, relocates, establishes, reestablishes, retraces, or
14 lays out through the use of mathematics or geometric measurements
15 the alignment or elevation for any of the buildings or other fixed
16 works embraced within the practice of civil engineering, as
17 described in Section 6731, including, but not limited to, any items
18 designed within the practice of electrical engineering, as described
19 in Section 6731.5, or mechanical engineering, as described in
20 Section 6731.6

21 (1) This section shall not prohibit a contractor, licensed under
22 Chapter 9 (commencing with Section 7000) of Division 3, while
23 engaged in the business of contracting for the installation or layout
24 of electrical or mechanical systems or facilities, from designing
25 those systems of facilities in accordance with the applicable
26 construction codes and standards for work to be performed and
27 supervised by that contractor within the classification for which
28 their license is issued, or from preparing electrical or mechanical
29 shop or field drawings for work the contractor has contracted to
30 perform.

31 (2) For purposes of this subdivision, "buildings" means the
32 exterior location of the building or building control lines and does
33 not limit building contractors or others from layout of items based
34 on the grid lines or building corners set by a licensed surveyor.

35 (b) (1) Determines the configuration or contour of the earth's
36 surface, the benthic surface below water bodies, the measuring for
37 volumetric calculations of earthwork, or the position of manmade
38 or natural fixed objects above, on, or below the surface of the earth
39 by applying the principles of mathematics, photogrammetry, or
40 remote sensing.

1 (2) For purposes of this subdivision, “remote sensing” means
2 the detecting, collection, processing, and analysis of physical
3 objects regarding the location or dimensions of a location or object,
4 or otherwise using various acquisition methods intended to or
5 resulting in the determination of the configuration or contour of
6 the earth’s surface, or the position of fixed objects above, on, or
7 below the surface of the earth.

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

11 (d) Makes any survey for the subdivision or resubdivision of
12 any tract of land. For the purposes of this subdivision, the term
13 “subdivision” or “resubdivision” shall be defined to include, but
14 not be limited to, the definition in the Subdivision Map Act
15 (Division 2 (commencing with Section 66410) of Title 7 of the
16 Government Code) or the Subdivided Lands Law (Chapter 1
17 (commencing with Section 11000) of Part 2 of Division 4 of this
18 code).

19 (e) By the use of the principles of land surveying determines
20 the position for any monument or reference point which marks a
21 property line, boundary, or corner, or sets, resets, or replaces any
22 monument or reference point.

23 (f) Geodetic surveying or cadastral surveying. As used in this
24 chapter, geodetic surveying means performing surveys, by using
25 techniques or methods of three dimensional geospatial data
26 acquisition in which account is taken of the figure and size of the
27 earth to determine or predetermine the horizontal or vertical
28 positions of fixed objects thereon or related thereto, geodetic
29 control points, monuments, or stations for use in the practice of
30 land surveying or for stating the geospatial establishment of three
31 dimensional positions of fixed objects, geodetic control points,
32 monuments, or stations by California Coordinate System
33 coordinates in accordance with Chapter 1 (commencing with
34 Section 8801) of Division 8 of the Public Resources Code.

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

39 (h) Indicates, in any capacity or in any manner, by the use of
40 the title “land surveyor” or by any other title or by any other

1 representation that the person practices or offers to practice land
2 surveying in any of its branches.

3 (i) Procures or offers to procure land surveying work for
4 themselves or others.

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

8 (k) Coordinates the work of professional, technical, or special
9 consultants in connection with the activities authorized by this
10 chapter.

11 (l) Determines the information shown or to be shown within
12 the description of any deed, trust deed, or other title document
13 prepared for the purpose of describing the limit of real property
14 in connection with any one or more of the functions described in
15 subdivisions (a) to (f), inclusive.

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

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

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

26 The review, approval, or examination by a governmental entity
27 of documents prepared or performed pursuant to this section shall
28 be done by, or under the direct supervision of, a person authorized
29 to practice land surveying.

30 (o) Nothing in this section shall require the use of a licensed
31 land surveyor for underground utility locating and subsurface
32 imaging that is not required under this chapter as it read on January
33 1, 2018.

34 SEC. 3. Section 8728.5 is added to the Business and Professions
35 Code, to read:

36 8728.5. (a) For purposes of this section, “business” means a
37 partnership, general partnership, limited liability partnership, or
38 corporation. However, “business” does not include a sole
39 proprietorship or a limited liability company. Nothing in this
40 section requires a certificate for any form of corporation or

1 partnership otherwise prohibited in this chapter from offering or
2 providing land surveying services.

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

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

13 (d) A business shall apply for a certificate to practice land
14 surveying by submitting an application form to the board. The
15 board may develop rules and regulations governing the conditions
16 under which a certificate shall be granted, including, but not limited
17 to, taking into consideration whether the business has submitted
18 the following requirements to the board:

19 (1) A completed application form that includes all of the
20 following:

21 (A) The name and address of the business applying for the
22 certification.

23 (B) The name and current state license number of the
24 professional land surveyor or civil engineer who will be the
25 responsible charge of work of the business.

26 (C) The name of the partners in a partnership, general
27 partnership, or limited liability partnership, or the names of the
28 majority stockholders of a corporation.

29 (D) The signature and title of an agent authorized by the
30 partnership, general partnership, limited liability partnership, or
31 corporation to submit the application.

32 (2) (A) The board shall charge an application fee as determined
33 pursuant to Section 8805.

34 (B) The board may develop rules and regulations governing
35 both of the following:

36 (i) The circumstances when the board may require a business
37 to seek a renewal of an existing certificate, including, but not
38 limited to, consideration of a business's change of ownership.

39 (ii) The circumstances when the board may revoke an existing
40 certificate.

1 (3) A copy of a resolution by the partners of a partnership, the
 2 general partners of a general partnership or a limited liability
 3 partnership, or the board of directors of a corporation that
 4 designates an individual in the business with a current license
 5 issued by this state for the practice of land surveying or civil
 6 engineering who is authorized to practice surveying that is the
 7 responsible charge for work and that has the authority to make all
 8 final decisions in the practice of land surveying on behalf of the
 9 business.

10 (4) A copy of the partnership agreement of a partnership, general
 11 partnership, or limited liability partnership, the articles of
 12 incorporation or the bylaws of a corporation.

13 ~~(5) A statement of land surveying experience of the business~~
 14 ~~during the five years preceding the date of the application.~~

15 (e) A business that is organized or incorporated in a state or
 16 territory outside of California shall not offer land surveying
 17 services in California unless that business obtains a certificate
 18 under this section and complies with all other requirements of this
 19 chapter.

20 (f) *This section shall become operative on January 1, 2022.*

21 ~~SEC. 4. Section 8729 of the Business and Professions Code,~~
 22 ~~as amended by Section 3 of Chapter 150 of the Statutes of 2018,~~
 23 ~~is amended to read:~~

24 ~~8729. (a) This chapter does not prohibit one or more licensed~~
 25 ~~land surveyors or civil engineers licensed in this state prior to 1982~~
 26 ~~(hereinafter called civil engineers) from practicing or offering to~~
 27 ~~practice, within the scope of their licensure, land surveying as a~~
 28 ~~sole proprietorship, partnership, limited liability partnership, firm,~~
 29 ~~or corporation (hereinafter called business), if the following~~
 30 ~~conditions are satisfied:~~

31 ~~(1) A land surveyor or civil engineer currently licensed in the~~
 32 ~~state is an owner, partner, or officer in charge of the land surveying~~
 33 ~~practice of the business.~~

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

36 ~~(3) If the business name of a California land surveying business~~
 37 ~~contains the name of a person, then that person shall be licensed~~
 38 ~~by the board as a land surveyor or licensed by the board in any~~
 39 ~~year as a civil engineer. Any offer, promotion, or advertisement~~
 40 ~~by the business that contains the name of any individual in the~~

1 business, other than by use of the name of the individual in the
2 business name, shall clearly and specifically designate the license
3 discipline of each individual named.

4 (b) ~~An out-of-state business with a branch office in this state
5 shall meet the requirements of subdivision (a) and shall have an
6 owner, partner, or officer who is in charge of the land surveying
7 work in this state, who is licensed in this state, and who is
8 physically present at the branch office in this state on a regular
9 basis. However, the name of the business may contain the name
10 of a person not licensed in this state, if that person is appropriately
11 licensed or registered in another state. Any offer, promotion, or
12 advertisement that contains the name of any individual in the
13 business, other than by use of the name of the individual in the
14 business name, shall clearly and specifically designate the license
15 or registration discipline of each individual named.~~

16 (c) ~~The business name of a California land surveying business
17 may be a fictitious name. However, if the fictitious name includes
18 the names of any person, the requirements of paragraph (3) of
19 subdivision (a) shall be met.~~

20 (d) ~~A person not licensed under this chapter or licensed as a
21 civil engineer in this state prior to 1982 may also be a partner or
22 an officer of a land surveying business if the conditions of
23 subdivision (a) are satisfied. Nothing in this section shall be
24 construed to permit a person who is not licensed under this chapter
25 or licensed as a civil engineer in this state prior to 1982 to be the
26 sole owner or office of a land surveying business, unless otherwise
27 exempt under this chapter.~~

28 (e) ~~If a business that does not have a license or a certificate to
29 practice land surveying under this chapter needs land surveying
30 services performed that are incidental to the conduct of their
31 business, the business shall employ, pursuant to paragraph (1) of
32 subdivision (a), or contract with an individual or business that has
33 a license or a business that has a certificate to practice land
34 surveying.~~

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

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

4 ~~(1) The person's name had been used in the name of the~~
 5 ~~business, or a predecessor in interest of the business, prior to the~~
 6 ~~death or retirement of the person.~~

7 ~~(2) The person shall have been an owner, partner, or officer of~~
 8 ~~the business, or an owner, partner, or officer of the predecessor in~~
 9 ~~interest of the business.~~

10 ~~(3) The person shall have been licensed as a land surveyor or a~~
 11 ~~civil engineer by the board, if operating a place of business or~~
 12 ~~practice in this state, or by an applicable state board in the event~~
 13 ~~no place of business existed in this state.~~

14 ~~(4) The person, if retired, has consented to the use of the name~~
 15 ~~and does not permit the use of the name in the title of another land~~
 16 ~~surveying business in this state during the period of that consent,~~
 17 ~~except that a retired person may use their name as the name of a~~
 18 ~~new or purchased business, if that business is not identical in every~~
 19 ~~respect to that person's name as used in the former business.~~

20 ~~(5) The business shall be subject to paragraphs (1) and (2) of~~
 21 ~~subdivision (a).~~

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

23 ~~(i) A current organization record form shall be filed with the~~
 24 ~~board for all businesses engaged in rendering professional land~~
 25 ~~surveying services.~~

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

28 ~~SEC. 5. Section 8729 of the Business and Professions Code,~~
 29 ~~as amended by Section 4 of Chapter 150 of the Statutes of 2018,~~
 30 ~~is amended to read:~~

31 ~~8729. (a) This chapter does not prohibit one or more licensed~~
 32 ~~land surveyors or civil engineers licensed in this state prior to 1982~~
 33 ~~(hereinafter called civil engineers) from practicing or offering to~~
 34 ~~practice within the scope of their licensure, land surveying as a~~
 35 ~~sole proprietorship, partnership, firm, or corporation (hereinafter~~
 36 ~~called business), if the following conditions are satisfied:~~

37 ~~(1) A land surveyor or civil engineer currently licensed in the~~
 38 ~~state is an owner, partner, or officer in charge of the land surveying~~
 39 ~~practice of the business.~~

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

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

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

23 ~~(c) The business name of a California land surveying business~~
24 ~~may be a fictitious name. However, if the fictitious name includes~~
25 ~~the names of any person, the requirements of paragraph (3) of~~
26 ~~subdivision (a) shall be met.~~

27 ~~(d) A person not licensed under this chapter or licensed as a~~
28 ~~civil engineer in this state prior to 1982 may also be a partner or~~
29 ~~an officer of a land surveying business if the conditions of~~
30 ~~subdivision (a) are satisfied. Nothing in this section shall be~~
31 ~~construed to permit a person who is not licensed under this chapter~~
32 ~~or licensed as a civil engineer in this state prior to 1982 to be the~~
33 ~~sole owner or officer of a land surveying business, unless otherwise~~
34 ~~exempt under this chapter.~~

35 ~~(e) If an individual or a business that does not have a license or~~
36 ~~a certificate to practice land surveying under this chapter needs~~
37 ~~land surveying services performed that are incidental to the conduct~~
38 ~~of their business, the business shall employ, pursuant to paragraph~~
39 ~~(1) of subdivision (a), or contract with an individual that has a~~

1 ~~license or a business that has a certificate to practice land~~
 2 ~~surveying.~~

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

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

11 ~~(1) The person's name had been used in the name of the~~
 12 ~~business, or a predecessor in interest of the business, prior to the~~
 13 ~~death or retirement of the person.~~

14 ~~(2) The person shall have been an owner, partner, or officer of~~
 15 ~~the business, or an owner, partner, or officer of the predecessor in~~
 16 ~~interest of the business.~~

17 ~~(3) The person shall have been licensed as a land surveyor or a~~
 18 ~~civil engineer by the board, if operating a place of business or~~
 19 ~~practice in this state, or by an applicable state board in the event~~
 20 ~~no place of business existed in this state.~~

21 ~~(4) The person, if retired, has consented to the use of the name~~
 22 ~~and does not permit the use of the name in the title of another land~~
 23 ~~surveying business in this state during the period of that consent,~~
 24 ~~except that a retired person may use their name as the name of a~~
 25 ~~new or purchased business, if that business is not identical in every~~
 26 ~~respect to that person's name as used in the former business.~~

27 ~~(5) The business shall be subject to paragraphs (1) and (2) of~~
 28 ~~subdivision (a).~~

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

30 ~~(i) A current organization record form shall be filed with the~~
 31 ~~board for all businesses engaged in rendering professional land~~
 32 ~~surveying services.~~

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

34 ~~SEC. 6.~~

35 *SEC. 4.* 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. 7.~~

12 *SEC. 5.* Section 8793 is added to the Business and Professions
 13 Code, to read:

14 8793. Any business, as defined in subdivision (a) of Section
 15 8728.5, that performs land surveying without a certificate obtained
 16 under Section 8728.5 shall be subject to the board’s citation
 17 authority pursuant to Section 148. For purposes of this section,
 18 and notwithstanding Section 125.9, the board may impose fines
 19 on a business described in this section, in an amount that is higher
 20 than the maximum authorized in Section 125.9, if the board
 21 concludes it is necessary to deter violations of this chapter.

22 ~~SEC. 8.~~

23 *SEC. 6.* 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.

V. Approval of Board Meeting Minutes (Possible Action)

- A. Approval of Amendments to the Minutes of the November 1, 2018, Board Meeting

AMENDED
MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Monterey-Salinas Transit
 19 Upper Ragsdale Drive, Boardroom
 Monterey, CA 93940

Thursday, November 1, 2018 at 9:00 a.m.

November 1, 2018

Board Members Present:	Mohammad Qureshi, President; Fel Amistad, Vice President; Natalie Alavi; Alireza Asgari; Andrew Hamilton; Coby King; Betsy Mathieson; Jerry Silva; and Steve Wilson
Board Members Absent:	Duane Friel; Kathy Jones Irish; Eric Johnson; Asha Lang; Frank Ruffino; and Robert Stockton
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); and Reza Pejuhesh (Legal Counsel)

I. Roll Call to Establish a Quorum

President Qureshi called the meeting to order at 9:01 a.m., and a quorum was established.

II. Public Comment for Items Not on the Agenda

Rob McMillan, representing CLSA, thanked the Board for coming to Monterey. Mr. Wilson introduced several members of the public.

V. Legislation

A. Legislative Calendar

Ms. Eissler reviewed important dates on the Legislative Calendar

B. Discussion of Legislation for 2018 :

AB 767 Master Business License Act.

Ms. Eissler reported that the Board had a watch position for this bill. This bill evolved over the course of the session and dealt with the GoBiz Information Technology office. The Governor vetoed the bill.

AB 2138 Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Ms. Eissler reported that the Board opposed this bill. The Governor signed the bill, and DCA is working with the Boards to determine what needs to be done to implement. She reported that there may

be regulation changes presented at the next meeting that the Board will be asked to approve.

III. Consideration of Rulemaking Proposals

B. Approval of Rulemaking Proposal to Adopt Title 16, California Code of Regulations sections 3022, 3022.1, and 3022.2 [Professional Geologist and Geophysicist Educational and Experience Requirements and Reference Requirements: Professional Geologist and Professional Geophysicist] and to Amend Title 16, California Code of Regulations 3031 [Examination Credit: Professional Geologist, Professional Geophysicist and Specialty Certification]

MOTION:	Mr. King and Ms. Mathieson moved to approve the revised text and direct staff to continue with the rulemaking process to adopt Title 16, California; Code of Regulations sections 3022, 3022.1, and 3022.2 and to amend 16 CCR 3031.
VOTE:	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino				X	
William Silva	X				
Robert Stockton				X	
Steve Wilson	X				

VIII. Executive Officer's Report

F. Association of State Boards of Geology (ASBOG)
 Erik Weiland, President of ASBOG and past Chairman of the Arizona Board of Technical Registration, thanked the Board for its support to ASBOG.

Mr. Weiland discussed the upcoming transition to a new psychometrician because their current psychometrician is retiring in 2022. He reported that they are also working toward Computer Based Testing (CBT) and are pleased to have Laurie Racca as Chair of the Examinations Committee to aid in the transition to the new process.

He also advised Arizona has added the category of “Trained Geologist” that can practice geology but cannot sign off on any documents.

Mr. Weiland added that he appreciated the video the Board produced regarding licensure.

Ms. Mathieson reported that Senator Monning gave a welcome speech at the ASBOG annual business meeting.

Mr. Moore noted that Jerry Carter of NCEES also attended the ASBOG meeting. Mr. Weiland expressed his appreciation for the opportunity to collaborate with NCEES.

Mr. Weiland noted that a university in Michigan, which is not a licensure state, administered the Fundamentals of Geology examination to their graduating seniors. They developed an agreement with them to monitor the examination including the test facility. Some universities are using the exam as an exit exam to evaluate their own programs.

IV. Administration

A. Fiscal Year 2017/18 Budget Summary

Mr. Alameida reviewed DCA’s Fi\$Cal memo. The intent of the memo is to reiterate that we are currently utilizing the Fi\$Cal system. He noted that there have been reporting issues that have carried over into the current Fiscal Year. There is a limited amount of financial expense and revenue information collected from DCA however, the Board continues to maintain internal financial reports. The Board is waiting for Fiscal Month 13 reports from FY 2017/18 to be finalized.

B. Fiscal Year 2018/19 Budget Status

Mr. Alameida anticipated providing a summary Fi\$Cal report as discussed at the previous Board meeting however, certain details were missing. It was determined that the best idea was to provide the Board with a fund condition for Fiscal Year 2018-19 and then as Fi\$Cal reports are made available, report back to the Board a summary report of what a Fi\$Cal expenditure report would actually look like in the future.

III. Consideration of Rulemaking Proposals (Cont.)

A. Approval of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 407 and 3005 [Fees]

Mr. Alameida explained that the Board has not had a regulatory fee change since April and May of 2012. The motivation is to normalize the regulations and make all fees equitable, as the services provided are generally the same.

MOTION:	Mr. King and Mr. Wilson moved to approve the proposed language and direct staff to begin the rulemaking process to amend Title 16, California Code of Regulations sections 407 and 3005. <u>direct staff to begin the pre-notice review process to amend regulations relating to fees and duplicate (replacement) certificates. In adopting this motion, the Board understands that it is approving the specific fees listed in the proposal as well as the policies expressed in the proposal presented by Board staff. Furthermore, the Board understands that the specific language used in the Sections 407, 410, and 3005, and possibly new sections if needed, would be finalized by Board staff and DCA Legal Counsel to ensure consistency and standardization between the regulations for professional engineers and land surveyors and those for professional geologists and geophysicists, including addressing duplicate (replacement) certificates. Finally, in adopting this motion, the Board understands that the language will be presented to the Board for final approval once the pre-notice review process had been completed and prior to the commencement of the official rulemaking process.</u>
VOTE:	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino				X	
William Silva	X				
Robert Stockton				X	
Steve Wilson	X				

VIII. Executive Officer's Report (cont.)

B. Update on Board's Business Modernization Report

Mr. Alameida reported that the Board is in Stage II of the Project Approval Lifecycle (PAL) process, which is the Alternatives Analysis. The report was reviewed by Ms. Irish and was submitted to DCA and approved by the Office

of Information Services (OIS) and is currently with the Budget Office. Once the Budget Office completes its review, it will be submitted to the California Department of Technology (CDT).

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2018/19 Update

Ms. Criswell presented the Enforcement Statistics. Mr. King noted the increase in aging of citations. Ms. Criswell explained that it is still early in the Fiscal Year, and so there have been only a small number of cases; therefore, she is not yet concerned. Currently, there are a few pending citations appeal matters at the Attorney General's Office.

VII. Exams/Licensing

A. Update on 2018 Examinations

Mr. Moore reported that the national examinations were administered October 26-27, 2018, for engineers and surveyors. The geology examinations were administered October 9-10, 2018. Mr. Moore anticipates a more informative report at the December meeting regarding the results.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore noted that this item was already discussed during the Consideration of Rulemaking Process.

D. Personnel

Mr. Moore reported that the Staff Civil Engineer position has been filled by Natalie King. She will start November 30, 2018. Staff member Erin LaPerle accepted a position with the Board's Licensing Unit. Antoinette Parnell has been hired as an Evaluator to backfill Daniel Quanchi's vacancy, as he is now working in the Enforcement Unit.

E. ABET

Mr. Moore reported that visits are ongoing.

G. National Council of Examiners for Engineering and Surveying (NCEES)

The Advisory Committee on Council Activities (ACCA) posed a question about proxy voting. Most member board administrators indicated they did not believe their boards would be in favor of it due to justification for travel to the meetings. The Board agreed that it would have similar concerns.

H. Update on Outreach Efforts

Mr. Moore reviewed the Board's outreach efforts.

C. Review and Approval of the 2018 Sunset Review Report

Ms. Eissler reviewed the comments made by Board Members and provided recommendations. President Qureshi noted that the Sunset Report will be due to the Legislature by December 1, 2018.

MOTION:	Mr. Wilson and Ms. Alavi move to approve with amendments to the Sunset Review Report as discussed and deliver the report to the Legislature. If there are substantial changes to the report, both Mr. Hamilton and Mr. Wilson will review it and approve the report on behalf of the Board.
VOTE:	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Frank Ruffino				X	
William Silva	X				
Robert Stockton				X	
Steve Wilson	X				

Ms. Mathieson suggested organizing a Geology and Geophysicist TAC meeting to get more input and discuss continued licensure for the Professional Geophysicist. Mr. Moore suggested it might be prudent to wait until we receive feedback from the Legislative Committees on the information contained in our Sunset Review Report before scheduling a meeting so that we would know what concerns would need to be addressed.

IX. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs
No report given.

B. Appointment of TAC Members
No report given.

C. Reports from the TACs
No report given.

X. President's Report/Board Member Activities

President Qureshi and Ms. Mathieson attended the ASBOG annual business meeting held earlier in the week in Monterey.

XI. Approval of Meeting Minutes

A. Approval of the Minutes of the September 6, 2018, and October 11, 2018, Board Meetings

MOTION:	Vice-President Amistad and Mr. Hamilton moved to approve the September minutes.
VOTE:	7-0-2, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson			X		
Frank Ruffino				X	
William Silva			X		
Robert Stockton				X	
Steve Wilson	X				

MOTION:	Vice-President Amistad and Mr. Wilson moved to approve the October minutes.
VOTE:	6-0-3, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi			X		
Alireza Asgari	X				
Duane Friel				X	
Andrew Hamilton	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King			X		
Asha Lang				X	

Betsy Mathieson	X				
Frank Ruffino				X	
William Silva			X		
Robert Stockton				X	
Steve Wilson	X				

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

A. December 13-14, 2018, Board Meeting will be held in Riverside at the Department of General Services, 3737 Main Street, Magnolia Room, Riverside, CA 92501

B. 2019 Board Meeting Schedule

Upon review of the 2019 Board meeting calendar, the Board moved the February 14-15 dates to February 21-22 and the August 1-2 dates to August 8-9.

It was suggested that Chico and Calabasas would be possible meeting locations. It was also suggested that the June meeting be held in San Diego.

XIII. Other Items Not Requiring Board Action

No report given.

XIV. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
 - 1. Mauricio Jose Lopez v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, San Bernardino County Superior Court Case No. CIVDS1718786

4:08 p.m. Andrew Hamilton left the meeting.

XV. Open Session to Announce the Results of Closed Session

During Closed Session, the Board took action on eight stipulations and one proposed decision and discussed litigation as noticed.

XVI. Adjourn

The meeting adjourned at 4:15 p.m.

PUBLIC PRESENT

Kathy Nitayangkul, Polaris Consulting

Lynn Kovach, Polaris Consulting

Benjamin Wilson, Monterey Bay Engineers
Bob DeWitt, ACEC
Steve Hao, Caltrans
Rob McMillan, CLSA
Jim Foley
Brian Wilson, Monterey Bay Engineers

- VI. Closed Session – The Board will meet in Closed Session to discuss, as needed:**
 - A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
 - 1. Executive Officer Performance Evaluation

VI. Adjourn