



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

Board for Professional Engineers,  
Land Surveyors, and Geologists



Thursday, August 20, 2020,  
beginning at 9:00 a.m.,

Teleconference Public Board Meeting



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BOARD MEETING

August 20, 2020

### TELECONFERENCE

#### BOARD MEMBERS

Natalie Alavi; Fel Amistad; Alireza Asgari; Duane Friel; Kathy Jones Irish; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Mohammad Qureshi; and Frank Ruffino

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**I. Roll Call to Establish a Quorum**

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## II. Selection of Temporary President

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**III. Pledge of Allegiance**

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#### **IV. Public Comment for Items Not on the Agenda**

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**V. Nomination and Election of President and Vice President for Fiscal Year 2020/21**

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**VI. Administration**

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- A. Fiscal Year 2018/19 Year-End Summary
- B. Fiscal Year 2020/21 Budget Report





0770 - Professional Engineers, Land Surveyors, and Geologists  
 Financial Statement

Prepared 8/7/2020

	FY 19-20 Year-End Activity	FY 20-21 FM 1 Projections	% Change
<b>Revenue</b>			
1 Applications/Licensing Fees	1,634,900	1,508,000	-8%
2 Renewal fees	6,832,841	8,628,000	26%
3 Delinquent fees	70,202	108,000	54%
Other & Reimbursements	250,494	127,000	-49%
4 Interest	104,952	160,000	52%
<b>Total Revenue:</b>	<b>8,893,389</b>	<b>10,531,000</b>	<b>18%</b>
<b>Expense</b>			
<b>Personnel Services:</b>			
5 Salary & Wages (Staff)	2,940,639	2,698,000	-8%
Temp Help	133,390	124,444	-7%
Statutory Exempt (EO)	133,998	122,463	-9%
Board Member Per Diem	10,100	10,000	-1%
Overtime/Flex Elect/Lump Sum	725	700	-3%
Staff Benefits	1,293,881	1,079,200	-17%
<b>Total Personnel Services</b>	<b>4,512,733</b>	<b>4,034,807</b>	<b>-11%</b>
<b>Operating Expense and Equipment:</b>			
General Expense	79,266	80,000	1%
6 Printing	34,084	27,000	-21%
Communication	23,277	25,000	7%
Postage	40,535	50,000	23%
Insurance	103	150	46%
Travel In State	81,915	60,000	-27%
Travel, Out-of-State	664	800	20%
Training	230	250	9%
Facilities Operations	358,580	400,000	12%
7 C & P Services - Interdept.	661,477	670,000	1%
8 C & P Services - External	1,935,730	1,700,000	-12%
9 DCA Pro Rata	0	1,748,000	0%
DOI - Investigations	0	0	0%
Interagency Services	1,510,879	25,000	-98%
Consolidated Data Center	20,839	22,000	6%
Information Technology	30,528	32,000	5%
Equipment	139,877	143,000	2%
10 Other Items of Expense (ARF Deposit)	200,000	300,000	50%
<b>Total OE&amp;E</b>	<b>5,117,984</b>	<b>5,283,200</b>	<b>3%</b>
<b>Total Expense:</b>	<b>9,630,717</b>	<b>9,318,007</b>	<b>-3%</b>
<b>Total Revenue:</b>	8,893,389	10,531,000	
<b>Total Expense:</b>	9,630,717	9,318,007	
<b>Difference:</b>	(737,328)	1,212,993	

## Financial Statement Notes

- 1 Applications/Licensing Fees** - The total amount collected for Application and Licensing Fees is \$1,634,900 for Fiscal Year 2019-20 on August 7, 2020.
- 2 Renewal fees** - Renewal fees are not collected equally throughout the year. On average, the Board collects 75% of its renewal fees revenue in the first half of the fiscal year.
- 3 Delinquent fees** - Approximately 90% of delinquent fee revenue is collected in the second half of the fiscal year.
- 4 Interest** - Includes income from surplus money investments earned on money in the Board's fund. The state treasury manages this money and the Board earns income based on the current interest rate.
- 5 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements. The Board has the following vacancies: 1.0 SSM I, 1.0 AGPA/SSA, and 1.0 OA.
- 6 Printing** - \$25,000 in contract encumbrances in FI\$Cal reports (EDD mailers such as Pamphlets, Leaflets, and Brochures). Board staff is working with DCA Budgets to identify contracts.
- 7 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 8 C&P Services External** - Includes all external contracts (examination development, exam site rental, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).
- 9 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 10 Other Items of Expense (ARF Deposit)** - The Board has created an architectural revolving fund (ARF) to support tenant improvements throughout the office and the majority of costs will be new modular furniture procurement.

**GUIDE TO READING THE FINANCIAL STATEMENT**

**Object Description**  
Provides the name of the line item where our revenue and expenditures occur

**FM1 Projections**  
Identifies the amount that BPELSG projected in July 2019 for FY 19-20

**Percentage Change**  
Provides a percentage reference on the difference between FM1 Projections and Projections to Year End

	<b>FY 19-20 REV &amp; EXP 4/12 Activity Log</b>	<b>FY 19-20 FM 1 Projections</b>	<b>FY 19-20 Projections to Year End</b>	<b>% CHANGE</b>
<b>Revenue</b>				
Applications/Licensing Fees	1,196,248	1,646,000	1,646,000	0%
Renewal fees	6,116,355	6,891,000	6,891,000	0%
Delinquent fees	48,633	88,000	88,000	0%
Other & Reimbursements	68,720	140,000	140,000	0%
Interest	74,492	163,000	163,000	0%
<b>Total Revenue:</b>	<b>7,504,448</b>	<b>8,928,000</b>	<b>8,928,000</b>	<b>0%</b>
<b>Expense</b>				
<b>Personnel Services:</b>				
Salary & Wages (Staff)	1,956,776	2,924,425	172,293	-94%
Temp Help	88,479	123,785	12,392	-90%
Statutory Exempt (EO)	89,056	135,526	11,243	-92%
Board Member Per Diem	6,100	10,000	10,000	0%
Overtime/Flex Elect/Lump Sum	725	0	900	100%
Staff Benefits	1,172,709	1,713,980	1,760,538	3%
<b>Total Personnel Services</b>	<b>3,313,845</b>	<b>4,907,716</b>	<b>1,967,366</b>	<b>-60%</b>
<b>Operating Expense and Equipment:</b>				
General Expense	51,411	67,000	80,000	19%
Printing	25,056	8,000	30,000	275%
Communication	15,592	44,000	25,000	-43%
Postage	0	50,000	18,562	-63%
Insurance	103	16,000	17,000	6%
Travel In State	35,346	60,000	50,000	-17%

**Revenue and Expenditures**  
This column is provided for reference and reflects the amount BPELSG spent in each area for FY 19-20 as of April 12, 2020 from the Fiscal report

**Projections to year end**  
Identifies amounts for revenue and expenditure projected for the current fiscal year, as of June 16, 2020

# 0770 - Professional Engineer's, Land Surveyor's and Geologist's Fund

## Analysis of Fund Condition

Prepared 8/07/2020

(Dollars in Thousands)

### Governor's Budget 2020-21

	PY 2019-20	Governor's Budget CY 2020-21	BY 2021-22	BY + 1 2022-23
<b>BEGINNING BALANCE</b>	\$ 6,907	\$ 5,504	\$ 5,706	\$ 5,559
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 6,907	\$ 5,504	\$ 5,706	\$ 5,559
<b>REVENUES AND TRANSFERS</b>				
Revenues:				
4121200 Delinquent fees	\$ 70	\$ 108	\$ 129	\$ 145
4127400 Renewal fees	\$ 6,832	\$ 8,628	\$ 11,623	\$ 11,765
4129200 Other regulatory fees	\$ 86	\$ 127	\$ 129	\$ 129
4129400 Other regulatory licenses and permits	\$ 1,434	\$ 1,508	\$ 2,017	\$ 2,023
4163000 Income from surplus money investments	\$ 104	\$ 160	\$ 36	\$ 30
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -
4171400 Escheat of unclaimed checks and warrants	\$ 22	\$ 22	\$ 22	\$ 22
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 8,549	\$ 10,554	\$ 13,957	\$ 14,115
Transfers from Other Funds				
Revenue Transfer from Geology/General Fund	\$ -	\$ -	\$ -	\$ -
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 8,549	\$ 10,554	\$ 13,957	\$ 14,115
Totals, Resources	\$ 15,456	\$ 16,058	\$ 19,663	\$ 19,674
<b>EXPENDITURES</b>				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 10,059	\$ 9,508	\$ 13,260	\$ 13,658
8880 Financial Information System for CA (State Operations)	\$ -1	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 819	\$ 635	\$ 635	\$ 635
Less funding provided by General Fund (State Operations)	\$ -1,134	\$ -	\$ -	\$ -
Total Disbursements	\$ 9,952	\$ 10,352	\$ 14,104	\$ 14,502
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 5,504	\$ 5,706	\$ 5,559	\$ 5,172
<b>Months in Reserve</b>	6.4	4.9	4.6	4.2

## **VII. Legislation**

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A. 2020 Legislative Calendar

B. Discussion of Legislation for 2020

AB 1263 Contracts: consumer services: consumer complaints.

AB 1616 Department of Consumer Affairs: boards: expunged convictions.

AB 2028 State agencies: meetings.

AB 2113 Refugees, asylees, and immigrants: professional licensing.

AB 2549 Department of Consumer Affairs: temporary licenses.

SB 865 Excavations: subsurface installations.

SB 878 Department of Consumer Affairs Licensing: applications: wait times.

SB 1474 Business and Professions



**DEADLINES**

JANUARY						
S	M	T	W	TH	F	S
			<u>1</u>	2	3	4
5	<u>6</u>	7	8	9	<u>10</u>	11
12	13	14	15	16	<u>17</u>	18
19	<u>20</u>	21	22	23	<u>24</u>	25
26	27	28	29	30	<u>31</u>	

FEBRUARY						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	<u>17</u>	18	19	20	<u>21</u>	22
23	24	25	26	27	28	29

MARCH						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	<u>16</u>	17	18	19	20	21
22	23	24	25	26	<u>27</u>	28
29	30	31				

APRIL						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	<u>11</u>	12	13	14	15	16
17	18	19	20	21	22	23
24	<u>25</u>	26	27	28	<u>29</u>	30
31						

**Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).

**Jan. 6** Legislature Reconvenes (J.R. 51(a)(4)).

**Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).

**Jan. 17** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).

**Jan. 20** Martin Luther King, Jr. Day.

**Jan. 24** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)).  
Last day to **submit bill requests** to the Office of Legislative Counsel.

**Jan. 31** Last day for each house to **pass bills introduced** in that house in the odd-numbered year (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).

**Feb. 17** Presidents' Day.

**Feb. 21** Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).

**Mar. 16** Legislature in recess, ACR 189, Resolution Chapter 15, Statutes of 2020

**Mar. 27** Cesar Chavez Day observed

**May 11** Senate Reconvenes

**May 25** Memorial Day

**May 29** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).

\*Holiday schedule subject to Senate Rules committee approval.

JUNE						
S	M	T	W	TH	F	S
	1	2	3	4	<u>5</u>	6
7	8	9	10	11	12	13
14	<u>15</u>	16	17	18	<u>19</u>	20
21	<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	27
28	29	30				

**June 5** Last day for **policy committees** to hear and report to the floor non-fiscal bills introduced in their house (J.R. 61(b)(6)). Last day for policy committees to meet prior to June 8 (J.R. 61(b)(7)).

**June 15** **Budget Bill** must be **passed by midnight** (Art. IV, Sec. 12(c)(3)).

**June 19** Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)). Last day for **fiscal committees** to meet prior to June 29 (J.R.61(b)(9)).

**June 22-26** **Floor Session Only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(b)(10)).

**June 25** Last day for a legislative measure to qualify for the November 3 General Election ballot (Election code Sec. 9040).

**June 26** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).

JULY						
S	M	T	W	TH	F	S
			1	<u>2</u>	<u>3</u>	4
5	6	7	8	9	10	11
12	<u>13</u>	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	<u>31</u>	

**July 2** **Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

**July 3** Independence Day observed.

**July 13** Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

**July 31** Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

AUGUST						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	<u>7</u>	8
9	10	11	12	13	<u>14</u>	15
16	<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>	22
23	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>	29
30	<u>31</u>					

**August 7** Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).

**Aug. 14** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

**Aug. 17 – 31** **Floor Session only.** No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(b)(16)).

**Aug. 21** Last day to **amend bills** on the Floor (J.R. 61(b)(17)).

**Aug. 31** Last day for **each house to pass bills**, except bills that take effect Immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c)), (J.R. 61(b)(18)). **Final recess** begins upon adjournment (J.R. 51(b)(3)).

\*Holiday schedule subject to Senate Rules committee approval.

### IMPORTANT DATES OCCURRING DURING FINAL RECESS

#### 2020

**Sept. 30**

Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

**Nov. 3**

General Election

**Nov. 30**

Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).

**Dec. 7**

12 m. convening of 2021-22 Regular Session (Art. IV, Sec. 3(a)).

#### 2021

**Jan. 1**

Statutes take effect (Art. IV, Sec. 8(c)).

**Jan. 4**

Legislature reconvenes (JR 51(a)(1)).



## Summary of Legislation

### **AB 1263 Contracts: consumer services: consumer complaints. (Low)**

3/12/2020 – Support, as amended 1/6/2020

\* 8/20/2020 – No action needed

### **AB 1616 Department of Consumer Affairs: boards: expunged convictions. (Low)**

3/12/2020 – Watch, as amended 1/6/2020

\* 8/20/2020 – *Action needed – recommend taking a position of WATCH since the bill was amended on 7/7/2020*

### **AB 2028 State agencies: meetings. (Aguiar-Curry)**

3/12/2020 – Watch (there should be some exceptions for matters that are urgent or have changed within the 10-day notice period)

5/7/2020 – Oppose Unless Amended to include exceptions for budgetary, legislative, and regulatory matters

6/25/2020 – Watch, as amended 6/4/2020

\* 8/20/2020 – *Action needed – recommend taking a position of WATCH since the bill was amended on 7/28/2020*

### **AB 2113 Refugees, asylees, and immigrants: professional licensing. (Low)**

3/12/2020 – Watch

\* 8/20/2020 – *Action needed – recommend taking a position of WATCH since the bill was amended on 8/4/2020*

### **AB 2549 Department of Consumer Affairs: temporary licenses. (Salas)**

3/12/2020 – No position taken

\* 8/20/2020 – No action needed

### **SB 865 Excavations: subsurface installations. (Hill)**

3/12/2020 – Watch (directed staff to work with the author, sponsors, and Dig Safe Board staff to determine the actual intent of this amendment and to assist them with developing language that would more appropriately reflect that used with GIS systems and would address any issues relating to compliance with the Professional Land Surveyors' Act)

6/25/2020 – Oppose unless Amended, as amended 6/2/2020

\* 8/20/2020 – *Action needed – recommend changing to "Watch" since the bill was amended on 7/27/2020*

### **SB 878 Department of Consumer Affairs Licensing: applications: wait times. (Jones)**

3/12/2020 – Watch

6/25/2020 – Support, as amended 6/18/2020

\* 8/20/2020 – No action needed

### **SB 1474 Business and Professions. (Senate Committee on Business, Professions & Economic Development)**

\* 8/20/2020 – *Action needed – recommend taking a position of "Support" since the bill was amended on 8/10/2020*

**AB 1263 (Low, D-Cupertino)**  
**Contracts: consumer services: consumer complaints.**

**Status:** 6/23/2020 – Referred to Senate Committee on Business, Professions & Economic Development (BP & ED).

**Location:** 8/12/2020 – Senate BP & ED Committee

**Last Amended:** 1/6/2020

**Board Position:** Support, as amended 1/6/2020 (as of 3/12/2020)

**Board Staff Analysis:** 8/12/2020

**Bill Summary:** Assembly Bill (AB) 1263, as amended January 6, 2020, would add Section 1670.8.5 to the Civil Code. This new section would prohibit the inclusion in a contract or a proposed contract involving the provision of a consumer service by a licensee regulated by a licensing board of a provision limiting the consumer’s ability to file a complaint with that board or to participate in the board’s investigation of the licensee. The section would also contain a statement that any waiver of the provisions of this section is contrary to public policy and void and unenforceable. The section would further provide that a violation of it would subject the licensee to disciplinary action by the licensing board.

**Staff Comment:** This bill is sponsored by the author, Assembly Member Evan Low, who serves as the Chair of the Assembly Business and Professions Committee. Assembly Member Low states

“Existing law has already been enacted with the intent to prohibit non-disparagement clauses in consumer contracts. This bill has been introduced [because] companies providing professional services are nevertheless seeking to restrict their customer’s authority to make substantiated complaints to regulatory boards through refund agreements and other contracts. This bill would expressly prohibit these provisions in any contract governing the provision of professional services that are subject to licensure and oversight by the state.”

Section 143.5 of the Business and Professions Code prohibits a licensee from including a provision in a settlement of a civil action that would prohibit the other party from contacting, filing a complaint, or cooperating with the Department of Consumer Affairs or a licensing board regarding the licensee or requiring the other party to withdraw a complaint that has already been filed. This bill would add a similar restriction on the inclusion of a similar provision in contracts.

On July 27, 2020, the provisions of this bill were amended into Senate Bill 1474.

**Staff Recommendation:** No action needed at this time.

**Laws:** An act to add Section 1670.8.5 to the Civil Code, relating to business regulation.

AMENDED IN ASSEMBLY JANUARY 6, 2020

AMENDED IN ASSEMBLY APRIL 1, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1263**

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**Introduced by Assembly Member Low**

February 21, 2019

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An act to add Chapter 1.6 (commencing with Section 1939.60) to Title 5 of Part 4 of Division 3 of the Civil Code, to add Article 5.1 (commencing with Section 11629.6) to Chapter 1 of Part 3 of Division 2 of, and to repeal Section 11580.24 of, the Insurance Code, and to amend Sections 11752, 11754, and 11760 of the Vehicle Code, Section 1670.8.5 to the Civil Code, relating to business regulation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1263, as amended, Low. ~~Peer-to-peer car sharing.~~ *Contracts: consumer services: consumer complaints.*

*Existing law regulates the formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals.*

*Existing law regulates licensees who are subject to the jurisdiction of a state licensing entity, including the State Bar of California, the Department of Real Estate, the Department of Consumer Affairs, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.*

*This bill would prohibit a contract or proposed contract involving the provision of a consumer service by a licensee regulated by a*

licensing board from including a provision limiting the consumer's ability to file a complaint with that board or to participate in the board's investigation into the licensee. The bill would specify that a waiver of these provisions is contrary to public policy and is void and unenforceable. The bill would provide that a violation of these provisions by a licensee constitutes unprofessional conduct subject to discipline by the licensee's regulatory board.

~~Existing law defines a personal vehicle sharing program as a legal entity qualified to do business in the state that is engaged in the business of facilitating the sharing of private passenger vehicles for noncommercial use by individuals within the state.~~

~~This bill would rename "personal vehicle sharing program" to "peer-to-peer car sharing program" and would require specified disclosures to be made in a peer-to-peer car sharing contract. This bill would authorize a peer-to-peer car sharing program to only enter into a contract with a licensed driver, as specified. The bill would make a peer-to-peer car sharing program responsible for any equipment that is to be installed in a vehicle to facilitate car sharing transactions. The bill would authorize airports to regulate access and use by peer-to-peer car sharing vehicles. The bill would also require peer-to-peer car sharing programs and participants to be insured, as specified.~~

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 1670.8.5 is added to the Civil Code, to  
2 read:

3     1670.8.5. (a) A contract or proposed contract involving the  
4 provision of a consumer service by a licensee regulated by a  
5 licensing board shall not include a provision limiting the  
6 consumer's ability to file a complaint with that board or to  
7 participate in the board's investigation into the licensee.

8     (b) Any waiver of the provisions of this section is contrary to  
9 public policy, and is void and unenforceable.

10    (c) For purposes of this section, the following terms apply:

11    (1) "Consumer service" means any service which is obtained  
12 for use primarily for personal, family, or household purposes.

13    (2) "Licensing board" means any entity contained in Section  
14 101 of the Business and Professions Code, the State Bar of

1 California, the Department of Real Estate, or any other state  
2 agency that issues a license, certificate, or registration authorizing  
3 a person to engage in a business or profession.

4 (d) Violation of this section by a licensee shall constitute  
5 unprofessional conduct subject to discipline by the licensee’s  
6 licensing board.

7 SECTION 1. Chapter 1.6 (commencing with Section 1939.60)  
8 is added to Title 5 of Part 4 of Division 3 of the Civil Code, to  
9 read:

10  
11 ~~CHAPTER 1.6. PEER-TO-PEER CAR SHARING PROGRAMS~~  
12

13 ~~1939.60. This chapter may be cited as the Peer-to-Peer Car~~  
14 ~~Sharing Program Act.~~

15 ~~1939.61. As used in this chapter, the following terms have the~~  
16 ~~following meanings:~~

17 ~~(a) “Car sharing delivery period” means the period of time~~  
18 ~~during which a shared vehicle is being delivered to the location~~  
19 ~~where the car sharing start time will commence, if applicable, as~~  
20 ~~documented by the governing car sharing program agreement.~~

21 ~~(b) “Car sharing period” means the period of time from the~~  
22 ~~commencement of the car sharing delivery period or, if there is no~~  
23 ~~car sharing delivery period, from the car sharing start time, through~~  
24 ~~the car sharing termination time.~~

25 ~~(c) “Car sharing program agreement” means the terms and~~  
26 ~~conditions applicable to a shared vehicle owner and a shared~~  
27 ~~vehicle driver that govern the use of a shared vehicle through a~~  
28 ~~peer-to-peer car sharing program.~~

29 ~~(d) “Car sharing start time” means the time when the shared~~  
30 ~~vehicle driver takes control of the shared vehicle at or after the~~  
31 ~~time the reservation of a shared vehicle is scheduled to begin as~~  
32 ~~documented in the records of a peer-to-peer car sharing program.~~

33 ~~(e) “Car sharing termination time” means the time when the~~  
34 ~~shared vehicle is returned to the location designated by the shared~~  
35 ~~vehicle owner through a peer-to-peer car sharing program, and the~~  
36 ~~earliest of one of the following occurs:~~

37 ~~(1) The intent to terminate the use of the shared vehicle is~~  
38 ~~verifiably communicated by the shared vehicle driver to the shared~~  
39 ~~vehicle owner using the peer-to-peer car sharing program.~~

1 ~~(2) The shared vehicle owner or the shared vehicle owner's~~  
 2 ~~authorized designee takes possession and control of the shared~~  
 3 ~~vehicle.~~

4 ~~(3) The period of time established for the use of a shared vehicle~~  
 5 ~~in the governing car sharing program agreement expires.~~

6 ~~(f) "Peer-to-peer car sharing" means the authorized use of a~~  
 7 ~~vehicle by an individual other than the vehicle's owner through a~~  
 8 ~~peer-to-peer car sharing program.~~

9 ~~(g) "Peer-to-peer car sharing program" means a business~~  
 10 ~~platform that connects vehicle owners with licensed drivers to~~  
 11 ~~enable the sharing of vehicles for financial consideration.~~  
 12 ~~"Peer-to-peer car sharing program" does not mean car rental~~  
 13 ~~agency.~~

14 ~~(h) "Shared vehicle" means a vehicle that is available for sharing~~  
 15 ~~through a peer-to-peer car sharing program.~~

16 ~~(i) "Shared vehicle driver" means a person who is authorized~~  
 17 ~~to drive a shared vehicle by the shared vehicle owner under a car~~  
 18 ~~sharing program agreement.~~

19 ~~(j) "Shared vehicle owner" means the registered owner of a~~  
 20 ~~vehicle made available for sharing to shared vehicle drivers through~~  
 21 ~~a peer-to-peer car sharing program.~~

22 ~~1939.62. Each car sharing program agreement made in the state~~  
 23 ~~shall disclose to the shared vehicle owner and the shared vehicle~~  
 24 ~~driver all of the following:~~

25 ~~(a) Any right of the peer-to-peer car sharing program to seek~~  
 26 ~~indemnification from the shared vehicle owner or the shared vehicle~~  
 27 ~~driver for economic loss sustained by the peer-to-peer car sharing~~  
 28 ~~program resulting from a breach of the terms and conditions of~~  
 29 ~~the car sharing program agreement.~~

30 ~~(b) That an automobile liability insurance policy issued to the~~  
 31 ~~shared vehicle owner for the shared vehicle or to the shared vehicle~~  
 32 ~~driver does not provide a defense or indemnification for any claim~~  
 33 ~~asserted by the peer-to-peer car sharing program.~~

34 ~~(c) That the peer-to-peer car sharing program's insurance~~  
 35 ~~coverage on the shared vehicle owner and the shared vehicle driver,~~  
 36 ~~required pursuant to Article 5.1 (commencing with Section~~  
 37 ~~11629.6) to Chapter 1 of Part 3 of Division 2 of the Insurance~~  
 38 ~~Code, is in effect only during each car sharing period and that, for~~  
 39 ~~any use of the shared vehicle by the shared vehicle driver after the~~

1 ~~car sharing termination time, the shared vehicle driver and the~~  
2 ~~shared vehicle owner may not be covered.~~

3 ~~(d) The amounts of the daily rate, additional mandatory charges,~~  
4 ~~fees, and, if applicable, any insurance or protection plan costs that~~  
5 ~~are charged to the shared vehicle owner or the shared vehicle~~  
6 ~~driver.~~

7 ~~(e) That the shared vehicle owner's motor vehicle liability~~  
8 ~~insurance may not provide coverage for a shared vehicle.~~

9 ~~(f) An emergency telephone number for customer service~~  
10 ~~inquiries, including requests for emergency roadside assistance.~~

11 ~~1939.63. A peer-to-peer car sharing program shall disclose the~~  
12 ~~daily rate, charges, fees, and costs when providing a quote and~~  
13 ~~shall not require any other fees or charges to be paid as a condition~~  
14 ~~of using the shared vehicle.~~

15 ~~1939.64. (a) A peer-to-peer car sharing program shall only~~  
16 ~~enter into a car sharing program agreement with a shared vehicle~~  
17 ~~driver who is at least 18 years of age and who provides~~  
18 ~~documentation of either of the following documents:~~

19 ~~(1) A valid, unexpired California driver's license that authorizes~~  
20 ~~the driver to operate a vehicle of the same class as the shared~~  
21 ~~vehicle.~~

22 ~~(2) A valid, unexpired driver's license issued by the state or~~  
23 ~~country of the shared vehicle driver's residence that authorizes the~~  
24 ~~driver in that state or country to drive a vehicle of the same class~~  
25 ~~as the shared vehicle.~~

26 ~~1939.65. A peer-to-peer car sharing program shall have sole~~  
27 ~~responsibility for any equipment that is installed in or on the~~  
28 ~~vehicle to facilitate the car sharing transaction, and shall agree to~~  
29 ~~indemnify and hold harmless the shared vehicle owner for any~~  
30 ~~damage to or theft of the equipment during the sharing period not~~  
31 ~~caused by the vehicle owner. The peer-to-peer car sharing program~~  
32 ~~has the right to seek indemnity from the shared vehicle driver for~~  
33 ~~any loss or damage to the equipment that occurs during the car~~  
34 ~~sharing period.~~

35 ~~1939.66. (a) Notwithstanding any other law, a commercial~~  
36 ~~airport authority is authorized to regulate access to an airport and~~  
37 ~~set access fees for peer-to-peer car sharing programs. If required,~~  
38 ~~a peer-to-peer car sharing program shall obtain a permit or other~~  
39 ~~written authorization from the airport operator prior to facilitating~~  
40 ~~the sharing of vehicles at that airport.~~

1 ~~(b) This section does not affect the authority of any political~~  
 2 ~~subdivision of the state to regulate access to an airport it owns or~~  
 3 ~~operates and to set access fees or requirements for a peer-to-peer~~  
 4 ~~car sharing program.~~

5 ~~SEC. 2. Section 11580.24 of the Insurance Code is repealed.~~

6 ~~SEC. 3. Article 5.1 (commencing with Section 11629.6) is~~  
 7 ~~added to Chapter 1 of Part 3 of Division 2 of the Insurance Code,~~  
 8 ~~to read:~~

9  
 10 ~~Article 5.1. Peer-to-Peer Car Sharing Programs~~

11  
 12 ~~11629.6. For purposes of this article, the definitions set forth~~  
 13 ~~in Section 1939.61 of the Civil Code shall apply.~~

14 ~~11629.61. (a) A peer-to-peer car sharing program shall assume~~  
 15 ~~the liability of a shared vehicle owner for any property damage to~~  
 16 ~~the shared vehicle or any bodily injury or property damage to third~~  
 17 ~~parties or uninsured and underinsured motorist or personal injury~~  
 18 ~~protection losses during the car sharing period in an amount stated~~  
 19 ~~in the peer-to-peer car sharing program agreement which amount~~  
 20 ~~may not be less than those set forth in Section 16056 of the Vehicle~~  
 21 ~~Code. In addition, a peer-to-peer car sharing program shall also~~  
 22 ~~assume liability for the shared vehicle.~~

23 ~~The assumption of liability does not apply if the shared vehicle~~  
 24 ~~owner makes an intentional or fraudulent material~~  
 25 ~~misrepresentation to the peer-to-peer car sharing program before~~  
 26 ~~the car sharing period in which the loss occurred.~~

27 ~~(b) A peer-to-peer car sharing program shall ensure that, during~~  
 28 ~~each car sharing period, the shared vehicle owner and the shared~~  
 29 ~~vehicle driver are insured under a motor vehicle liability insurance~~  
 30 ~~policy that provides insurance coverage in amounts no less than~~  
 31 ~~\_\_\_\_\_.~~

32 ~~(c) The insurance described in subdivision (b) may be satisfied~~  
 33 ~~by motor vehicle liability insurance maintained by any of the~~  
 34 ~~following:~~

- 35 ~~(1) The shared vehicle owner.~~  
 36 ~~(2) The shared vehicle driver.~~  
 37 ~~(3) The peer-to-peer car sharing program.~~  
 38 ~~(4) Any combination of the above.~~

39 ~~(d) The peer-to-peer car sharing program shall assume primary~~  
 40 ~~liability for a claim when it is, in whole or in part, providing the~~



1 insurance required under subdivision (b) and both of the following  
2 are true:

3 (1) A dispute exists as to who was in control of the shared motor  
4 vehicle at the time of the loss.

5 (2) The peer-to-peer car sharing program does not have  
6 available, did not retain, or fails to provide the information required  
7 pursuant to Section 11629.65.

8 (e) If a peer-to-peer car sharing program assumes liability for  
9 a claim pursuant to subdivision (d), and it is later determined that  
10 the shared motor vehicle's owner was in control of the shared  
11 motor vehicle at the time of the loss, the shared motor vehicle's  
12 insurer shall indemnify the car sharing program to the extent of  
13 its obligation, if any, under the applicable insurance policy.

14 (f) If the insurance described in subdivision (e) maintained by  
15 a shared vehicle owner or shared vehicle driver has lapsed or does  
16 not provide the required coverage, insurance maintained by the  
17 peer-to-peer car sharing program shall provide the coverage  
18 required pursuant to subdivision (b) beginning with the first dollar  
19 of a claim and shall have the duty to defend such a claim.

20 (g) Coverage under an automobile insurance policy maintained  
21 by the peer-to-peer car sharing program shall not be dependent on  
22 a personal automobile insurer first denying a claim nor shall a  
23 personal automobile insurance policy be required to first deny a  
24 claim.

25 (h) This article does not limit either of the following:

26 (1) The liability of a peer-to-peer car sharing program for any  
27 act or omission of the peer-to-peer car sharing program itself that  
28 results in injury to any person as a result of the use of a shared  
29 vehicle through a peer-to-peer car sharing program.

30 (2) The ability of a peer-to-peer car sharing program to, by  
31 contract, seek indemnification from the shared vehicle owner or  
32 the shared vehicle driver for economic loss sustained by the  
33 peer-to-peer car sharing program resulting from a breach of the  
34 terms and conditions of the car sharing program agreement.

35 11629.62. Before a shared vehicle is made available for car  
36 sharing on the peer-to-peer car sharing program, the peer-to-peer  
37 car sharing program shall notify the shared vehicle owner that, if  
38 the shared vehicle has a lien against it, the use of the shared vehicle  
39 through a peer-to-peer car sharing program, including use without

1 physical damage coverage, may violate the terms of the contract  
2 with the lienholder.

3 ~~11629.63. An authorized insurer that writes motor vehicle  
4 liability insurance may exclude any and all coverage and the duty  
5 to defend or indemnify for any claim afforded under a shared  
6 vehicle owner's personal motor vehicle liability insurance policy.  
7 This article does not invalidate or limit an exclusion contained in  
8 a motor vehicle liability insurance policy, including any insurance  
9 policy in use or approved for use that excludes coverage for motor  
10 vehicles made available for rent, sharing, or hire or for any business  
11 use.~~

12 ~~11629.64. A motor vehicle insurer may not deny, cancel, void,  
13 terminate, rescind, or nonrenew a policy of personal private  
14 passenger automobile liability insurance of a shared vehicle owner  
15 solely on the basis that vehicle covered under the policy has been  
16 made available for sharing through a peer-to-peer car sharing  
17 program.~~

18 ~~11629.65. A peer-to-peer car sharing program shall collect and  
19 verify records pertaining to the use of a vehicle, including, but not  
20 limited to, times used, fees paid by the shared vehicle driver, and  
21 revenues received by the shared vehicle owner and provide that  
22 information upon request to the shared vehicle owner, the shared  
23 vehicle owner's insurer, or the shared vehicle driver's insurer to  
24 facilitate a claim coverage investigation. The peer-to-peer car  
25 sharing program shall retain the records for not less than five years  
26 unless a longer retention period is otherwise required by law.~~

27 ~~11629.66. A motor vehicle insurer that defends or indemnifies  
28 a claim involving a shared vehicle that is excluded under the terms  
29 of its policy shall have the right to seek contribution against the  
30 motor vehicle insurer of the peer-to-peer car sharing program if  
31 both of the following are true:~~

32 ~~(a) The claim is made against the shared vehicle owner or the  
33 shared vehicle driver for loss or injury that occurs during the car  
34 sharing period.~~

35 ~~(b) Coverage for peer-to-peer vehicle sharing is excluded under  
36 the terms of its policy.~~

37 ~~11629.67. A peer-to-peer car sharing program shall, for each  
38 vehicle that it facilitates the use of, provide the registered owner  
39 of the vehicle with a Department of Motor Vehicles Form REG  
40 5085 or other suitable proof of compliance with the insurance~~

1 requirements of this section and the requirements of the California  
2 Financial Responsibility Law in Section 1656.2 of the Vehicle  
3 Code, a copy of which shall be maintained in the vehicle by the  
4 vehicle's registered owner during any time when the vehicle is  
5 operated by any person other than the vehicle's owner pursuant to  
6 a peer-to-peer car sharing program.

7 SEC. 4. Section 11752 of the Vehicle Code is amended to read:

8 11752. As used in this article, the following definitions apply:

9 (a) The term "dealer" has the same meaning as in Section 285.

10 (b) (1) A "manufacturer's recall" is a recall conducted pursuant  
11 to Sections 30118 to 30120, inclusive, of Title 49 of the United  
12 States Code.

13 (2) A manufacturer's recall does not include a service campaign  
14 or emission recall when the vehicle manufacturer or the National  
15 Highway Traffic Safety Administration has not issued a recall  
16 notice to owners of affected vehicles, pursuant to Section 30118  
17 of Title 49 of the United States Code.

18 (c) A "peer-to-peer car sharing program" has the same meaning  
19 as defined in Section 1939.61 of the Civil Code.

20 (d) A "recall database" is a database from which an individual  
21 may obtain vehicle identification number (VIN) specific  
22 manufacturer's recall information relevant to a specific vehicle.

23 (1) For a vehicle manufacturer that is not subject to the  
24 regulations adopted pursuant to Section 31301 of the federal  
25 Moving Ahead for Progress in the 21st Century Act (Public Law  
26 112-141), a recall database is one of the following:

27 (A) The recall data on a vehicle manufacturer's internet website  
28 for a specific vehicle's line-make.

29 (B) The recall data in a vehicle manufacturer's internal system  
30 that provides information to its franchisees on vehicles subject to  
31 recall.

32 (C) The recall data in subparagraph (A) or (B) that is contained  
33 in a commercially available vehicle history system.

34 (2) For a vehicle manufacturer that is subject to the regulations  
35 adopted pursuant to Section 31301 of the federal Moving Ahead  
36 for Progress in the 21st Century Act (Public Law 112-141), a recall  
37 database shall include, at a minimum, the recall information  
38 required pursuant to Section 573.15 of Title 49 of the Code of  
39 Federal Regulations.

1 (e) A “recall database report” is a report, specific to a vehicle  
 2 that is identified by its VIN, containing information obtained from  
 3 a recall database.

4 (f) A “rental car company” is a person or entity in the business  
 5 of renting passenger vehicles to the public in California.

6 SEC. 5. Section 11754 of the Vehicle Code is amended to read:

7 11754. (a) No later than 48 hours after receiving a notice of a  
 8 manufacturer’s recall, or sooner if practicable, a dealer or rental  
 9 car company with a motor vehicle fleet of 34 or fewer loaner or  
 10 rental vehicles shall not loan, rent, or offer for loan or rent a vehicle  
 11 subject to that recall until the recall repair has been made.

12 (b) If a recall notification indicates that the remedy for the recall  
 13 is not immediately available and specifies actions to temporarily  
 14 repair the vehicle in a manner to eliminate the safety risk that  
 15 prompted the recall, the dealer or rental car company, after having  
 16 the repairs completed, may loan or rent the vehicle. Once the  
 17 remedy for the vehicle becomes available to the dealer or rental  
 18 car company, the dealer or rental car company shall not loan or  
 19 rent the vehicle until the vehicle has been repaired.

20 (c) As soon as practicable but not more than 48 hours after a  
 21 vehicle is subject to a manufacturer’s recall, as defined in  
 22 subdivision (b) of Section 11752, and a recall notice has been  
 23 issued by the manufacturer and appears in the recall database  
 24 provided by the National Highway Traffic Safety Administration  
 25 pursuant to Section 573.15 of Title 49 of the Code of Federal  
 26 Regulations, or not more than 48 hours after the peer-to-peer car  
 27 sharing program receives notification of a manufacturer’s recall  
 28 by a third party with which the peer-to-peer car sharing program  
 29 contracts to provide notification of active recalls, a peer-to-peer  
 30 car sharing program shall not facilitate or otherwise arrange for  
 31 transportation with that vehicle until after any recall notices for  
 32 that vehicle no longer appear in the recall database provided by  
 33 the National Highway Traffic Safety Administration.

34 (d) The changes to this section made by Chapter 591 of the  
 35 Statutes of 2018 do not apply in any manner to litigation pending  
 36 as of January 1, 2019.

37 (e) This section does not affect the determination of whether or  
 38 not a company is a rental car company or whether or not a company  
 39 is a peer-to-peer car sharing company.

40 SEC. 6. Section 11760 of the Vehicle Code is amended to read:

1     ~~11760. (a) This article does not create any legal duty upon the~~  
2 ~~dealer, rental car company, peer-to-peer car sharing program, or~~  
3 ~~department related to the accuracy, errors, or omissions contained~~  
4 ~~in a recall database report or any legal duty to provide information~~  
5 ~~added to a recall database after the dealer, rental car company,~~  
6 ~~peer-to-peer car sharing program, or department obtained the recall~~  
7 ~~database report pursuant to Sections 11754 and 11758.~~

8     ~~(b) The changes to this section made by Chapter 591 of the~~  
9 ~~statutes of 2018 shall not apply in any manner to litigation that is~~  
10 ~~pending as of January 1, 2019.~~

11     ~~(c) This section does not affect the determination of whether or~~  
12 ~~not a company is a rental car company or whether or not a company~~  
13 ~~is a peer-to-peer car sharing program.~~

**AB 1616 (Introduced by Low, D-Cupertino;  
Coauthor: Eduardo Garcia, D-Coachella)  
Department of Consumer Affairs: boards: expunged convictions.**

**Status:** 7/7/2020 – Amended and re-referred to Senate Committee on Business, Professions & Economic Development (BP & ED).

**Location:** 8/12/2020 – Senate BP & ED Committee

**Last Amended:** 7/7/2020

**Board Position:** Watch, as amended 1/6/2020 (as of 3/12/2020)

**Board Staff Analysis:** 8/12/2020

**Bill Summary:** Assembly Bill (AB) 1616, as amended January 6, 2020, would add Section 493.5 to the Business and Professions Code. This new section would require a board within the Department of Consumer Affairs (DCA) that has posted on its website that a person’s license was revoked because the person was convicted of a crime to, within six months of receiving the expungement order for the underlying offense from the person, post notification of the expungement order on the website if the person applies for licensure or is relicensed, or remove the initial posting regarding the revocation if the person is not currently licensed and does not reapply for licensure. The bill also provides that the person shall pay the board a fee in an amount to be determined by DCA that does not exceed the reasonable cost of administering this section.

This bill was amended on July 7, 2020, to change the time frame in which the board must change what is posted on its website to 90 days. It was also amended to provide that the person is required to pay a fee in the amount of \$50 to the board unless another amount is determined by the board to be necessary to cover the reasonable cost of administering this section.

**Staff Comment:** This bill is sponsored by Assembly Member Low, one of the authors. According to Assembly Member Low

“[This bill] is designed to reduce employment barriers for people with previous criminal records who have been rehabilitated and whose conviction has been dismissed, or expunged, through the judicial process. Under current law, individuals who have successfully rehabilitated may continue to face stigma and barriers to find employment. Although they are intent on positively contributing to society by finding employment and self-sufficiency, state records may not reflect an expungement that was granted by the courts. [This bill] allows individuals who were formerly licensed through the state of California to appropriately reflect the record of their rehabilitation as granted by the judicial branch, and improve their opportunity to seek meaningful employment.”

**Staff Recommendation:** Staff recommends the Board take a position of “Watch” on AB 1616, as amended July 7, 2020.

**Laws:** An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

AMENDED IN SENATE JULY 7, 2020  
AMENDED IN ASSEMBLY JANUARY 6, 2020  
AMENDED IN ASSEMBLY APRIL 1, 2019  
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1616**

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**Introduced by Assembly Member Low  
(Coauthor: Assembly Member Eduardo Garcia)**

February 22, 2019

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An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as amended, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its internet website that a person’s license was revoked because the person was convicted of a ~~crime to~~, *crime*, within ~~6 months~~ *90 days* of receiving ~~the~~ *an* expungement order for the underlying offense from the person, *if the person reapplies for licensure or is relicensed*, to post notification of the expungement order and the date thereof on the board’s internet ~~website if the person applies for licensure or is relicensed, or remove the initial posting on its internet website that the person’s license was revoked~~ *website*. *The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, as specified: to remove within the same period the initial posting on its internet website that the person’s license was revoked and information previously posted regarding arrests, charges, and convictions.* The bill would require a person *in either case* to pay a ~~fee, to be \$50 fee to the board, unless another amount is determined by the department, to the board for~~ *board to be necessary to cover the cost of administering the bill’s provisions.*

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 493.5 is added to the Business and
- 2 Professions Code, to read:
- 3 493.5. (a) A board within the department that has posted on
- 4 its internet website that a person’s license was revoked because
- 5 the person was convicted of a crime, upon receiving from the
- 6 person a certified copy of an expungement order granted pursuant
- 7 to Section 1203.4 of the Penal Code for the underlying offense,
- 8 shall, ~~within six months~~ *90 days* of receiving the expungement
- 9 order, unless it is otherwise prohibited by law, or by other terms
- 10 or conditions, do either of the following:
- 11 (1) If the person reapplies for licensure or has been relicensed,
- 12 post notification of the expungement order and the date thereof on
- 13 its internet website.
- 14 (2) If the person is not currently licensed and does not reapply
- 15 for licensure, ~~remove the initial posting on its internet website that~~
- 16 ~~the person’s license was revoked.~~ *revoked and information*
- 17 *previously posted regarding arrests, charges, and convictions.*



1 (b) A person described in subdivision (a) shall pay to the board  
2 a fee in ~~an~~ *the amount to be of fifty dollars (\$50), unless another*  
3 *amount is determined by the ~~department~~ board to be necessary to*  
4 *cover the administrative cost, ensuring that the amount does not*  
5 *exceed the reasonable cost of administering this section. The fee*  
6 *shall be deposited by the board into the appropriate fund and shall*  
7 *be available only upon appropriation by the Legislature.*

8 (c) For purposes of this section “board” means an entity listed  
9 in Section 101.

10 (d) If any provision in this section conflicts with Section 2027,  
11 Section 2027 shall prevail.

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**AB 2028 (Aguiar-Curry, D-Napa)**  
**State agencies: meetings.**

**Status:** 7/28/2020 – Amended and referred to the Senate Committee on Government Organization. Scheduled for hearing on 8/14/2020.

**Location:** 8/12/2020 – Senate Committee on Government Organization

**Introduced:** 1/30/2020

**Last Amended:** 7/28/2020

**Board Position:** Watch, as amended 6/4/2020 (as of 6/25/2020)

**Board Staff Analysis:** 8/12/2020

**Bill Summary:** Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public and that all person be permitted attend any meeting of a state body, except as otherwise provided in the act. Existing law also requires the state body to provide notice of the meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting. Additionally, existing law requires a state body to provide an opportunity for members of the public to directly address the state body on each agenda item; however, existing laws provides an exemption from this requirement for, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would require that the notice of the meeting also include all writings or materials provided for the meeting to a member of the state body by the staff of a state agency, board, or commission or by another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. These writings or materials would be required to be made available on the internet at least 10 days in advance of the meeting and to any person who requests that notice in writing. A state body would be allowed to distribute or discuss writings or materials at a meeting of the state body only if it had complied with this provision. These requirements would not apply to writings or materials prepared for a matter to be discussed in closed session. This bill would also delete the exemption relating to public comment, thus providing the public with an opportunity to address the state body on any agenda item, even if the public had already had an opportunity to address it at a public meeting of a committee of the state body.

This bill has been amended numerous times since it was introduced. The various amendments are addressed in the Staff Comment portion of this analysis.

**Staff Comment:** The “writings or materials” referred to in this bill are what this Board refers to as the “meeting materials.” The meeting materials prepared by staff are provided to the Board members and posted on the Board’s website approximately seven days (one week) before the meeting. If new or updated information becomes available after the meeting materials packet is distributed, the new information is distributed to the Board members and made available to the public, either by posting on the Board’s website if time allows or by having them available as handouts at the meeting. Current law requires that writings, as defined, that are distributed to

members of the state body prior to or during a meeting pertaining to an item to be considered during the meeting be made available for public inspection at the meeting if prepared by the state body or a member of the state body. The Department of Consumer Affairs' Legal Office has previously indicated that this means any written materials the Board will review or discuss at a meeting must be made available to the public at any time prior to the Board's discussion, which allows for handouts of updated information to be provided at meetings. This bill would require that any writings or materials that are to be reviewed or discussed by the Board members at a meeting be made available to the public at least 10 days prior to the meeting, which would preclude the opportunity for new or updated information to be provided to the Board within that 10-day period.

At its March 12, 2020, meeting, the Board took a position of "Watch" on this bill. However, the Board does believe there should be exceptions for matters that are urgent or have changed within the 10-day notice period.

At its May 7, 2020, meeting, the Board took a position of "Oppose Unless Amended" and requested that the bill be amended to exempt materials relating to budgetary, legislative, and regulatory matters.

The bill was amended on June 4, 2020, to change the 10-day posting of materials requirement to be "...the same day as the dissemination of the writings and materials to members of the state body, or at least 48 hours in advance of the meeting, whichever is earlier." Additionally, a provision was added that indicates if the materials "...are related to legislation that is before the Legislature in a current legislative session, a state body is entitled to post online, and shall provide upon request, additional materials related to that active legislation with additional time-sensitive information as it becomes available after the deadlines in this subdivision. The state body shall make clear what date the new or changed writings or materials are posted and, when applicable, what changes have been made in materials already posted." Based on these amendments, the Board took a position of Watch on the bill at its June 25, 2020, meeting.

The bill was amended on July 8, 2020. The majority of the amendments are either non-substantive changes to clarify wording or deal with state financial materials related to the Treasurer. The substantive amendment that would affect the Board is in Government Code section 11125(c)(2)(B) and allows for state bodies to discuss materials that become available within the 48-hour period before the meeting if certain specified notification and distribution requirements are met. The bill was again amended on July 28, 2020. Although the changes between the July 8 and July 28 versions appear to be major, substantive changes, the only change is actually in Government Code section 11125(c)(3)(A), where the phrase "or any of the boards, authorities, commissions, committees, and councils for which the Treasurer serves as chairperson" is to be deleted. This amendment does not impact the Board. Both versions of the bill are included.

Staff believes that the changes made to the bill in the July 8, 2020, version would not negatively impact the Board and address concerns that have been raised regarding the ability of the Board to consider last-minute information that could be pertinent to issues it has already noticed for discussion at its public meetings. As such, staff believes it is appropriate for the Board to take a "Watch" position on the bill, as amended July 28, 2020.

**Staff Recommendation:** Staff recommends that the Board take a position of “Watch” on AB 2028, as amended July 28, 2020.

**Laws:** An act to amend Sections 11125 and 11125.7 of the Government Code, relating to public meetings.

AMENDED IN SENATE JULY 8, 2020

AMENDED IN ASSEMBLY JUNE 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2028**

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**Introduced by Assembly Member Aguiar-Curry  
(Coauthor: Assembly Member Gonzalez)**

January 30, 2020

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An act to amend Sections 11125 and 11125.7 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, as amended, Aguiar-Curry. State agencies: meetings.

Existing law, 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 any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. *The bill would prescribe requirements to be satisfied in order for these writings or materials to be distributed or discussed.* The bill would generally require that these writings and materials to be made available

on the *body's internet website*, and to people who so request in writing, ~~on the same day as website no later than the first business day after~~ they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is ~~earlier~~ *earlier*, and to be provided *immediately upon written request*. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill would require that they be posted on the *body's internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body, and made available immediately upon written request*. The bill would ~~provide that a state body may only distribute or discuss these writings or materials at a meeting of the state body if it has complied with these requirements~~. The bill would except writings or materials relating to matters to be discussed in a closed session *and state financial materials, as defined, that put the Treasurer at a competitive disadvantage in financial transactions* from its ~~requirements and requirements~~. The bill would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, *and changing financial market conditions* as they become available, ~~after the prescribed deadlines~~. The bill would specify that its provisions do not authorize a state body to remove writings and materials from an ~~internet website~~. *as specified*. *Upon receipt of a written request, the bill would require that these writings or materials be provided immediately*.

Existing law requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

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

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

1 SECTION 1. The Legislature finds and declares the following:

2 (a) The Bagley-Keene Open Meeting Act (Article 9  
3 (commencing with Section 11120) of Chapter 1 of Part 1 of  
4 Division 3 of Title 2 of the Government Code) (hereafter  
5 “Bagley-Keene”) was intended to implement Section 3 of Article  
6 I of the California Constitution, which states in part, “The people  
7 have the right of access to information concerning the conduct of  
8 the people’s business, and, therefore, the meetings of public bodies  
9 and the writings of public officials and agencies shall be open to  
10 public scrutiny.”

11 (b) Bagley-Keene was written to protect public meetings and  
12 public notice and to ensure the transparency of actions taken by  
13 state agencies, boards, and commissions.

14 (c) Californians have the right to participate in state body  
15 deliberations. This includes the public’s ability to comment on all  
16 agenda items discussed at a meeting of the state body, regardless  
17 of whether an item has been discussed previously in a committee  
18 of the state body.

19 (d) The purpose of public notice is so that state bodies give the  
20 public adequate time for review of the substance of a state body  
21 meeting and for comment.

22 (e) Public notice must also include any writings or materials  
23 provided by a state body’s staff or by a member of the state body  
24 to other members of the state body for a noticed meeting of the  
25 ~~body held at least 10 days prior to the meeting.~~ *body.*

26 (f) Bagley-Keene affirms these rights by stating in Section 11120  
27 of the Government Code, “The people of this state do not yield  
28 their sovereignty to the agencies which serve them. The people,  
29 in delegating authority, do not give their public servants the right  
30 to decide what is good for the people to know and what is not good  
31 for them to know. The people insist on remaining informed so that  
32 they may retain control over the instruments they have created.”

33 SEC. 2. Section 11125 of the Government Code is amended  
34 to read:

35 11125. (a) The state body shall provide notice of its meeting  
36 to any person who requests that notice in writing. Notice shall be  
37 given and also made available on the internet website at least 10  
38 days in advance of the meeting, and shall include the name,

1 address, and telephone number of any person who can provide  
2 further information prior to the meeting, but need not include a  
3 list of witnesses expected to appear at the meeting. The written  
4 notice shall additionally include the address of the internet website  
5 where notices required by this article are made available.

6 (b) The notice of a meeting of a body that is a state body shall  
7 include a specific agenda for the meeting, containing a brief  
8 description of the items of business to be transacted or discussed  
9 in either open or closed session. A brief general description of an  
10 item generally need not exceed 20 words. A description of an item  
11 to be transacted or discussed in closed session shall include a  
12 citation of the specific statutory authority under which a closed  
13 session is being held. No item shall be added to the agenda  
14 subsequent to the provision of this notice, unless otherwise  
15 permitted by this article.

16 (c) (1) ~~Except as otherwise provided in paragraph (4), any~~ Any  
17 notice provided pursuant to subdivision (a) shall include all  
18 writings or materials provided for the noticed meeting to a member  
19 of the state body by the staff of ~~a~~ that state agency, board, or  
20 commission, or another member of the state body, that are in  
21 connection with a matter subject to discussion or consideration at  
22 the meeting. *A state body may distribute or discuss writings or*  
23 *materials only to the extent that it has complied with the applicable*  
24 *requirements of this subdivision.*

25 (2) (A) ~~The writings or materials described in paragraph (1) to~~  
26 *be considered at a noticed meeting and provided to members of*  
27 *the state body in advance of the meeting shall be made available*  
28 *on the body's internet website, and to any person who requests the*  
29 ~~writings or materials in writing, on the same day as the~~  
30 ~~dissemination of the writings and materials to members of the state~~  
31 ~~body,~~ *website no later than the first business day following the*  
32 *dissemination of the writings and materials to members of the state*  
33 *body or at least 48 hours in advance of the meeting, whichever is*  
34 *earlier. Upon receipt of a written request for writings or materials*  
35 *provided to members of the state body in advance of the meeting,*  
36 *a state body shall provide them immediately.*

37 (B) *Any writings or materials provided to the members of the*  
38 *state body by another state body after the time periods described*  
39 *in subparagraph (A) have passed shall be posted on the body's*  
40 *internet website no later than the first business day, but prior to*



1 *the meeting of the state body, following the dissemination of the*  
2 *writings and materials to the members of the state body. Upon*  
3 *receipt of a written request, these writings or materials shall be*  
4 *provided immediately. A state body that satisfies the requirements*  
5 *of this subparagraph may discuss these writings and materials at*  
6 *an otherwise properly noticed meeting.*

7 ~~(3) A state body may distribute or discuss writings or materials~~  
8 ~~described in paragraph (1) at a meeting of the state body only if it~~  
9 ~~has complied with this subdivision.~~

10 (4)

11 (3) (A) This subdivision does not apply to writings or materials  
12 prepared for a matter to be discussed in a closed session of the  
13 state body. ~~body or state financial materials that put the Treasurer~~  
14 ~~at a competitive disadvantage in financial transactions.~~

15 (B) For purposes of this paragraph, “financial materials” mean  
16 documents related to bonds, loans, and grants.

17 (5)

18 (4) If the writings or materials described in paragraph (1) on an  
19 agenda for discussion at a meeting of the state body are related to  
20 legislation that is before the Legislature in a current legislative  
21 session, ~~session or are related to changing financial market~~  
22 ~~conditions, a state body is entitled to post online, and shall provide~~  
23 ~~upon request, additional shall satisfy the requirements of this~~  
24 ~~subdivision by posting on its internet website the writings and~~  
25 ~~materials related to that active the legislation with additional~~  
26 ~~time-sensitive information as it becomes or the changing market~~  
27 ~~conditions as they become available after the deadlines in this~~  
28 ~~subdivision. time periods described in paragraph (2). Upon receipt~~  
29 ~~of a written request, these writings or materials shall be provided~~  
30 ~~immediately. The state body shall make clear what date the new~~  
31 ~~or changed writings or materials are posted and, when applicable,~~  
32 ~~what changes have been made in materials already posted. the~~  
33 ~~writings or materials.~~

34 (6) ~~This subdivision does not authorize state bodies to remove~~  
35 ~~any of the writings or materials described in paragraph (1) from~~  
36 ~~the internet website.~~

37 (d) Notice of a meeting of a state body that complies with this  
38 section shall also constitute notice of a meeting of an advisory  
39 body of that state body, provided that the business to be discussed  
40 by the advisory body is covered by the notice of the meeting of

1 the state body, provided that the specific time and place of the  
2 advisory body's meeting is announced during the open and public  
3 state body's meeting, and provided that the advisory body's  
4 meeting is conducted within a reasonable time of, and nearby, the  
5 meeting of the state body.

6 (e) A person may request, and shall be provided, notice pursuant  
7 to subdivision (a) for all meetings of a state body or for a specific  
8 meeting or meetings. In addition, at the state body's discretion, a  
9 person may request, and may be provided, notice of only those  
10 meetings of a state body at which a particular subject or subjects  
11 specified in the request will be discussed.

12 (f) A request for notice of more than one meeting of a state body  
13 shall be subject to the provisions of Section 14911.

14 (g) The notice shall be made available in appropriate alternative  
15 formats, as required by Section 202 of the Americans with  
16 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal  
17 rules and regulations adopted in implementation thereof, upon  
18 request by any person with a disability. The notice shall include  
19 information regarding how, to whom, and by when a request for  
20 any disability-related modification or accommodation, including  
21 auxiliary aids or services may be made by a person with a disability  
22 who requires these aids or services in order to participate in the  
23 public meeting.

24 SEC. 3. Section 11125.7 of the Government Code is amended  
25 to read:

26 11125.7. (a) Except as otherwise provided in this section, the  
27 state body shall provide an opportunity for members of the public  
28 to directly address the state body on each agenda item before or  
29 during the state body's discussion or consideration of the item.  
30 Every notice for a special meeting at which action is proposed to  
31 be taken on an item shall provide an opportunity for members of  
32 the public to directly address the state body concerning that item  
33 prior to action on the item. In addition, the notice requirement of  
34 Section 11125 shall not preclude the acceptance of testimony at  
35 meetings, other than emergency meetings, from members of the  
36 public if no action is taken by the state body at the same meeting  
37 on matters brought before the body by members of the public.

38 (b) The state body may adopt reasonable regulations to ensure  
39 that the intent of subdivision (a) is carried out, including, but not  
40 limited to, regulations limiting the total amount of time allocated

1 for public comment on particular issues and for each individual  
2 speaker.

3 (c) (1) Notwithstanding subdivision (b), when a state body  
4 limits time for public comment the state body shall provide at least  
5 twice the allotted time to a member of the public who utilizes a  
6 translator to ensure that non-English speakers receive the same  
7 opportunity to directly address the state body.

8 (2) Paragraph (1) shall not apply if the state body utilizes  
9 simultaneous translation equipment in a manner that allows the  
10 state body to hear the translated public testimony simultaneously.

11 (d) The state body shall not prohibit public criticism of the  
12 policies, programs, or services of the state body, or of the acts or  
13 omissions of the state body. Nothing in this subdivision shall confer  
14 any privilege or protection for expression beyond that otherwise  
15 provided by law.

16 (e) This section is not applicable to any of the following:

17 (1) Closed sessions held pursuant to Section 11126.

18 (2) Decisions regarding proceedings held pursuant to Chapter  
19 5 (commencing with Section 11500), relating to administrative  
20 adjudication, or to the conduct of those proceedings.

21 (3) Hearings conducted by the California Victim Compensation  
22 Board pursuant to Sections 13963 and 13963.1.

23 (4) Agenda items that involve decisions of the Public Utilities  
24 Commission regarding adjudicatory hearings held pursuant to  
25 Chapter 9 (commencing with Section 1701) of Part 1 of Division  
26 1 of the Public Utilities Code. For all other agenda items, the  
27 commission shall provide members of the public, other than those  
28 who have already participated in the proceedings underlying the  
29 agenda item, an opportunity to directly address the commission  
30 before or during the commission's consideration of the item.

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AMENDED IN SENATE JULY 28, 2020

AMENDED IN SENATE JULY 8, 2020

AMENDED IN ASSEMBLY JUNE 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2028**

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**Introduced by Assembly Member Aguiar-Curry  
(Coauthor: Assembly Member Gonzalez)**

January 30, 2020

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~~An act to amend Sections 11125 and 11125.7 of the Government Code, relating to public meetings.~~ *An act to amend Sections 11125 and 11125.7 of the Government Code, relating to public meetings.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, as amended, Aguiar-Curry. State agencies: meetings.

*Existing law, 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 any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.*

*This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would prescribe requirements to be satisfied in order for these*

writings or materials to be distributed or discussed. The bill would generally require that these writings and materials be made available on the body's internet website no later than the first business day after they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is earlier, and to be provided immediately upon written request. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill would require that they be posted on the body's internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body, and made available immediately upon written request. The bill would except writings or materials relating to matters to be discussed in a closed session and state financial materials, as defined, that put the Treasurer, or specified entities for which the Treasurer serves as chairperson, at a competitive disadvantage in financial transactions from its requirements. The bill would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, and changing financial market conditions as they become available, as specified. Upon receipt of a written request, the bill would require that these writings or materials be provided immediately.

Existing law requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.

This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

~~Existing law, 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 any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.~~

~~This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would prescribe requirements to be satisfied in order for these writings or materials to be distributed or discussed. The bill would generally require that these writings and materials be made available on the body's internet website no later than the first business day after they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is earlier, and to be provided immediately upon written request. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill would require that they be posted on the body's internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body, and made available immediately upon written request. The bill would except writings or materials relating to matters to be discussed in a closed session and state financial materials, as defined, that put the Treasurer at a competitive disadvantage in financial transactions from its requirements. The bill would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, and changing financial market conditions as they become available, as specified. Upon receipt of a written request, the bill would require that these writings or materials be provided immediately.~~

~~Existing law requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.~~

~~This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.~~

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

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

1     *SECTION 1. The Legislature finds and declares the following:*

2     *(a) The Bagley-Keene Open Meeting Act (Article 9 (commencing*  
3 *with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title*  
4 *2 of the Government Code) (hereafter “Bagley-Keene”) was*  
5 *intended to implement Section 3 of Article I of the California*  
6 *Constitution, which states in part, “The people have the right of*  
7 *access to information concerning the conduct of the people’s*  
8 *business, and, therefore, the meetings of public bodies and the*  
9 *writings of public officials and agencies shall be open to public*  
10 *scrutiny.”*

11     *(b) Bagley-Keene was written to protect public meetings and*  
12 *public notice and to ensure the transparency of actions taken by*  
13 *state agencies, boards, and commissions.*

14     *(c) Californians have the right to participate in state body*  
15 *deliberations. This includes the public’s ability to comment on all*  
16 *agenda items discussed at a meeting of the state body, regardless*  
17 *of whether an item has been discussed previously in a committee*  
18 *of the state body.*

19     *(d) The purpose of public notice is so that state bodies give the*  
20 *public adequate time for review of the substance of a state body*  
21 *meeting and for comment.*

22     *(e) Public notice must also include any writings or materials*  
23 *provided by a state body’s staff or by a member of the state body*  
24 *to other members of the state body for a noticed meeting of the*  
25 *body.*

26     *(f) Bagley-Keene affirms these rights by stating in Section 11120*  
27 *of the Government Code, “The people of this state do not yield*  
28 *their sovereignty to the agencies which serve them. The people, in*  
29 *delegating authority, do not give their public servants the right to*  
30 *decide what is good for the people to know and what is not good*  
31 *for them to know. The people insist on remaining informed so that*  
32 *they may retain control over the instruments they have created.”*

33     *SEC. 2. Section 11125 of the Government Code is amended to*  
34 *read:*

35     11125. (a) The state body shall provide notice of its meeting  
36 to any person who requests that notice in writing. Notice shall be  
37 given and also made available on the ~~Internet~~ internet website at  
38 least 10 days in advance of the meeting, and shall include the name,

1 address, and telephone number of any person who can provide  
2 further information prior to the meeting, but need not include a  
3 list of witnesses expected to appear at the meeting. The written  
4 notice shall additionally include the address of the ~~Internet site~~  
5 *internet website* where notices required by this article are made  
6 available.

7 (b) The notice of a meeting of a body that is a state body shall  
8 include a specific agenda for the meeting, containing a brief  
9 description of the items of business to be transacted or discussed  
10 in either open or closed session. A brief general description of an  
11 item generally need not exceed 20 words. A description of an item  
12 to be transacted or discussed in closed session shall include a  
13 citation of the specific statutory authority under which a closed  
14 session is being held. No item shall be added to the agenda  
15 subsequent to the provision of this notice, unless otherwise  
16 permitted by this article.

17 (c) (1) *Any notice provided pursuant to subdivision (a) shall*  
18 *include all writings or materials provided for the noticed meeting*  
19 *to a member of the state body by the staff of that state agency,*  
20 *board, or commission, or another member of the state body, that*  
21 *are in connection with a matter subject to discussion or*  
22 *consideration at the meeting. A state body may distribute or discuss*  
23 *writings or materials only to the extent that it has complied with*  
24 *the applicable requirements of this subdivision.*

25 (2) (A) *The writings or materials to be considered at a noticed*  
26 *meeting and provided to members of the state body in advance of*  
27 *the meeting shall be made available on the body's internet website*  
28 *no later than the first business day following the dissemination of*  
29 *the writings and materials to members of the state body or at least*  
30 *48 hours in advance of the meeting, whichever is earlier. Upon*  
31 *receipt of a written request for writings or materials provided to*  
32 *members of the state body in advance of the meeting, a state body*  
33 *shall provide them immediately.*

34 (B) *Any writings or materials provided to the members of the*  
35 *state body by another state body after the time periods described*  
36 *in subparagraph (A) have passed shall be posted on the body's*  
37 *internet website no later than the first business day, but prior to*  
38 *the meeting of the state body, following the dissemination of the*  
39 *writings and materials to the members of the state body. Upon*  
40 *receipt of a written request, these writings or materials shall be*



1 *provided immediately. A state body that satisfies the requirements*  
2 *of this subparagraph may discuss these writings and materials at*  
3 *an otherwise properly noticed meeting.*

4 (3) (A) *This subdivision does not apply to writings or materials*  
5 *prepared for a matter to be discussed in a closed session of the*  
6 *state body or to state financial materials that put the Treasurer,*  
7 *or any of the boards, authorities, commissions, committees, and*  
8 *councils for which the Treasurer serves as chairperson, at a*  
9 *competitive disadvantage in financial transactions.*

10 (B) *For purposes of this paragraph, “financial materials” mean*  
11 *documents related to bonds, loans, and grants.*

12 (4) *If the writings or materials described in paragraph (1) on*  
13 *an agenda for discussion at a meeting of the state body are related*  
14 *to legislation that is before the Legislature in a current legislative*  
15 *session or are related to changing financial market conditions, a*  
16 *state body shall satisfy the requirements of this subdivision by*  
17 *posting on its internet website the writings and materials related*  
18 *to the legislation or the changing market conditions as they become*  
19 *available after the time periods described in paragraph (2). Upon*  
20 *receipt of a written request, these writings or materials shall be*  
21 *provided immediately. The state body shall make clear what date*  
22 *the new or changed writings or materials are posted and, when*  
23 *applicable, what changes have been made in the writings or*  
24 *materials.*

25 (~~e~~)

26 (d) *Notice of a meeting of a state body that complies with this*  
27 *section shall also constitute notice of a meeting of an advisory*  
28 *body of that state body, provided that the business to be discussed*  
29 *by the advisory body is covered by the notice of the meeting of*  
30 *the state body, provided that the specific time and place of the*  
31 *advisory body’s meeting is announced during the open and public*  
32 *state body’s meeting, and provided that the advisory body’s*  
33 *meeting is conducted within a reasonable time of, and nearby, the*  
34 *meeting of the state body.*

35 (~~d~~)

36 (e) *A person may request, and shall be provided, notice pursuant*  
37 *to subdivision (a) for all meetings of a state body or for a specific*  
38 *meeting or meetings. In addition, at the state body’s discretion, a*  
39 *person may request, and may be provided, notice of only those*

1 meetings of a state body at which a particular subject or subjects  
2 specified in the request will be discussed.

3 (e)

4 (f) A request for notice of more than one meeting of a state body  
5 shall be subject to the provisions of Section 14911.

6 (f)

7 (g) The notice shall be made available in appropriate alternative  
8 formats, as required by Section 202 of the Americans with  
9 Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal  
10 rules and regulations adopted in implementation thereof, upon  
11 request by any person with a disability. The notice shall include  
12 information regarding how, to whom, and by when a request for  
13 any disability-related modification or accommodation, including  
14 auxiliary aids or services may be made by a person with a disability  
15 who requires these aids or services in order to participate in the  
16 public meeting.

17 *SEC. 3. Section 11125.7 of the Government Code is amended*  
18 *to read:*

19 11125.7. (a) Except as otherwise provided in this section, the  
20 state body shall provide an opportunity for members of the public  
21 to directly address the state body on each agenda item before or  
22 during the state body's discussion or consideration of the item.  
23 ~~This section is not applicable if the agenda item has already been~~  
24 ~~considered by a committee composed exclusively of members of~~  
25 ~~the state body at a public meeting where interested members of~~  
26 ~~the public were afforded the opportunity to address the committee~~  
27 ~~on the item, before or during the committee's consideration of the~~  
28 ~~item, unless the item has been substantially changed since the~~  
29 ~~committee heard the item, as determined by the state body.~~ Every  
30 notice for a special meeting at which action is proposed to be taken  
31 on an item shall provide an opportunity for members of the public  
32 to directly address the state body concerning that item prior to  
33 action on the item. In addition, the notice requirement of Section  
34 11125 shall not preclude the acceptance of testimony at meetings,  
35 other than emergency meetings, from members of the public if no  
36 action is taken by the state body at the same meeting on matters  
37 brought before the body by members of the public.

38 (b) The state body may adopt reasonable regulations to ensure  
39 that the intent of subdivision (a) is carried out, including, but not  
40 limited to, regulations limiting the total amount of time allocated

1 for public comment on particular issues and for each individual  
2 speaker.

3 (c) (1) Notwithstanding subdivision (b), when a state body  
4 limits time for public comment the state body shall provide at least  
5 twice the allotted time to a member of the public who utilizes a  
6 translator to ensure that non-English speakers receive the same  
7 opportunity to directly address the state body.

8 (2) Paragraph (1) shall not apply if the state body utilizes  
9 simultaneous translation equipment in a manner that allows the  
10 state body to hear the translated public testimony simultaneously.

11 (d) The state body shall not prohibit public criticism of the  
12 policies, programs, or services of the state body, or of the acts or  
13 omissions of the state body. Nothing in this subdivision shall confer  
14 any privilege or protection for expression beyond that otherwise  
15 provided by law.

16 (e) This section is not applicable to ~~closed sessions held pursuant~~  
17 ~~to Section 11126. any of the following:~~

18 (1) ~~Closed sessions held pursuant to Section 11126.~~

19 (f) ~~This section is not applicable to decisions~~

20 (2) ~~Decisions~~ regarding proceedings held pursuant to Chapter  
21 5 (commencing with Section 11500), relating to administrative  
22 adjudication, or to the conduct of those proceedings.

23 (g) ~~This section is not applicable to hearings~~

24 (3) ~~Hearings~~ conducted by the California Victim Compensation  
25 Board pursuant to Sections 13963 and 13963.1.

26 (h) ~~This section is not applicable to agenda~~

27 (4) ~~Agenda~~ items that involve decisions of the Public Utilities  
28 Commission regarding adjudicatory hearings held pursuant to  
29 Chapter 9 (commencing with Section 1701) of Part 1 of Division  
30 1 of the Public Utilities Code. For all other agenda items, the  
31 commission shall provide members of the public, other than those  
32 who have already participated in the proceedings underlying the  
33 agenda item, an opportunity to directly address the commission  
34 before or during the commission's consideration of the item.

35 SECTION 1. ~~The Legislature finds and declares the following:~~

36 (a) ~~The Bagley-Keene Open Meeting Act (Article 9~~  
37 ~~(commencing with Section 11120) of Chapter 1 of Part 1 of~~  
38 ~~Division 3 of Title 2 of the Government Code) (hereafter~~  
39 ~~"Bagley-Keene") was intended to implement Section 3 of Article~~  
40 ~~I of the California Constitution, which states in part, "The people~~

1 have the right of access to information concerning the conduct of  
2 the people's business, and, therefore, the meetings of public bodies  
3 and the writings of public officials and agencies shall be open to  
4 public scrutiny."

5 (b) Bagley-Keene was written to protect public meetings and  
6 public notice and to ensure the transparency of actions taken by  
7 state agencies, boards, and commissions.

8 (c) Californians have the right to participate in state body  
9 deliberations. This includes the public's ability to comment on all  
10 agenda items discussed at a meeting of the state body, regardless  
11 of whether an item has been discussed previously in a committee  
12 of the state body.

13 (d) The purpose of public notice is so that state bodies give the  
14 public adequate time for review of the substance of a state body  
15 meeting and for comment.

16 (e) Public notice must also include any writings or materials  
17 provided by a state body's staff or by a member of the state body  
18 to other members of the state body for a noticed meeting of the  
19 body.

20 (f) Bagley-Keene affirms these rights by stating in Section 11120  
21 of the Government Code, "The people of this state do not yield  
22 their sovereignty to the agencies which serve them. The people,  
23 in delegating authority, do not give their public servants the right  
24 to decide what is good for the people to know and what is not good  
25 for them to know. The people insist on remaining informed so that  
26 they may retain control over the instruments they have created."

27 SEC. 2. Section 11125 of the Government Code is amended  
28 to read:

29 11125. (a) The state body shall provide notice of its meeting  
30 to any person who requests that notice in writing. Notice shall be  
31 given and also made available on the internet website at least 10  
32 days in advance of the meeting, and shall include the name,  
33 address, and telephone number of any person who can provide  
34 further information prior to the meeting, but need not include a  
35 list of witnesses expected to appear at the meeting. The written  
36 notice shall additionally include the address of the internet website  
37 where notices required by this article are made available.

38 (b) The notice of a meeting of a body that is a state body shall  
39 include a specific agenda for the meeting, containing a brief  
40 description of the items of business to be transacted or discussed

1 in either open or closed session. A brief general description of an  
2 item generally need not exceed 20 words. A description of an item  
3 to be transacted or discussed in closed session shall include a  
4 citation of the specific statutory authority under which a closed  
5 session is being held. No item shall be added to the agenda  
6 subsequent to the provision of this notice, unless otherwise  
7 permitted by this article.

8 (e) (1) Any notice provided pursuant to subdivision (a) shall  
9 include all writings or materials provided for the noticed meeting  
10 to a member of the state body by the staff of that state agency,  
11 board, or commission, or another member of the state body, that  
12 are in connection with a matter subject to discussion or  
13 consideration at the meeting. A state body may distribute or discuss  
14 writings or materials only to the extent that it has complied with  
15 the applicable requirements of this subdivision.

16 (2) (A) The writings or materials to be considered at a noticed  
17 meeting and provided to members of the state body in advance of  
18 the meeting shall be made available on the body's internet website  
19 no later than the first business day following the dissemination of  
20 the writings and materials to members of the state body or at least  
21 48 hours in advance of the meeting, whichever is earlier. Upon  
22 receipt of a written request for writings or materials provided to  
23 members of the state body in advance of the meeting, a state body  
24 shall provide them immediately.

25 (B) Any writings or materials provided to the members of the  
26 state body by another state body after the time periods described  
27 in subparagraph (A) have passed shall be posted on the body's  
28 internet website no later than the first business day, but prior to  
29 the meeting of the state body, following the dissemination of the  
30 writings and materials to the members of the state body. Upon  
31 receipt of a written request, these writings or materials shall be  
32 provided immediately. A state body that satisfies the requirements  
33 of this subparagraph may discuss these writings and materials at  
34 an otherwise properly noticed meeting.

35 (3) (A) This subdivision does not apply to writings or materials  
36 prepared for a matter to be discussed in a closed session of the  
37 state body or state financial materials that put the Treasurer at a  
38 competitive disadvantage in financial transactions.

39 (B) For purposes of this paragraph, "financial materials" mean  
40 documents related to bonds, loans, and grants.

1     ~~(4) If the writings or materials described in paragraph (1) on an~~  
2 ~~agenda for discussion at a meeting of the state body are related to~~  
3 ~~legislation that is before the Legislature in a current legislative~~  
4 ~~session or are related to changing financial market conditions, a~~  
5 ~~state body shall satisfy the requirements of this subdivision by~~  
6 ~~posting on its internet website the writings and materials related~~  
7 ~~to the legislation or the changing market conditions as they become~~  
8 ~~available after the time periods described in paragraph (2). Upon~~  
9 ~~receipt of a written request, these writings or materials shall be~~  
10 ~~provided immediately. The state body shall make clear what date~~  
11 ~~the new or changed writings or materials are posted and, when~~  
12 ~~applicable, what changes have been made in the writings or~~  
13 ~~materials.~~

14     ~~(d) Notice of a meeting of a state body that complies with this~~  
15 ~~section shall also constitute notice of a meeting of an advisory~~  
16 ~~body of that state body, provided that the business to be discussed~~  
17 ~~by the advisory body is covered by the notice of the meeting of~~  
18 ~~the state body, provided that the specific time and place of the~~  
19 ~~advisory body's meeting is announced during the open and public~~  
20 ~~state body's meeting, and provided that the advisory body's~~  
21 ~~meeting is conducted within a reasonable time of, and nearby, the~~  
22 ~~meeting of the state body.~~

23     ~~(e) A person may request, and shall be provided, notice pursuant~~  
24 ~~to subdivision (a) for all meetings of a state body or for a specific~~  
25 ~~meeting or meetings. In addition, at the state body's discretion, a~~  
26 ~~person may request, and may be provided, notice of only those~~  
27 ~~meetings of a state body at which a particular subject or subjects~~  
28 ~~specified in the request will be discussed.~~

29     ~~(f) A request for notice of more than one meeting of a state body~~  
30 ~~shall be subject to the provisions of Section 14911.~~

31     ~~(g) The notice shall be made available in appropriate alternative~~  
32 ~~formats, as required by Section 202 of the Americans with~~  
33 ~~Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal~~  
34 ~~rules and regulations adopted in implementation thereof, upon~~  
35 ~~request by any person with a disability. The notice shall include~~  
36 ~~information regarding how, to whom, and by when a request for~~  
37 ~~any disability-related modification or accommodation, including~~  
38 ~~auxiliary aids or services may be made by a person with a disability~~  
39 ~~who requires these aids or services in order to participate in the~~  
40 ~~public meeting.~~

1 SEC. 3.—Section 11125.7 of the Government Code is amended  
2 to read:

3 11125.7. (a) Except as otherwise provided in this section, the  
4 state body shall provide an opportunity for members of the public  
5 to directly address the state body on each agenda item before or  
6 during the state body's discussion or consideration of the item.  
7 Every notice for a special meeting at which action is proposed to  
8 be taken on an item shall provide an opportunity for members of  
9 the public to directly address the state body concerning that item  
10 prior to action on the item. In addition, the notice requirement of  
11 Section 11125 shall not preclude the acceptance of testimony at  
12 meetings, other than emergency meetings, from members of the  
13 public if no action is taken by the state body at the same meeting  
14 on matters brought before the body by members of the public.

15 (b) The state body may adopt reasonable regulations to ensure  
16 that the intent of subdivision (a) is carried out, including, but not  
17 limited to, regulations limiting the total amount of time allocated  
18 for public comment on particular issues and for each individual  
19 speaker.

20 (c) (1) Notwithstanding subdivision (b), when a state body  
21 limits time for public comment the state body shall provide at least  
22 twice the allotted time to a member of the public who utilizes a  
23 translator to ensure that non-English speakers receive the same  
24 opportunity to directly address the state body.

25 (2) Paragraph (1) shall not apply if the state body utilizes  
26 simultaneous translation equipment in a manner that allows the  
27 state body to hear the translated public testimony simultaneously.

28 (d) The state body shall not prohibit public criticism of the  
29 policies, programs, or services of the state body, or of the acts or  
30 omissions of the state body. Nothing in this subdivision shall confer  
31 any privilege or protection for expression beyond that otherwise  
32 provided by law.

33 (e) This section is not applicable to any of the following:

34 (1) Closed sessions held pursuant to Section 11126.

35 (2) Decisions regarding proceedings held pursuant to Chapter  
36 5 (commencing with Section 11500), relating to administrative  
37 adjudication, or to the conduct of those proceedings.

38 (3) Hearings conducted by the California Victim Compensation  
39 Board pursuant to Sections 13963 and 13963.1.

1     ~~(4) Agenda items that involve decisions of the Public Utilities~~  
2     ~~Commission regarding adjudicatory hearings held pursuant to~~  
3     ~~Chapter 9 (commencing with Section 1701) of Part 1 of Division~~  
4     ~~1 of the Public Utilities Code. For all other agenda items, the~~  
5     ~~commission shall provide members of the public, other than those~~  
6     ~~who have already participated in the proceedings underlying the~~  
7     ~~agenda item, an opportunity to directly address the commission~~  
8     ~~before or during the commission's consideration of the item.~~

O



**AB 2113 (Introduced by Assembly Member Low, D-Cupertino;  
Coauthors: Assembly Members Carrillo, D-Los Angeles; Chiu, D-San Francisco;  
Medina, D-Riverside; Blanca Rubio, D-West Covina; and Gonzalez, D-San Diego)  
Refugees, asylees, and immigrants: professional licensing.**

**Status:** 8/10/2020 – Passed Senate Committee on Business, Professions & Economic Development. Referred to Senate Committee on Appropriations. Scheduled for hearing on 8/13/2020.

**Location:** 8/12/2020 – Senate Committee on Rules

**Introduced:** 2/6/2020

**Last Amended:** 8/4/2020

**Board Position:** Watch (as of 5/7/2020)

**Board Staff Analysis:** 8/12/2020

**Bill Summary:** This bill would add Section 135.4 to the Business and Professions Code. This new section would require that a board within the Department of Consumer Affairs “shall expedite, and may assist, the initial licensure process” for applicants who supply satisfactory evidence that they have been admitted to the United States as a refugee or granted political asylum under specified provisions of the United States Code or who have a special immigrant visa (SIV) that has been granted a status under specified provisions of the Public Law.

**Staff Comment:** Existing Section 115.4 of the Business and Professions Code uses this same “shall expedite, and may assist, the initial licensure process” for applicants who were honorably discharged from active duty military service. Existing Section 115.5 of the Business and Professions Code states “shall expedite the initial licensure process” for applicants who are spouses or domestic partners of active duty military members. Under these sections, the applicants must still meet all of the requirements for licensure specified in the applicable licensing act.

This bill would provide for the same expedited licensure process for refugees, individuals granted political asylum, and individuals with an SIV. As with the provisions of law pertaining to former military members and military spouses, applicants under this provision would still have to meet all of the requirements for licensure specified in the Professional Engineers Act, the Professional Land Surveyors’ Act, and the Geologist and Geophysicist Act.

AB 2113 was amended on May 4, 2020, to add a subdivision that specifically states “(b) Nothing in this section shall be construed as changing existing licensure requirements. A person applying for expedited licensure under subdivision (a) shall meet all applicable statutory and regulatory licensure requirements.” This amendment does not alter the process or have any effect on how the Board would handle applications under this section of law; it simply makes it clear that anyone apply under this section must still meet all licensure requirements. As such, there is no need for the Board to take any action on this bill.

The bill was amended on August 4, 2020, to delete the word “political” in the phrase “granted political asylum” because “asylum” without the modifier “political” is the appropriate term to use under Federal law. This change does not impact the Board.

**Staff Recommendation:** Staff recommends the Board take a position of “Watch” on AB 2113, as amended August 4, 2020.

**Laws:** An act to add Section 134.5 to the Business and Professions Code, relating to professions and vocations.

AMENDED IN SENATE AUGUST 4, 2020

AMENDED IN ASSEMBLY MAY 4, 2020

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2113**

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**Introduced by Assembly Member Low  
(Coauthors: Assembly Members Carrillo, Chiu, Medina,  
Blanca Rubio, and Gonzalez)**

February 6, 2020

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An act to add Section 135.4 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2113, as amended, Low. Refugees, asylees, and ~~immigrants:~~ *special immigrant visa holders*: professional ~~licensing:~~ *licensing: initial licensure process.*

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law prohibits ~~an entity~~ *a board* within the department from denying licensure to an applicant based upon their citizenship or immigration status.

This bill, notwithstanding any other law, would require a board within the department to expedite, and authorize it to assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they are a refugee, have been granted ~~political~~ asylum, or have a special immigrant visa, as specified. The bill would authorize a board to adopt regulations necessary to administer these provisions.

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 135.4 is added to the Business and  
2 Professions Code, to read:  
3 135.4. (a) Notwithstanding any other law, a board within the  
4 department shall expedite, and may assist, the initial licensure  
5 process for an applicant who supplies satisfactory evidence to the  
6 board that they have been admitted to the United States as a refugee  
7 under Section 1157 of Title 8 of the United States Code, have been  
8 granted ~~political~~ asylum by the Secretary of Homeland Security  
9 or the Attorney General of the United States pursuant to Section  
10 1158 of Title 8 of the United States Code, or they have a special  
11 immigrant visa (SIV) that has been granted a status under Section  
12 1244 of Public Law 110-181, under Public Law 109-163, or under  
13 Section 602(b) of Title VI of Division F of Public Law 111-8.  
14 (b) Nothing in this section shall be construed as changing  
15 existing licensure requirements. A person applying for expedited  
16 licensure under subdivision (a) shall meet all applicable statutory  
17 and regulatory licensure requirements.  
18 (c) A board may adopt regulations necessary to administer this  
19 section.

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**AB 2549 (Salas, D-Bakersfield; co-author: Gonzalez, D-San Diego)**  
**Department of Consumer Affairs: temporary licenses.**

**Status:** 7/1/2020 – Referred to the Senate Committee on Business, Professions & Economic Development

**Location:** 8/12/2020 – Senate Business, Professions & Economic Development Committee

**Introduced:** 2/19/2020

**Last Amended:** 5/18/2020 (Revised 6/4/2020 as to co-author)

**Board Position:** No position (as of 5/7/2020)

**Board Staff Analysis:** 8/12/2020

**Bill Summary:** This bill would amend Sections 115.6 and 5132 of the Business and Professions Code. Existing Section 115.6 requires that certain boards within the Department of Consumer Affairs issue a temporary license for certain license types if the applicant meets the requirements specified in the section. All licenses issued by this Board are included. This bill would add other license types regulated by the Dental Board of California, the Dental Hygiene Board of California, the California State Board of Pharmacy, and the California Board of Accountancy. [Section 5132 relates specifically to the California Board of Accountancy.]

**Staff Comment:** This bill does not make any changes to the provisions of existing law that apply to this Board and the license types it regulates. This bill is being brought to the Board’s attention for informational purposes.

This bill was amended on March 12, 2020, to include additional boards and to indicate that the temporary license must be issued within 30 days of the applicant meeting all the requirements specified in the statute. It would also provide that the temporary license would become a standard license 12 months after issuance if the applicant meets all the requirements for licensure. For the licenses issued by this Board, there are no differences between the requirements for a temporary license and for a standard license. If we were to receive applications under this section, we would issue a “standard” license initially.

The bill was again amended on May 18, 2020, to require boards to submit to the Department of Consumer Affairs for approval draft regulations as necessary to administer this section by January 1, 2022, and to adopt the regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Additionally, a subdivision was added to indicate that this section would not apply to a board that has a process by which an out-of-state applicant in good standing who meets the requirements to be considered a military spouse is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for at least one year. Neither of the amendments made in the May 18, 2020, version of the bill affect the Board. The Board’s existing statutes and regulations, along with the provisions of this statute, are sufficient for the Board to administer this section; as such, it is not necessary for the Board to adopt additional regulations. Furthermore, the Board does not have its own sections of law relating to issuing a temporary license to military spouses and follows the provisions of this section.

In July, the author’s office advised the Department of Consumer Affairs that the bill would not be set for hearing this session.

**Staff Recommendation:** No action needed at this time.

**Laws:** An act to amend Sections 115.6 and 5132 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

AMENDED IN ASSEMBLY MAY 18, 2020  
AMENDED IN ASSEMBLY MARCH 12, 2020  
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2549**

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**Introduced by Assembly Member Salas**  
*(Coauthor: Assembly Member Gonzalez)*

February 19, 2020

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An act to amend Sections 115.6 and 5132 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as amended, Salas. Department of Consumer Affairs: temporary licenses.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is comprised of various boards, as defined, that license and regulate various professions and vocations. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current, active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the

Revised 6-4-20—See last page.

board. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

This bill would expand that requirement to issue temporary licenses to include licenses issued by the Veterinary Medical Board, the Dental Board of California, the Dental Hygiene Board of California, the California State Board of Pharmacy, the State Board of Barbering and Cosmetology, the Board of Psychology, the California Board of Occupational Therapy, the Physical Therapy Board of California, and the California Board of Accountancy. The bill would require a board to issue a temporary license within 30 days of receiving the required documentation. The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. By establishing a new source of revenue for a continuously appropriated fund, the bill would make an appropriation. ~~The bill would require a temporary license to be converted to a standard license if, within 12 months of issuance, the applicant demonstrates having met all of the requirements for a standard license or submits documents demonstrating that the requirements to obtain the out-of-state license were substantially equivalent to the requirements for a standard license as determined by the board in order to protect the public. The bill would require a board to adopt~~ *submit to the department for approval draft regulations necessary to administer these provisions and to publish regulations on its internet website and in application materials* by January 1, 2022. *The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year.*

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

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

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:
- 3 115.6. (a) ~~Except as provided in subdivision (h),~~ a board
- 4 within the department shall, after appropriate investigation, issue

1 the following eligible temporary licenses to an applicant within  
2 30 days of receiving the required documentation pursuant to  
3 meeting the requirements set forth in subdivision (c):

4 (1) Registered nurse license by the Board of Registered Nursing.

5 (2) Vocational nurse license issued by the Board of Vocational  
6 Nursing and Psychiatric Technicians of the State of California.

7 (3) Psychiatric technician license issued by the Board of  
8 Vocational Nursing and Psychiatric Technicians of the State of  
9 California.

10 (4) Speech-language pathologist license issued by the  
11 Speech-Language Pathology and Audiology and Hearing Aid  
12 Dispensers Board.

13 (5) Audiologist license issued by the Speech-Language  
14 Pathology and Audiology and Hearing Aid Dispensers Board.

15 (6) All licenses issued by the Veterinary Medical Board.

16 (7) All licenses issued by the Board for Professional Engineers,  
17 Land Surveyors, and Geologists.

18 (8) All licenses issued by the Medical Board of California.

19 (9) All licenses issued by the Podiatric Medical Board of  
20 California.

21 (10) All licenses issued by the Dental Board of California.

22 (11) All licenses issued by the Dental Hygiene Board of  
23 California.

24 (12) All licenses issued by the California State Board of  
25 Pharmacy.

26 (13) All licenses issued by the State Board of Barbering and  
27 Cosmetology.

28 (14) All licenses issued by the Board of Psychology.

29 (15) All licenses issued by the California Board of Occupational  
30 Therapy.

31 (16) All licenses issued by the Physical Therapy Board of  
32 California.

33 (17) All licenses issued by the California Board of Accountancy.  
34 Revenues from fees for temporary licenses issued under this  
35 paragraph shall be credited to the Accountancy Fund in accordance  
36 with Section 5132.

37 (b) The board may conduct an investigation of an applicant for  
38 purposes of denying or revoking a temporary license issued  
39 pursuant to this section. This investigation may include a criminal  
40 background check.



1 (c) An applicant seeking a temporary license pursuant to this  
2 section shall meet the following requirements:

3 (1) The applicant shall supply evidence satisfactory to the board  
4 that the applicant is married to, or in a domestic partnership or  
5 other legal union with, an active duty member of the Armed Forces  
6 of the United States who is assigned to a duty station in this state  
7 under official active duty military orders.

8 (2) The applicant shall hold a current, active, and unrestricted  
9 license that confers upon the applicant the authority to practice,  
10 in another state, district, or territory of the United States, the  
11 profession or vocation for which the applicant seeks a temporary  
12 license from the board.

13 (3) The applicant shall submit an application to the board that  
14 shall include a signed affidavit attesting to the fact that the  
15 applicant meets all of the requirements for the temporary license  
16 and that the information submitted in the application is accurate,  
17 to the best of the applicant's knowledge. The application shall also  
18 include written verification from the applicant's original licensing  
19 jurisdiction stating that the applicant's license is in good standing  
20 in that jurisdiction.

21 (4) The applicant shall not have committed an act in any  
22 jurisdiction that would have constituted grounds for denial,  
23 suspension, or revocation of the license under this code at the time  
24 the act was committed. A violation of this paragraph may be  
25 grounds for the denial or revocation of a temporary license issued  
26 by the board.

27 (5) The applicant shall not have been disciplined by a licensing  
28 entity in another jurisdiction and shall not be the subject of an  
29 unresolved complaint, review procedure, or disciplinary proceeding  
30 conducted by a licensing entity in another jurisdiction.

31 (6) The applicant shall, upon request by a board, furnish a full  
32 set of fingerprints for purposes of conducting a criminal  
33 background check.

34 (d) A temporary license issued pursuant to this section may be  
35 immediately terminated upon a finding that the temporary  
36 licenseholder failed to meet any of the requirements described in  
37 subdivision (c) or provided substantively inaccurate information  
38 that would affect the person's eligibility for temporary licensure.  
39 Upon termination of the temporary license, the board shall issue  
40 a notice of termination that shall require the temporary

1 licenseholder to immediately cease the practice of the licensed  
2 profession upon receipt.

3 (e) An applicant seeking a temporary license as a civil engineer,  
4 geotechnical engineer, structural engineer, land surveyor,  
5 professional geologist, professional geophysicist, certified  
6 engineering geologist, or certified hydrogeologist pursuant to this  
7 section shall successfully pass the appropriate California-specific  
8 examination or examinations required for licensure in those  
9 respective professions by the Board for Professional Engineers,  
10 Land Surveyors, and Geologists.

11 (f) A temporary license issued pursuant to this section shall  
12 expire 12 months after issuance, upon issuance of an expedited  
13 license pursuant to Section 115.5, a license by endorsement, or  
14 upon denial of the application for expedited licensure by the board,  
15 whichever occurs first.

16 ~~(g) A temporary license issued pursuant to this section shall be  
17 converted to a standard license if, within 12 months of issuance,  
18 the applicant demonstrates having met all of the requirements for  
19 a standard license or submits documents demonstrating that the  
20 requirements to obtain the out-of-state license were substantially  
21 equivalent to the requirements for a standard license as determined  
22 by the board in order to protect the public.~~

23 ~~(h)~~

24 (g) A board shall ~~adopt~~ *submit to the department for approval*  
25 *draft* regulations necessary to administer this section ~~and shall~~  
26 ~~publish these regulations on its internet website and in application~~  
27 ~~materials~~ by January 1, 2022. *These regulations shall be adopted*  
28 *pursuant to the Administrative Procedure Act (Chapter 3.5*  
29 *(commencing with Section 11340) of Part 1 of Division 3 of Title*  
30 *2 of the Government Code).*

31 (h) *This section shall not apply to a board that has a process*  
32 *in place by which an out-of-state licensed applicant in good*  
33 *standing who is married to, or in a domestic partnership or other*  
34 *legal union with, an active duty member of the Armed Forces of*  
35 *the United States is able to receive expedited, temporary*  
36 *authorization to practice while meeting state-specific requirements*  
37 *for a period of at least one year.*

38 SEC. 2. Section 5132 of the Business and Professions Code is  
39 amended to read:

1 5132. (a) All moneys received by the board under this chapter  
 2 from any source and for any purpose and from a temporary license  
 3 issued under Section 115.6 shall be accounted for and reported  
 4 monthly by the board to the Controller and at the same time the  
 5 moneys shall be remitted to the State Treasury to the credit of the  
 6 Accountancy Fund.

7 (b) The secretary-treasurer of the board shall, from time to time,  
 8 but not less than once each fiscal year, prepare or have prepared  
 9 on their behalf, a financial report of the Accountancy Fund that  
 10 contains information that the board determines is necessary for  
 11 the purposes for which the board was established.

12 (c) The report of the Accountancy Fund, which shall be  
 13 published pursuant to Section 5008, shall include the revenues and  
 14 the related costs from examination, initial licensing, license  
 15 renewal, citation and fine authority, and cost recovery from  
 16 enforcement actions and case settlements.

17  
 18 \_\_\_\_\_  
 19 **REVISIONS:**  
 20 **Heading—Line 2.**  
 21 \_\_\_\_\_

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**SB 865 (Hill, D-San Mateo)**  
**Excavations: subsurface installations.**

**Status:** 8/5/2020 – Passed Assembly Committee on Utilities and Energy. Referred to Assembly Committee on Appropriations.

**Location:** 8/12/2020 – Assembly Appropriations Committee

**Introduced:** 1/17/2020

**Last Amended:** 7/27/2020

**Board Position:** Oppose Unless Amended, as amended 6/2/2020 (as of 6/25/2020)

**Board Staff Analysis:** 8/12/2020

**Bill Summary:** Existing law, the Dig Safe Act of 2016, created the California Underground Facilities Safe Excavation Board within the Office of the State Fire Marshall. This bill would provide that the board is also known as the “Dig Safe Board.” The act requires the Dig Safe Board to perform various duties relating to the protection of subsurface installations and generally requires an operator of a subsurface installation to become a member of, participate in, and share in the costs of, a regional notification center. The act also requires certain records of notifications to a center and certain other records on subsurface installations to be maintained in specified manners for specified periods of time. This bill would require that, commencing January 1, 2021, all new subsurface installations be tagged with GIS coordinates and maintained as permanent records of the operator. [The bill makes other changes that do not impact this Board.]

**Staff Comment:** This bill was brought to Board staff’s attention because of an inquiry regarding the wording proposed to be added to Section 4216.3 of the Government Code. The new language, which would be added to subparagraph (4) of subdivision (a) [shown on pages 9 and 10 of the bill], reads “Commencing January 1, 2021, all new subsurface installations shall be tagged with GIS coordinates and maintained as permanent records of the operator.” We were asked if performing this task would constitute the practice of land surveying since work with Geographic Information Systems (GIS) may involve acts which fall within the defined area of practice of land surveying. In reviewing the bill, staff became concerned with the proposed wording because the phrase “tagged with GIS coordinates” is not typical terminology used with GIS systems nor is it clear as to exactly what is meant by this term, how the coordinates would be captured in the field, whether statements of accuracy would be expected, or how the captured coordinates will subsequently be relied upon in terms of accuracy. Staff believes this wording could cause confusion about what work is to be done and who must perform that work. Staff has developed a proactive working relationship with staff at the Dig Safe Board since its creation, and we believe we could be of assistance in developing appropriate wording.

At its March 12, 2020, meeting, the Board took a position of “Watch” on SB 865 and directed staff to work with the author, sponsors, and Dig Safe Board staff to determine the actual intent of this amendment and to assist them with developing language that would more appropriately reflect that used with GIS systems and would address any issues relating to compliance with the Professional Land Surveyors’ Act. Board staff has offered our assistance to the Dig Safe Board staff, and they have advised they will be in contact with us regarding the bill.

Board staff has had the opportunity to discuss SB 865 with the Author’s staff, the Executive Officer of the Dig Safe Board, and representatives from the various dig alert organizations. They advised that their intent is to require the utility owners/operators to capture accurate coordinates of newly installed subsurface utilities at the time of installation for the purposes of recording and relying upon those coordinates to “locate and mark” the locations in the event of future excavations nearby. We provided information on what would be involved in meeting that intent and that capturing coordinates in the manner in which they described would be required to be performed by, or under the responsible charge, of an individual legally authorized to practice land surveying. The parties indicated they appreciated our input and would consider amending the bill to provide clarification.

The bill was amended on June 2, 2020, but the amendments do not pertain to the Board’s concerns with the phrase “tagged with GIS coordinates.” This bill has now advanced to the Senate floor. As such, Board staff recommends the Board take a position of “Oppose Unless Amended” on SB 865, as amended June 2, 2020, and request that appropriate language be included to clarify the intent to capture accurate coordinates that would be relied upon to locate and mark subsurface utilities and to indicate that such work would have to be done by, or under the responsible charge of, individuals legally authorized to practice land surveying.

SB 865 was amended on July 27, 2020. One of the amendments changes the sentence that concerned the Board, as shown below.

“Commencing January 1, ~~2021~~ 2023, all new subsurface installations shall be ~~tagged with GIS coordinates~~ mapped using a geographic information system and maintained as permanent records of the operator.”

The author’s office has indicated that the phrase “mapped using a geographic information system” is consistent with other statutes that reference GIS matters. Board staff has reviewed this new language and believes it sufficiently addresses the concerns of the Board and, therefore, recommends that the Board remove its opposition to the bill.

**Staff Recommendation:** Staff recommends the Board take a position of “Watch” on SB 865, as amended July 27, 2020.

**Laws:** An act to amend Sections 4216, 4216.1, 4216.2, 4216.3, 4216.4, 4216.6, 4216.12, and 4216.17 of the Government Code, relating to excavations.

AMENDED IN ASSEMBLY JULY 27, 2020

AMENDED IN SENATE JUNE 2, 2020

AMENDED IN SENATE MAY 7, 2020

**SENATE BILL**

**No. 865**

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**Introduced by Senator Hill**

January 17, 2020

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An act to amend Sections 4216, 4216.1, 4216.2, 4216.3, 4216.4, 4216.6, 4216.12, and 4216.17 of the Government Code, relating to excavations.

LEGISLATIVE COUNSEL'S DIGEST

SB 865, as amended, Hill. Excavations: subsurface installations.

Existing law, the Dig Safe Act of 2016, creates the California Underground Facilities Safe Excavation Board within the Office of the State Fire Marshal. The act subjects the board to review by the appropriate policy committees of the Legislature.

This bill would provide that the board is also known as the "Dig Safe Board" and would make conforming changes to references in the act. The bill would require the board, on and after January 1, 2022, to be within the Office of Energy Infrastructure Safety within the Natural Resources Agency, as established pursuant to the California Energy Infrastructure Safety Act. The bill would require policy committee review at least once every 3 years.

The act requires the board to perform various duties relating to the protection of subsurface installations. The act generally requires an operator of a subsurface installation to become a member of, participate in, and share in the costs of, a regional notification center. The act requires a record of all notifications by an excavator or operator to the

regional notification center to be maintained for a period of not less than 3 years and available for inspection as specified. The act requires an operator to maintain certain records on subsurface installations. The act establishes prescribed notification procedures for an excavator who discovers or damages a subsurface installation.

This bill would require a regional notification center to ~~include 2 excavator representatives on its board. The bill would require a regional notification center to~~ provide notification records to the board quarterly and provide notifications of damage to the board within 5 business days of receipt at the regional notification center. The bill would require that, commencing January 1, ~~2021, 2023~~, all new subsurface installations, except for specified oil and gas flowlines 3 inches or less in diameter that are located within the administrative boundaries of an oil field, be ~~tagged with GIS coordinates~~ *mapped using a geographic information system* and maintained as permanent records of the operator. The bill would revise the procedures for notification on discovering or causing damage to expand cases subject to a requirement to call “911” emergency services. In all cases, the excavator would be required to notify the regional notification center within ~~2~~ 48 hours of discovering or causing damage.

The act subjects any operator or excavator who violates the act to a civil penalty. The act authorizes enforcement by certain entities, including specified agencies following a recommendation of the board against contractors, telephone corporations, gas corporations, electrical corporations, water corporations, operators of hazardous liquid pipeline facilities, and local agencies, as specified. The act authorizes the board to enforce its provisions on prescribed persons not subject to enforcement by the specified agencies, commencing on July 1, 2020.

This bill would also authorize enforcement of the act by the specified agencies through their own investigations. The bill would authorize the board to collect penalties imposed on persons subject to its jurisdiction.

The act requires the board, upon appropriation by the Legislature, to grant the use of the moneys in the Safe Energy Infrastructure and Excavation Fund to fund prescribed public education and outreach programs designed to promote excavation safety around subsurface installations.

This bill would delete those education and outreach program provisions and, instead, require the board, for violations that are neither egregious nor persistent, to offer violators the option of completing an educational course in lieu of paying a fine. The bill would make moneys

in the fund available to the board to fund the educational course, subject to appropriation by the Legislature.

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 4216 of the Government Code is amended  
2 to read:

3 4216. As used in this article, the following definitions apply:

4 (a) "Active subsurface installation" means a subsurface  
5 installation currently in use or currently carrying service.

6 (b) "Board" means the California Underground Facilities Safe  
7 Excavation Board, also known as the "Dig Safe Board."

8 (c) "Area of continual excavation" means a location where  
9 excavation is part of the normal business activities of agricultural  
10 operations and flood control facilities.

11 (d) "Delineate" means to mark in white the location or path of  
12 the proposed excavation using the guidelines in Appendix B of  
13 the "Guidelines for Excavation Delineation" published in the most  
14 recent version of the Best Practices guide of the Common Ground  
15 Alliance. If there is a conflict between the marking practices in  
16 those guidelines and other provisions of this article, this article  
17 shall control. "Delineation" also includes physical identification  
18 of the area to be excavated using alternative marking methods,  
19 including, but not limited to, flags, stakes, whiskers, or a  
20 combination of these methods, if an excavator makes a  
21 determination that standard delineation may be misleading to those  
22 persons using affected streets and highways, or be misinterpreted  
23 as a traffic or pedestrian control, and the excavator has contacted  
24 the regional notification center to advise the operators that the  
25 excavator will physically identify the area to be excavated using  
26 alternative marking methods.

27 (e) "Electronic positive response" means an electronic response  
28 from an operator to the regional notification center providing the  
29 status of an operator's statutorily required response to a ticket.

30 (f) (1) "Emergency" means a sudden, unexpected occurrence,  
31 involving a clear and imminent danger, demanding immediate  
32 action to prevent or mitigate loss of, or damage to, life, health,  
33 property, or essential public services.



1 (2) “Unexpected occurrence” includes, but is not limited to, a  
2 fire, flood, earthquake or other soil or geologic movement, riot,  
3 accident, damage to a subsurface installation requiring immediate  
4 repair, or sabotage.

5 (g) “Excavation” means any operation in which earth, rock, or  
6 other material in the ground is moved, removed, or otherwise  
7 displaced by means of tools, equipment, or explosives in any of  
8 the following ways: grading, trenching, digging, ditching, drilling,  
9 augering, tunneling, scraping, cable or pipe plowing and driving,  
10 or any other way.

11 (h) Except as provided in Section 4216.8, “excavator” means  
12 any person, firm, contractor or subcontractor, owner, operator,  
13 utility, association, corporation, partnership, business trust, public  
14 agency, or other entity that, with their own employees or  
15 equipment, performs any excavation.

16 (i) “Hand tool” means a piece of equipment used for excavating  
17 that uses human power and is not powered by any motor, engine,  
18 hydraulic, or pneumatic device.

19 (j) “High priority subsurface installation” means high-pressure  
20 natural gas pipelines with normal operating pressures greater than  
21 415kPA gauge (60psig), petroleum pipelines, pressurized sewage  
22 pipelines, high-voltage electric supply lines, conductors, or cables  
23 that have a potential to ground of greater than or equal to 60kv, or  
24 hazardous materials pipelines that are potentially hazardous to  
25 workers or the public if damaged.

26 (k) “Inactive subsurface installation” means either of the  
27 following:

28 (1) The portion of an underground subsurface installation that  
29 is not active but is still connected to the subsurface installation, or  
30 to any other subsurface installation, that is active or still carries  
31 service.

32 (2) A new underground subsurface installation that has not been  
33 connected to any portion of an existing subsurface installation.

34 (l) “Legal excavation start date and time” means two working  
35 days, not including the date of notification, unless the excavator  
36 specifies a later date and time, which shall not be more than 14  
37 calendar days from the date of notification. For excavation in an  
38 area of continual excavation, “legal excavation start date and time”  
39 means two working days, not including the date of notification,

1 unless the excavator specifies a later date and time, which shall  
2 not be more than six months from the date of notification.

3 (m) “Local agency” means a city, county, city and county,  
4 school district, or special district.

5 (n) (1) “Locate and field mark” means to indicate the existence  
6 of any owned or maintained subsurface installations by using the  
7 guidelines in Appendix B of the “Guidelines for Operator Facility  
8 Field Delineation” published in the most recent version of the Best  
9 Practices guide of the Common Ground Alliance and in  
10 conformance with the uniform color code of the American Public  
11 Works Association. If there is a conflict between the marking  
12 practices in the guidelines and this article, this article shall control.

13 (2) “Locate and field mark” does not require an indication of  
14 the depth.

15 (o) “Operator” means any person, corporation, partnership,  
16 business trust, public agency, or other entity that owns, operates,  
17 or maintains a subsurface installation. For purposes of Section  
18 4216.1, an “operator” does not include an owner of real property  
19 where subsurface installations are exclusively located if they are  
20 used exclusively to furnish services on that property and the  
21 subsurface facilities are under the operation and control of that  
22 owner.

23 (p) “Qualified person” means a person who completes a training  
24 program in accordance with the requirements of Section 1509 of  
25 Title 8 of the California Code of Regulations Injury and Illness  
26 Prevention Program, that meets the minimum locators training  
27 guidelines and practices published in the most recent version of  
28 the Best Practices guide of the Common Ground Alliance.

29 (q) “Regional notification center” means a nonprofit association  
30 or other organization of operators of subsurface installations that  
31 provides advance warning of excavations or other work close to  
32 existing subsurface installations, for the purpose of protecting  
33 those installations from damage, removal, relocation, or repair.

34 (r) “State agency” means every state agency, department,  
35 division, bureau, board, or commission.

36 (s) “Subsurface installation” means any underground pipeline,  
37 conduit, duct, wire, or other structure, except nonpressurized  
38 sewerlines, nonpressurized storm drains, or other nonpressurized  
39 drain lines.

1 (t) "Ticket" means an excavation location request issued a  
2 number by the regional notification center.

3 (u) "Tolerance zone" means 24 inches on each side of the field  
4 marking placed by the operator in one of the following ways:

5 (1) Twenty-four inches from each side of a single marking,  
6 assumed to be the centerline of the subsurface installation.

7 (2) Twenty-four inches plus one-half the specified size on each  
8 side of a single marking with the size of installation specified.

9 (3) Twenty-four inches from each outside marking that  
10 graphically shows the width of the outside surface of the subsurface  
11 installation on a horizontal plane.

12 (v) "Working day" for the purposes of determining excavation  
13 start date and time means a weekday Monday through Friday, from  
14 7:00 a.m. to 5:00 p.m., except for federal holidays and state  
15 holidays, as defined in Section 19853, or as otherwise posted on  
16 the internet website of the regional notification center.

17 SEC. 2. Section 4216.1 of the Government Code is amended  
18 to read:

19 4216.1. (a) Every operator of a subsurface installation, except  
20 the Department of Transportation, shall become a member of,  
21 participate in, and share in the costs of, a regional notification  
22 center. Operators of subsurface installations who are members of,  
23 participate in, and share in, the costs of a regional notification  
24 center, including, but not limited to, the Underground Service  
25 Alert—Northern California or the Underground Service  
26 Alert—Southern California are in compliance with this section  
27 and Section 4216.9. A regional notification center shall not charge  
28 a fee to a person for notifying the regional notification center to  
29 obtain a ticket or to renew a ticket.

30 ~~(b) A regional notification center shall include on its board two~~  
31 ~~excavator representatives.~~

32 SEC. 3. Section 4216.2 of the Government Code is amended  
33 to read:

34 4216.2. (a) Before notifying the appropriate regional  
35 notification center, an excavator planning to conduct an excavation  
36 shall delineate the area to be excavated. If the area is not delineated,  
37 an operator may, at the operator's discretion, choose not to locate  
38 and field mark until the area to be excavated has been delineated.

39 (b) Except in an emergency, an excavator planning to conduct  
40 an excavation shall notify the appropriate regional notification

1 center of the excavator's intent to excavate at least two working  
2 days, and not more than 14 calendar days, before beginning that  
3 excavation. The date of the notification shall not count as part of  
4 the two-working-day notice. If an excavator gives less notice than  
5 the legal excavation start date and time and the excavation is not  
6 an emergency, the regional notification center will take the  
7 information and provide a ticket, but an operator has until the legal  
8 excavation start date and time to respond. However, an excavator  
9 and an operator may mutually agree to a different notice and start  
10 date. The contact information for operators notified shall be  
11 available to the excavator.

12 (c) When the excavation is proposed within 10 feet of a high  
13 priority subsurface installation, the operator of the high priority  
14 subsurface installation shall notify the excavator of the existence  
15 of the high priority subsurface installation to set up an onsite  
16 meeting prior to the legal excavation start date and time or at a  
17 mutually agreed upon time to determine actions or activities  
18 required to verify the location and prevent damage to the high  
19 priority subsurface installation. As part of the meeting, the  
20 excavator shall discuss with the operator the method and tools that  
21 will be used during the excavation and the information the operator  
22 will provide to assist in verifying the location of the subsurface  
23 installation. The excavator shall not begin excavating until after  
24 the completion of the onsite meeting.

25 (d) Except in an emergency, every excavator covered by Section  
26 4216.8 planning to conduct an excavation on private property that  
27 does not require an excavation permit may contact the appropriate  
28 regional notification center if the private property is known, or  
29 reasonably should be known, to contain a subsurface installation  
30 other than the underground facility owned or operated by the  
31 excavator. Before notifying the appropriate regional notification  
32 center, an excavator shall delineate the area to be excavated. Any  
33 temporary marking placed at the planned excavation location shall  
34 be clearly seen, functional, and considerate to surface aesthetics  
35 and the local community. An excavator shall check if any local  
36 ordinances apply to the placement of temporary markings.

37 (e) The regional notification center shall provide a ticket to the  
38 person who contacts the center pursuant to this section and shall  
39 notify any member, if known, who has a subsurface installation  
40 in the area of the proposed excavation. A ticket shall be valid for

1 28 days from the date of issuance. If work continues beyond 28  
2 days, the excavator shall renew the ticket either by accessing the  
3 center's internet website or by calling "811" by the end of the 28th  
4 day.

5 (f) A record of all notifications by an excavator or operator to  
6 the regional notification center shall be maintained for a period of  
7 not less than three years. The record shall be available for  
8 inspection by the excavator and any member, or their  
9 representative, during normal working hours and according to  
10 guidelines for inspection as may be established by the regional  
11 notification centers. A regional notification center shall provide  
12 notification records to the board quarterly and shall provide  
13 notifications of damage to the board within five business days of  
14 receipt at the regional notification center.

15 (g) Unless an emergency exists, an excavator shall not begin  
16 excavation until the excavator receives a response from all known  
17 operators of subsurface installations within the delineated  
18 boundaries of the proposed area of excavation pursuant to  
19 subdivision (a) of Section 4216.3 and until the completion of any  
20 onsite meeting, if required by subdivision (c).

21 (h) If a site requires special access, an excavator shall request  
22 an operator to contact the excavator regarding that special access  
23 or give special instructions on the location request.

24 (i) If a ticket obtained by an excavator expires but work is  
25 ongoing, the excavator shall contact the regional notification center  
26 and get a new ticket and wait a minimum of two working days,  
27 not including the date of the contact, before restarting excavation.  
28 All excavation shall cease during the waiting period.

29 SEC. 4. Section 4216.3 of the Government Code is amended  
30 to read:

31 4216.3. (a) (1) (A) Unless the excavator and operator  
32 mutually agree to a later start date and time, or otherwise agree to  
33 the sequence and timeframe in which the operator will locate and  
34 field mark, an operator shall do one of the following before the  
35 legal excavation start date and time:

36 (i) Locate and field mark within the area delineated for  
37 excavation and, where multiple subsurface installations of the same  
38 type are known to exist together, mark the number of subsurface  
39 installations.

1 (ii) To the extent and degree of accuracy that the information  
2 is available, provide information to an excavator where the  
3 operator's active or inactive subsurface installations are located.

4 (iii) Advise the excavator it operates no subsurface installations  
5 in the area delineated for excavation.

6 (B) An operator shall mark newly installed subsurface  
7 installations in areas with continuing excavation activity.

8 (C) An operator shall indicate with an "A" inside a circle the  
9 presence of any abandoned subsurface installations, if known,  
10 within the delineated area. The markings are to make an excavator  
11 aware that there are abandoned subsurface installations within that  
12 delineated work area.

13 (2) Only a qualified person shall perform subsurface installation  
14 locating activities.

15 (3) A qualified person performing subsurface installation  
16 locating activities on behalf of an operator shall use a minimum  
17 of a single-frequency utility locating device and shall have access  
18 to alternative sources for verification, if necessary.

19 (4) An operator shall amend, update, maintain, and preserve all  
20 plans and records for its subsurface installations as that information  
21 becomes known. If there is a change in ownership of a subsurface  
22 installation, the records shall be turned over to the new operator.  
23 Commencing January 1, 2017, records on abandoned subsurface  
24 installations, to the extent that those records exist, shall be retained.

25 (5) Commencing January 1, ~~2021~~, 2023, all new subsurface  
26 installations shall be ~~tagged with GIS coordinates~~ *mapped using*  
27 *a geographic information system* and maintained as permanent  
28 records of the operator. This paragraph shall not apply to oil and  
29 gas flowlines three inches or less in diameter that are located within  
30 the administrative boundaries of an oil field as designated by the  
31 Geologic Energy Management Division. For purposes of this  
32 paragraph, the following terms have the following meanings:

33 (A) "Flowline" means any pipeline that connects an oil, gas, or  
34 natural gas liquids well with a gathering line or header.

35 (B) "Gathering line" means a pipeline that transports liquid  
36 hydrocarbons between any of the following: multiple wells, a  
37 testing facility, a treating and production facility, a storage facility,  
38 or a custody transfer facility.

39 (C) "Header" means a chamber from which liquid or gas is  
40 distributed to or from smaller pipelines.

1 (b) If the field marks are no longer reasonably visible, an  
2 excavator shall renotify the regional notification center with a  
3 request for remarks that can be for all or a portion of the  
4 excavation. Excavation shall cease in the area to be remarked. If  
5 the delineation markings are no longer reasonably visible, the  
6 excavator shall redelineate the area to be remarked. If remarks are  
7 requested, the operator shall have two working days, not including  
8 the date of request, to remark the subsurface installation. If the  
9 area to be remarked is not the full extent of the original excavation,  
10 the excavator shall delineate the portion to be remarked and provide  
11 a description of the area requested to be remarked on the ticket.  
12 The excavator shall provide a description for the area to be  
13 remarked that falls within the area of the original location request.

14 (c) (1) (A) On and after January 1, 2021, every operator shall  
15 supply an electronic positive response through the regional  
16 notification center before the legal excavation start date and time.  
17 Upon a showing of good cause by an operator, the board may  
18 extend the time by which the operator is required to comply with  
19 this requirement. The board shall not grant an extension beyond  
20 December 31, 2021. The board shall determine which facts or  
21 circumstances constitute good cause.

22 (B) The regional notification center shall make the responses  
23 required by subparagraph (A) available to the excavator.

24 (2) The regional notification centers shall annually report to the  
25 board regarding their continual technological development in their  
26 roles of facilitating communication between excavators and  
27 operators in a manner that enhances safety, accountability, and  
28 efficiency.

29 (d) (1) On or before January 1, 2021, the board shall adopt  
30 regulations to implement subparagraph (A) of paragraph (1) of  
31 subdivision (c). The initial adoption, amendment, or repeal of a  
32 regulation authorized by this section is deemed to address an  
33 emergency, for purposes of Sections 11346.1 and 11349.6, and  
34 the board is hereby exempted for that purpose from the  
35 requirements of subdivision (b) of Section 11346.1. After the initial  
36 adoption, amendment, or repeal of an emergency regulation  
37 pursuant to this section, the board shall not request approval from  
38 the Office of Administrative Law to readopt the regulation as an  
39 emergency regulation pursuant to Section 11346.1.

1 (2) It is the intent of the Legislature, in authorizing the deviations  
2 in this section from the requirements and procedures of Chapter  
3 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
4 Title 2, to authorize the board to expedite the exercise of its power  
5 to implement regulations as its unique operational circumstances  
6 require.

7 (e) The excavator shall notify the appropriate regional  
8 notification center of the failure of an operator to identify  
9 subsurface installations pursuant to subparagraph (A) or (B) of  
10 paragraph (1) of subdivision (a), or subdivision (b). The notification  
11 shall include the ticket issued by the regional notification center.  
12 The regional notification center shall maintain a record of all  
13 notifications received pursuant to this subdivision for a period of  
14 not less than three years. The record shall be available for  
15 inspection pursuant to subdivision (f) of Section 4216.2.

16 (f) If an operator or local agency knows that it has a subsurface  
17 installation embedded or partially embedded in the pavement that  
18 is not visible from the surface, the operator or local agency shall  
19 contact the excavator before pavement removal to communicate  
20 and determine a plan of action to protect that subsurface installation  
21 and excavator.

22 SEC. 5. Section 4216.4 of the Government Code is amended  
23 to read:

24 4216.4. (a) (1) Except as provided in paragraph (2), if an  
25 excavation is within the tolerance zone of a subsurface installation,  
26 the excavator shall determine the exact location of the subsurface  
27 installations in conflict with the excavation using hand tools before  
28 using any power-driven excavation or boring equipment within  
29 the tolerance zone of the subsurface installations. In all cases the  
30 excavator shall use reasonable care to prevent damaging subsurface  
31 installations.

32 (2) (A) An excavator may use a vacuum excavation device to  
33 expose subsurface installations within the tolerance zone if the  
34 operator has marked the subsurface installation, the excavator has  
35 contacted any operator whose subsurface installations may be in  
36 conflict with the excavation, and the operator has agreed to the  
37 use of a vacuum excavation device. An excavator shall inform the  
38 regional notification center of the excavator's intent to use a  
39 vacuum excavation device when obtaining a ticket.



1 (B) An excavator may use power-operated or boring equipment  
2 for the removal of any existing pavement only if there is no known  
3 subsurface installation contained in the pavement.

4 (C) Beginning July 1, 2020, an excavator may use  
5 power-operated or boring equipment, as determined by the board,  
6 prior to determining the exact location of subsurface installations.  
7 The board shall adopt regulations to implement this paragraph on  
8 or before July 1, 2020.

9 (3) An excavator shall presume all subsurface installations to  
10 be active, and shall use the same care around subsurface  
11 installations that may be inactive as the excavator would use around  
12 active subsurface installations.

13 (b) If the exact location of the subsurface installation cannot be  
14 determined by hand excavating in accordance with subdivision  
15 (a), the excavator shall request the operator to provide additional  
16 information to the excavator, to the extent that information is  
17 available to the operator, to enable the excavator to determine the  
18 exact location of the installation. If the excavator has questions  
19 about the markings that an operator has placed, the excavator may  
20 contact the notification center to send a request to have the operator  
21 contact the excavator directly. The regional notification center  
22 shall provide the excavator with the contact telephone number of  
23 the subsurface installation operator.

24 (c) (1) An excavator discovering or causing damage to a  
25 subsurface installation that results in an ~~emergency~~ *emergency, or*  
26 *discovering or causing damage to a high-priority subsurface*  
27 *installation, or discovering or causing damage that results in a*  
28 *leak in a natural gas or hazardous liquid pipeline facility, shall*  
29 *do all of the following:*

30 (A) The excavator shall immediately call “911” emergency  
31 services.

32 (B) After calling “911” emergency services, the excavator shall  
33 immediately notify the subsurface installation operator. The  
34 excavator may contact the regional notification center to obtain  
35 the contact information of the subsurface installation operator. If  
36 the operator is unknown and the damage or discovery of damage  
37 occurs outside the working hours of the regional notification center,  
38 the excavator may follow the instructions provided by the regional  
39 notification center through its internet website or the telephone  
40 line recorded message.

1 (C) Within ~~two~~ 48 hours of discovering or causing damage, the  
2 excavator shall notify the regional notification center.

3 (2) ~~An~~ *Except as specified in paragraph (1), an* excavator  
4 discovering or causing any *other* damage to a subsurface  
5 installation, including ~~all~~ *other* breaks, leaks, nicks, dents, gouges,  
6 grooves, or other damage to subsurface installation lines, conduits,  
7 coatings, or cathodic protection, shall do the following:

8 (A) The excavator shall immediately notify the subsurface  
9 installation operator. The excavator may contact the regional  
10 notification center to obtain the contact information of the  
11 subsurface installation operator. If the operator is unknown and  
12 the damage or discovery of damage occurs outside the working  
13 hours of the regional notification center, the excavator may follow  
14 the instructions provided by the regional notification center through  
15 its internet website or the telephone line recorded message.

16 (B) Within ~~two~~ 48 hours of discovering or causing damage, the  
17 excavator shall notify the regional notification center.

18 (3) *Nothing in this section preempts or impedes the board's*  
19 *authority to impose more restrictive notification time windows.*

20 (d) Each excavator, operator, or locator shall communicate with  
21 each other and respect the appropriate safety requirements and  
22 ongoing activities of the other parties, if known, at an excavation  
23 site.

24 SEC. 6. Section 4216.6 of the Government Code is amended  
25 to read:

26 4216.6. (a) (1) Any operator or excavator who negligently  
27 violates this article is subject to a civil penalty in an amount not  
28 to exceed ten thousand dollars (\$10,000).

29 (2) Any operator or excavator who knowingly and willfully  
30 violates any of the provisions of this article is subject to a civil  
31 penalty in an amount not to exceed fifty thousand dollars (\$50,000).

32 (3) Except as otherwise specifically provided in this article, this  
33 section is not intended to affect any civil remedies otherwise  
34 provided by law for personal injury or for property damage,  
35 including any damage to subsurface installations, nor is this section  
36 intended to create any new civil remedies for those injuries or that  
37 damage.

38 (4) This article shall not be construed to limit any other provision  
39 of law granting governmental immunity to state or local agencies

1 or to impose any liability or duty of care not otherwise imposed  
2 by law upon any state or local agency.

3 (b) An action may be brought by the Attorney General, the  
4 district attorney, or the local or state agency that issued the permit  
5 to excavate, for the enforcement of the civil penalty pursuant to  
6 this section in a civil action brought in the name of the people of  
7 the State of California. If penalties are collected as a result of a  
8 civil suit brought by a state or local agency for collection of those  
9 civil penalties, the penalties imposed shall be paid to the general  
10 fund of the agency. If more than one agency is involved in  
11 enforcement, the penalties imposed shall be apportioned among  
12 them by the court in a manner that will fairly offset the relative  
13 costs incurred by the state or local agencies, or both, in collecting  
14 these fees.

15 (c) This article may also be enforced by the following agencies,  
16 either following a recommendation of the Dig Safe Board that the  
17 agency shall act to accept, amend, or reject, or through the agency's  
18 own investigations, as follows:

19 (1) The Registrar of Contractors of the Contractors' State  
20 License Board shall enforce this article on contractors, as defined  
21 in Article 2 (commencing with Section 7025) of Chapter 9 of  
22 Division 3 of the Business and Professions Code, and telephone  
23 corporations, as defined in Section 234 of the Public Utilities Code,  
24 when acting as a contractor, as defined in Article 2 (commencing  
25 with Section 7025) of Chapter 9 of Division 3 of the Business and  
26 Professions Code. Nothing in this section affects the Public Utilities  
27 Commission's existing authority over a public utility.

28 (2) The Public Utilities Commission shall enforce this article  
29 on gas corporations, as defined in Section 222 of the Public Utilities  
30 Code, and electrical corporations, as defined in Section 218 of the  
31 Public Utilities Code, and water corporations, as defined in Section  
32 241 of the Public Utilities Code.

33 (3) The Office of the State Fire Marshal shall enforce this article  
34 on operators of hazardous liquid pipeline facilities, as defined in  
35 Section 60101 of Chapter 601 of Subtitle VIII of Title 49 of the  
36 United States Code.

37 (d) A local governing board may enforce this article on local  
38 agencies under the governing board's jurisdiction.

39 (e) Commencing July 1, 2020, the Dig Safe Board shall enforce  
40 this article on persons other than those listed in subdivisions (c)

1 and (d). The board shall not initiate an enforcement action pursuant  
2 to this subdivision for a violation that occurred prior to July 1,  
3 2020. As the enforcing body for persons other than those listed in  
4 subdivisions (c) and (d), the board may collect any monetary  
5 penalties imposed upon those persons.

6 (f) Moneys collected as a result of penalties imposed pursuant  
7 to subdivisions (c) and (e) shall be deposited into the Safe Energy  
8 Infrastructure and Excavation Fund.

9 (g) Statewide information provided by operators and excavators  
10 regarding incident events shall be compiled and made available  
11 in an annual report by regional notification centers and posted on  
12 the internet websites of the regional notification centers and shall  
13 be made available to the board upon request.

14 (h) For purposes of subdivision (g), the following terms have  
15 the following meanings:

16 (1) "Incident event" means the occurrence of excavator  
17 downtime, damages, near misses, and violations.

18 (2) "Statewide information" means information submitted by  
19 operators and excavators using the California Regional Common  
20 Ground Alliance's Virtual Private Damage Information Reporting  
21 Tool. Supplied data shall comply with the Damage Information  
22 Reporting Tool's minimum essential information as listed in the  
23 most recent version of the Best Practices guide of the Common  
24 Ground Alliance.

25 SEC. 7. Section 4216.12 of the Government Code is amended  
26 to read:

27 4216.12. (a) The Dig Safe Board is hereby created under, and  
28 shall be assisted by the staff of, the Office of the State Fire Marshal  
29 until January 1, 2022. On and after January 1, 2022, the board shall  
30 be within the Office of Energy Infrastructure Safety within the  
31 Natural Resources Agency pursuant to Part 7.3 (commencing with  
32 Section 15470) of Division 3 of Title 2.

33 (b) The board shall perform the following tasks:

34 (1) Coordinate education and outreach activities that encourage  
35 safe excavation practices, as described in Section 4216.17.

36 (2) Develop standards, as described in Section 4216.18.

37 (3) Investigate possible violations of this article, as described  
38 in Section 4216.19.

39 (4) Enforce this article to the extent authorized by subdivision  
40 (e) of Section 4216.6.

1 (c) Notwithstanding any other law, on and after January 1, 2020,  
2 the board shall be subject to review by the appropriate policy  
3 committees of the Legislature at least once every three years.

4 SEC. 8. Section 4216.17 of the Government Code is amended  
5 to read:

6 4216.17. (a) The board shall annually convene a meeting for  
7 the following purposes:

8 (1) To understand the existing needs for education and outreach,  
9 including to those groups with the highest awareness and education  
10 needs, including, but not limited to, homeowners.

11 (2) To facilitate discussion on how to coordinate existing  
12 education and outreach efforts with state and local government  
13 agencies, California operators, regional notification centers, and  
14 trade associations that fund outreach and education programs that  
15 encourage safe excavation practices.

16 (b) In addition to state and local government agencies, California  
17 operators, regional notification centers, and trade associations that  
18 fund outreach and education programs that encourage safe  
19 excavation practices, the meeting pursuant to subdivision (a) shall  
20 include representatives of groups that may be the target of those  
21 outreach and education efforts.

22 (c) For violations that are neither egregious nor persistent, the  
23 board shall offer violators the option of completing an educational  
24 course in lieu of paying a fine. To develop the programming for  
25 the educational option, the board may contract with a third party  
26 or create the curriculum itself.

27 (d) Upon appropriation by the Legislature, moneys in the Safe  
28 Energy Infrastructure and Excavation Fund shall be available to  
29 the board to fund the educational course developed pursuant to  
30 subdivision (c).

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**SB 878 (Jones, R-El Cajon)**  
**Department of Consumer Affairs Licensing: applications: wait times.**

**Status:** 8/11/2020 – Passed Assembly Committee on Business and Professions. Referred to Assembly Committee on Appropriations.

**Location:** 8/12/2020 – Assembly Committee on Appropriations

**Introduced:** 1/22/2020

**Last Amended:** 6/18/2020

**Board Position:** Support, as amended 6/18/2020 (as of 6/25/2020)

**Board Staff Analysis:** 8/12/2020

**Bill Summary:** This bill would add Section 139.5 to the Business and Professions Code. This new section would require boards within the Department of Consumer Affairs to do both of the following:

1. Prominently display the current timeframe for processing initial and renewal license applications on its internet website.
2. With respect to the information displayed on the website, specify the average timeframe for each license category.

**Staff Comment:** It is not clear what is meant by “current.” Does it mean the data must be updated whenever an application or renewal is processed? Or does it mean on a daily or weekly (or some other time period) basis? It is also not clear how the “average timeframe” referenced in the second provision is different from the “current timeframe” in the first provision. While the goal of providing information to the applicants, licensees, and the public regarding how long it takes to process applications and renewals is laudable, it would be difficult to meet the requirements of this bill without further clarification of the terms used.

Until such time as the Board’s new IT system is fully implemented, tracking and compiling this data would have to be done manually, which would create additional workload for staff.

At its March 12, 2020, meeting, the Board took a position of “Watch” on SB 878 to see if further clarification of the terms in the bill is provided when the bill is heard in Committee.

As is standard procedure with any legislation that could have a fiscal impact on the Board, we provided information indicating that there could a significant fiscal impact to the Board if we were required to produce the specified information more often than the current annual report because of the significant manual work involved at this time. Board staff has recently had discussions with both the Author’s staff and the consultant for the Senate Appropriations Committee regarding this determination and our other concerns with the bill. We explained that we have concerned with the terminology used in the bill, as well as with the fiscal and workload impacts to the Board because of the confusion that could be caused by the terminology and because of the manual work we would have to do to obtain the data since our current IT systems cannot be relied upon to provide accurate data. We also explained that obtaining the data will become much less burdensome once our new IT system is fully implemented for all types of applications and license renewals, which

we anticipate will be sometime in 2021. Both the Author's staff and the Committee consultant were open to considering amendments to the bill to clarify the terminology used, which would help to alleviate some of the fiscal impact the Board could face in complying with these new requirements.

SB 878 was amended on June 18, 2020. The amendments would delay implementation of the requirements for posting until July 1, 2021, and would require the information be posted on at least a quarterly basis. The amendments would require posting of either the current average timeframes for processing initial and renewal applications or the combined current average timeframe for processing both initial and renewal applications and would also require posting these timeframes either for each license type or combined for all license types; it would be at the discretion of the boards which posting option in each of the two categories they chose to post. For example, we would likely choose to post initial and renewal application timeframes separately since the processes are very different and to combine them would not provide an accurate picture of how long it takes for us to process initial applications and license renewals.

The amendments that have been made to SB 878 were based on the discussions Board staff had with the Author's staff and the Committee consultant. Board staff believes these amendments alleviate the Board's concerns with the terminology and with the fiscal and workload considerations. At its June 25, 2020, meeting, the Board took a position of "Support" on SB 878, as amended on June 18, 2020.

**Staff Recommendation:** No action needed at this time.

**Laws:** An act to add Section 139.5 to the Business and Professions Code, relating to professions and vocations.

AMENDED IN SENATE JUNE 18, 2020

**SENATE BILL**

**No. 878**

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**Introduced by Senator Jones**

January 22, 2020

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An act to add Section 139.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 878, as amended, Jones. Department of Consumer ~~Affairs~~ Licensing: applications: wait times. *Affairs: license: application: processing timeframes.*

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

~~This bill~~ *bill, beginning July 1, 2021, would require each board within the department that issues licenses licenses, on at least a quarterly basis, to prominently display on its internet website either the current timeframe average timeframes for processing initial and renewal license applications on its internet website, as provided. or the combined current average timeframe for processing both initial and renewal license applications. The bill would also require each board to prominently display on its internet website either the current average timeframes for processing each license type that the board administers or the combined current average timeframe for processing all license types that the board administers.*

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 139.5 is added to the Business and  
2 Professions Code, to read:

3 139.5. ~~Each~~ *Beginning July 1, 2021, each* board, as defined in  
4 ~~section~~ *Section 22*, within the department that issues a license shall  
5 do both of the ~~following~~: *following on at least a quarterly basis:*

6 (a) Prominently display ~~the~~ *on its internet website one of the*  
7 *following:*

8 (1) ~~The current timeframe~~ *average timeframes* for processing  
9 initial and renewal license ~~applications on its internet website.~~  
10 *applications.*

11 (2) *The combined current average timeframe for processing*  
12 *both initial and renewal license applications.*

13 (b) ~~With respect to the information displayed on the website,~~  
14 ~~specify the~~ *Prominently display on its internet website one of the*  
15 *following:*

16 (1) ~~The current average timeframe~~ *timeframes* for processing  
17 each license ~~category.~~ *type that the board administers.*

18 (2) *The combined current average timeframe for processing all*  
19 *license types that the board administers.*

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**SB 1474 (Introduced by Committee on Business, Professions  
and Economic Development (Senators Glazer (Chair), Archuleta,  
Chang, Dodd, Galgiani, Hill, Leyva, Pan, and Wilk)  
(Principal coauthor: Assembly Member Low)  
(Coauthor: Senator Morrell)  
Business and Professions.**

**Status:** 8/11/2020 – Passed Assembly Business & Professions Committee; referred to Assembly Committee on Appropriations with recommendation to consent calendar.

**Location:** 8/12/2020 – Assembly Appropriations Committee

**Last Amended:** 8/10/2020

**Board Position:** None as of 8/12/2020

**Board Staff Analysis:** 8/12/2020

**Bill Summary:** This bill extends the sunset dates for various boards, bureaus, departments, and councils by an additional year; and makes numerous noncontroversial, minor, nonsubstantive, or technical changes to various provisions pertaining to the regulatory entities under the Department of Consumer Affairs (DCA). It also adds Section 1670.8.5 to the Civil Code that would prohibit a contract for the provision of a consumer service by a licensee regulated by a board from including a provision limiting the consumer's ability to file a complaint with that board or to participate in a board investigation into the licensee.

**Staff Comment:** The only provision of this bill that impacts the Board is the addition of Section 1670.8.5 to the Civil Code. The rest of the bill deals with other boards and entities. The addition of Section 1670.8.5 was originally amended into Assembly Bill (AB) 1263, and the Board has taken a position of Support on that bill. On July 27, 2020, the provisions of AB 1263 were amended into this bill. Therefore, Board staff recommends that the Board take a position of Support on Senate Bill 1474, specifically relating to the provision to add Section 1670.8.5 to the Civil Code. (The amendments made on August 10, 2020, do not impact Section 1670.8.5.).

**Staff Recommendation:** The Board take a position of SUPPORT on SB 1474, as amended August 10, 2020.

**Laws:** An act to amend Sections 27, 101, 125.9, 130, 144, 200.1, 205, 494.5, 1000, 1913, 1917, 1917.1, 1922, 2065, 2113, 2135.5, 2460, 2531, 2531.75, 2570.19, 2602, 2607.5, 2841, 2847.1, 2847.3, 2920, 2933, 3504, 3512, 3686, 3710, 3716, 4001, 4003, 4501, 4503, 4604, 4621, 4800, 4804.5, 4990, 4990.04, 5600.4, 5810, 7000, 7000.5, 7000.6, 7011.4, 7011.5, 7011.8, 7015, 7017.3, 7028.7, 7030, 7031, 7058.7, 7071.4, 7080.5, 7085.5, 7099.2, 7123.5, 7135, 7136, 7137, 7137.5, 7138, 7139.1, 7139.2, 7141.5, 7145.5, 7159, 7170, 7303, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 8516, 10050, 11301, 16100, and 19164 of, to amend, repeal, and add Section 1632 of, to add Section 7099.9 to, and to add and repeal Section 1632.56 of, the Business and Professions Code, to add Section 1670.8.5 to the Civil Code, and to amend Section 94950 of the Education Code, relating to business and professions, and making an appropriation therefor.

AMENDED IN ASSEMBLY AUGUST 10, 2020

AMENDED IN ASSEMBLY JULY 27, 2020

AMENDED IN SENATE JUNE 18, 2020

AMENDED IN SENATE MAY 14, 2020

**SENATE BILL**

**No. 1474**

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**Introduced by Committee on Business, Professions and Economic  
Development (Senators Glazer (Chair), Archuleta, Chang, Dodd,  
Galgiani, Hill, Leyva, Pan, and Wilk)**

(Principal coauthor: Assembly Member Low)

**(Coauthor: Senator Morrell)**

March 16, 2020

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An act to amend Sections 27, 101, 125.9, 130, 144, 200.1, 205, 494.5, 1000, ~~4209~~, 1913, 1917, 1917.1, 1922, 2065, 2113, 2135.5, 2460, 2531, 2531.75, 2570.19, 2602, 2607.5, 2841, 2847.1, 2847.3, 2920, 2933, 3504, 3512, 3686, 3710, 3716, 4001, 4003, 4501, 4503, 4604, 4621, 4800, 4804.5, 4990, 4990.04, 5600.4, 5810, 7000, 7000.5, 7000.6, 7011.4, 7011.5, 7011.8, 7015, 7017.3, 7028.7, 7030, 7031, 7058.7, 7071.4, 7080.5, 7085.5, 7099.2, 7123.5, 7135, 7136, 7137, 7137.5, 7138, 7139.1, 7139.2, 7141.5, 7145.5, 7159, 7170, 7303, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 8516, 10050, 11301, 16100, and 19164 of, to amend, repeal, and add Section 1632 of, to add ~~Sections 5650.5~~ and *Section 7099.9* to, and to add and repeal Section 1632.56 of, the Business and Professions Code, to add Section 1670.8.5 to the Civil Code, and to amend Section 94950 of the Education Code, relating to business and professions, and making an appropriation therefor.



if it is delivered to the board's headquarters or postmarked within 90 days of the expiration of the license.

(2) Existing law, the Chiropractic Act, enacted by an initiative measure, provides for the licensure and regulation of chiropractors in this state by the State Board of Chiropractic Examiners. Existing law requires that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2022.

This bill would require that the powers and duties of the board, as provided, be subject to review by the appropriate policy committees of the Legislature as if that act were scheduled to be repealed on January 1, 2023.

(3) Existing law authorizes the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California and any board within the Department of Consumer Affairs to issue a citation that may contain an order of abatement or an order to pay an administrative fine, and provides that a failure to pay a fine within 30 days of the date of assessment may result in disciplinary action.

This bill would also make a failure to comply with the order of abatement within 30 days of the date of the order subject to disciplinary action.

~~(4) Existing law provides for the licensure, registration, and regulation of clinical laboratories and various clinical laboratory personnel by the State Department of Public Health. Existing law requires a clinical laboratory test or examination classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) to be performed under the overall operation and administration of a laboratory director, which is defined to include certain licensees.~~

~~This bill would expand the definition of "laboratory director" to include licensed dentists.~~

~~(5)~~

(4) Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California in the Department of Consumer Affairs. Existing law requires an applicant for licensure to have taken and received a passing score on either a clinical and written examination administered by the Western Regional Examining Board or a clinical and written examination developed by the American Board of Dental Examiners, Inc., as specified.

This bill, until January 1, 2025, would specify that an applicant who received a passing score on an examination administered by the Western Regional Examining Board between January 1, 2015, to December 31, 2019, inclusive, shall be deemed to satisfy the examination requirement, as specified.

~~(6)~~

(5) Existing law provides for the licensure and regulation of registered dental hygienists by the Dental Hygiene Board of California. Existing law authorizes a registered dental hygienist to perform a procedure or provide a service within the scope of their practice under the appropriate level of supervision, as specified.

This bill would also require a registered dental hygienist to have completed the appropriate education and training required to perform the procedure or provide the service.

Existing law requires a person to have satisfactorily completed a specified examination within the preceding 2 years as a condition of licensure as a registered dental hygienist.

This bill would instead require completion of the dental hygiene examination within the preceding 3 years.

Existing law requires a person, as a condition for licensure as a registered dental hygienist in alternative practice, to successfully complete a bachelor's degree or its equivalent from an accredited college or institution of higher education, among other requirements.

This bill would specify that the equivalent of a bachelor's degree is recognized as a minimum of 120 semester credit hours or 180 quarter credit hours in postsecondary education.

~~(7)~~

(6) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California, and requires an applicant for a physician's and surgeon's license who has completed 36 months of approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training in another state or Canada and who is accepted into an approved postgraduate training program in California to obtain their physician's and surgeon's license within 90 days after beginning the postgraduate training program.

This bill would delete the requirement that the person be accepted into an approved postgraduate training in another state or Canada.

Existing law authorizes the Medical Board of California, in its discretion, to waive certain examination and certification requirements

for licensure for a graduate of a foreign medical school who holds a certificate of registration issued by the board to practice medicine as a full-time faculty member at a medical school.

This bill would also authorize the board to accept clinical practice in an appointment as qualifying time to meet specified postgraduate training requirements for licensure for those registrants.

Existing law authorizes the Medical Board of California, upon and review and recommendation, to determine that an applicant for a physician and surgeon's certificate has satisfied the medical education and examination requirements for an applicant who holds an unlimited and unrestricted license as a physician and surgeon in another state and has held the license continuously for a minimum of 4 years, subject to satisfaction of specified requirements.

This bill would also require the applicant to meet specified postgraduate training requirements.

(8)

(7) Existing law, the Architects Practice Act, provides for the licensure and regulation of architects by the California Architects Board. Existing law requires the board to issue a retired license to an architect who meets specified requirements, and also provides for the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are not renewed within 5 years of its expiration.

This bill would also authorize the restoration of a retired license to active status upon satisfaction of specified requirements applicable to licenses that are renewed within 5 years of its expiration.

~~(9) Existing law provides for the licensure and regulation of landscape architects by the California Architects Board and the Landscape Architects Technical Committee of the California Architects Board.~~

~~This bill would authorize the board to obtain and review criminal offender record information and would require an applicant, as a condition of licensure, to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The bill would require the applicant to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches, and would require the applicant to certify, under penalty of perjury, whether the applicant's fingerprints have been furnished to the Department of Justice. By expanding the crime of perjury, the bill would impose a state-mandated local program.~~

~~(10)~~

(8) Existing law provides for the January 1, 2021, repeal of provisions creating the Podiatric Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Board of Psychology, the Physician Assistant Board, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Behavioral Sciences, and the State Board of Barbering and Cosmetology.

This bill would extend the operation of those provisions to January 1, 2022, and make conforming changes relating to the appointment of an executive officer, as applicable.

~~(11)~~

(9) Existing law provides for the January 1, 2022, repeal of provisions regulating naturopathic medicine and interior design and provisions creating the California Board of Occupational Therapy, the Physical Therapy Board of California, the Respiratory Care Board of California, and the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

This bill would extend the operation of those provisions to January 1, 2023, and make conforming changes relating to the appointment of an executive officer, as applicable.

~~(12)~~

(10) Existing law, the Massage Therapy Act, until January 1, 2021, provides for the certification and regulation of massage therapists by the California Massage Therapy Council.

This bill would extend the operation of the Massage Therapy Act to January 1, 2022, and make conforming changes relating to massage therapist certification requirements.

~~(13)~~

(11) Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services. Existing law, until January 1, 2021, authorizes the bureau to issue a private investigator license to a limited liability company. A violation of the act is a crime.

This bill would extend that date to January 1, 2024. By extending the operation of these provisions, the bill would impose a state-mandated local program.

~~(14)~~

(12) Existing law, the Real Estate Law, provides for the licensure and regulation of real estate brokers by the Real Estate Commissioner,



the chief officer of the Department of Real Estate within the Business, Consumer Services, and Housing Agency. The Real Estate Law subjects the powers and duties of the department, under specified provisions of law, to review by the appropriate policy committees of the Legislature, performed as if those provisions were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

~~(15)~~

*(13)* Existing law, the Real Estate Appraisers' Licensing and Certification Law, creates a Bureau of Real Estate Appraisers within the Department of Consumer Affairs to administer and enforce that law. The Real Estate Appraisers' Licensing and Certification Law subjects the powers and duties of the bureau to review by the appropriate policy committees of the Legislature, performed as if that law were scheduled to be repealed as of January 1, 2021.

This bill would extend that date to January 1, 2022.

~~(16)~~

*(14)* Existing law regulates the formation and enforcement of contracts, including what constitutes an unlawful contract. Under existing law, a contract is unlawful if it is contrary to an express provision of law, contrary to the policy of express law, though not expressly prohibited, or otherwise contrary to good morals.

Existing law regulates licensees who are subject to the jurisdiction of a state licensing entity, including the State Bar of California, the Department of Real Estate, the Department of Consumer Affairs, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

This bill would prohibit a contract or proposed contract for the provision of a consumer service by a licensee regulated by a licensing board from including a provision limiting the consumer's ability to file a complaint with that board or to participate in the board's investigation into the licensee. The bill would specify that a waiver of these provisions is contrary to public policy and is void and unenforceable. The bill would provide that a violation of these provisions by a licensee constitutes unprofessional conduct subject to discipline by the licensee's regulatory board.

~~(17)~~

*(15)* Existing law, the California Private Postsecondary Education Act of 2009, until January 1, 2021, provides, among other things, for student protections and regulatory oversight of private postsecondary

institutions in the state, enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs.

This bill would extend the operation of the California Private Postsecondary Education Act of 2009 to January 1, 2022.

(18)

(16) This bill would make other conforming, technical, and nonsubstantive changes.

(19)

(17) 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 27 of the Business and Professions Code  
2 is amended to read:

3 27. (a) Each entity specified in subdivisions (c), (d), and (e)  
4 shall provide on the internet information regarding the status of  
5 every license issued by that entity in accordance with the California  
6 Public Records Act (Chapter 3.5 (commencing with Section 6250)  
7 of Division 7 of Title 1 of the Government Code) and the  
8 Information Practices Act of 1977 (Chapter 1 (commencing with  
9 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).  
10 The public information to be provided on the internet shall include  
11 information on suspensions and revocations of licenses issued by  
12 the entity and other related enforcement action, including  
13 accusations filed pursuant to the Administrative Procedure Act  
14 (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
15 Division 3 of Title 2 of the Government Code) taken by the entity  
16 relative to persons, businesses, or facilities subject to licensure or  
17 regulation by the entity. The information may not include personal  
18 information, including home telephone number, date of birth, or  
19 social security number. Each entity shall disclose a licensee's  
20 address of record. However, each entity shall allow a licensee to  
21 provide a post office box number or other alternate address, instead  
22 of the licensee's home address, as the address of record. This

1 section shall not preclude an entity from also requiring a licensee,  
2 who has provided a post office box number or other alternative  
3 mailing address as the licensee's address of record, to provide a  
4 physical business address or residence address only for the entity's  
5 internal administrative use and not for disclosure as the licensee's  
6 address of record or disclosure on the internet.

7 (b) In providing information on the internet, each entity specified  
8 in subdivisions (c) and (d) shall comply with the Department of  
9 Consumer Affairs' guidelines for access to public records.

10 (c) Each of the following entities within the Department of  
11 Consumer Affairs shall comply with the requirements of this  
12 section:

13 (1) The Board for Professional Engineers, Land Surveyors, and  
14 Geologists shall disclose information on its registrants and  
15 licensees.

16 (2) The Bureau of Automotive Repair shall disclose information  
17 on its licensees, including auto repair dealers, smog stations, lamp  
18 and brake stations, smog check technicians, and smog inspection  
19 certification stations.

20 (3) The Bureau of Household Goods and Services shall disclose  
21 information on its licensees and registrants, including major  
22 appliance repair dealers, combination dealers (electronic and  
23 appliance), electronic repair dealers, service contract sellers, service  
24 contract administrators, and household movers.

25 (4) The Cemetery and Funeral Bureau shall disclose information  
26 on its licensees, including cemetery brokers, cemetery salespersons,  
27 cemetery managers, crematory managers, cemetery authorities,  
28 crematories, cremated remains disposers, embalmers, funeral  
29 establishments, and funeral directors.

30 (5) The Professional Fiduciaries Bureau shall disclose  
31 information on its licensees.

32 (6) The Contractors State License Board shall disclose  
33 information on its licensees and registrants in accordance with  
34 Chapter 9 (commencing with Section 7000) of Division 3. In  
35 addition to information related to licenses as specified in  
36 subdivision (a), the board shall also disclose information provided  
37 to the board by the Labor Commissioner pursuant to Section 98.9  
38 of the Labor Code.

39 (7) The Bureau for Private Postsecondary Education shall  
40 disclose information on private postsecondary institutions under

1 its jurisdiction, including disclosure of notices to comply issued  
2 pursuant to Section 94935 of the Education Code.

3 (8) The California Board of Accountancy shall disclose  
4 information on its licensees and registrants.

5 (9) The California Architects Board shall disclose information  
6 on its licensees, including architects and landscape architects.

7 (10) The State Athletic Commission shall disclose information  
8 on its licensees and registrants.

9 (11) The State Board of Barbering and Cosmetology shall  
10 disclose information on its licensees.

11 (12) The Acupuncture Board shall disclose information on its  
12 licensees.

13 (13) The Board of Behavioral Sciences shall disclose  
14 information on its licensees and registrants.

15 (14) The Dental Board of California shall disclose information  
16 on its licensees.

17 (15) The State Board of Optometry shall disclose information  
18 on its licensees and registrants.

19 (16) The Board of Psychology shall disclose information on its  
20 licensees, including psychologists, psychological assistants, and  
21 registered psychologists.

22 (17) The Veterinary Medical Board shall disclose information  
23 on its licensees, registrants, and permitholders.

24 (d) The State Board of Chiropractic Examiners shall disclose  
25 information on its licensees.

26 (e) The Structural Pest Control Board shall disclose information  
27 on its licensees, including applicators, field representatives, and  
28 operators in the areas of fumigation, general pest and wood  
29 destroying pests and organisms, and wood roof cleaning and  
30 treatment.

31 (f) The Bureau of Cannabis Control shall disclose information  
32 on its licensees.

33 (g) "Internet" for the purposes of this section has the meaning  
34 set forth in paragraph (6) of subdivision (f) of Section 17538.

35 SEC. 2. Section 101 of the Business and Professions Code is  
36 amended to read:

37 101. The department is comprised of the following:

38 (a) The Dental Board of California.

39 (b) The Medical Board of California.

40 (c) The State Board of Optometry.

- 1 (d) The California State Board of Pharmacy.
- 2 (e) The Veterinary Medical Board.
- 3 (f) The California Board of Accountancy.
- 4 (g) The California Architects Board.
- 5 (h) The State Board of Barbering and Cosmetology.
- 6 (i) The Board for Professional Engineers, Land Surveyors, and
- 7 Geologists.
- 8 (j) The Contractors State License Board.
- 9 (k) The Bureau for Private Postsecondary Education.
- 10 (l) The Bureau of Household Goods and Services.
- 11 (m) The Board of Registered Nursing.
- 12 (n) The Board of Behavioral Sciences.
- 13 (o) The State Athletic Commission.
- 14 (p) The Cemetery and Funeral Bureau.
- 15 (q) The Bureau of Security and Investigative Services.
- 16 (r) The Court Reporters Board of California.
- 17 (s) The Board of Vocational Nursing and Psychiatric
- 18 Technicians.
- 19 (t) The Landscape Architects Technical Committee.
- 20 (u) The Division of Investigation.
- 21 (v) The Bureau of Automotive Repair.
- 22 (w) The Respiratory Care Board of California.
- 23 (x) The Acupuncture Board.
- 24 (y) The Board of Psychology.
- 25 (z) The Podiatric Medical Board of California.
- 26 (aa) The Physical Therapy Board of California.
- 27 (ab) The Arbitration Review Program.
- 28 (ac) The Physician Assistant Board.
- 29 (ad) The Speech-Language Pathology and Audiology and
- 30 Hearing Aid Dispensers Board.
- 31 (ae) The California Board of Occupational Therapy.
- 32 (af) The Osteopathic Medical Board of California.
- 33 (ag) The Naturopathic Medicine Committee.
- 34 (ah) The Dental Hygiene Board of California.
- 35 (ai) The Professional Fiduciaries Bureau.
- 36 (aj) The State Board of Chiropractic Examiners.
- 37 (ak) The Bureau of Real Estate Appraisers.
- 38 (al) The Structural Pest Control Board.
- 39 (am) The Bureau of Cannabis Control.

1 (an) Any other boards, offices, or officers subject to its  
2 jurisdiction by law.

3 (ao) This section shall become operative on July 1, 2018.

4 SEC. 3. Section 125.9 of the Business and Professions Code  
5 is amended to read:

6 125.9. (a) Except with respect to persons regulated under  
7 Chapter 11 (commencing with Section 7500), any board, bureau,  
8 or commission within the department, the State Board of  
9 Chiropractic Examiners, and the Osteopathic Medical Board of  
10 California, may establish, by regulation, a system for the issuance  
11 to a licensee of a citation which may contain an order of abatement  
12 or an order to pay an administrative fine assessed by the board,  
13 bureau, or commission where the licensee is in violation of the  
14 applicable licensing act or any regulation adopted pursuant thereto.

15 (b) The system shall contain the following provisions:

16 (1) Citations shall be in writing and shall describe with  
17 particularity the nature of the violation, including specific reference  
18 to the provision of law determined to have been violated.

19 (2) Whenever appropriate, the citation shall contain an order of  
20 abatement fixing a reasonable time for abatement of the violation.

21 (3) In no event shall the administrative fine assessed by the  
22 board, bureau, or commission exceed five thousand dollars (\$5,000)  
23 for each inspection or each investigation made with respect to the  
24 violation, or five thousand dollars (\$5,000) for each violation or  
25 count if the violation involves fraudulent billing submitted to an  
26 insurance company, the Medi-Cal program, or Medicare. In  
27 assessing a fine, the board, bureau, or commission shall give due  
28 consideration to the appropriateness of the amount of the fine with  
29 respect to factors such as the gravity of the violation, the good  
30 faith of the licensee, and the history of previous violations.

31 (4) A citation or fine assessment issued pursuant to a citation  
32 shall inform the licensee that if the licensee desires a hearing to  
33 contest the finding of a violation, that hearing shall be requested  
34 by written notice to the board, bureau, or commission within 30  
35 days of the date of issuance of the citation or assessment. If a  
36 hearing is not requested pursuant to this section, payment of any  
37 fine shall not constitute an admission of the violation charged.  
38 Hearings shall be held pursuant to Chapter 5 (commencing with  
39 Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
40 Code.

1 (5) Failure of a licensee to pay a fine or comply with an order  
2 of abatement, or both, within 30 days of the date of assessment or  
3 order, unless the citation is being appealed, may result in  
4 disciplinary action being taken by the board, bureau, or  
5 commission. Where a citation is not contested and a fine is not  
6 paid, the full amount of the assessed fine shall be added to the fee  
7 for renewal of the license. A license shall not be renewed without  
8 payment of the renewal fee and fine.

9 (c) The system may contain the following provisions:

10 (1) A citation may be issued without the assessment of an  
11 administrative fine.

12 (2) Assessment of administrative fines may be limited to only  
13 particular violations of the applicable licensing act.

14 (d) Notwithstanding any other provision of law, if a fine is paid  
15 to satisfy an assessment based on the finding of a violation,  
16 payment of the fine and compliance with the order of abatement,  
17 if applicable, shall be represented as satisfactory resolution of the  
18 matter for purposes of public disclosure.

19 (e) Administrative fines collected pursuant to this section shall  
20 be deposited in the special fund of the particular board, bureau, or  
21 commission.

22 SEC. 4. Section 130 of the Business and Professions Code is  
23 amended to read:

24 130. (a) Notwithstanding any other law, the term of office of  
25 any member of an agency designated in subdivision (b) shall be  
26 for a term of four years expiring on June 1.

27 (b) Subdivision (a) applies to the following boards or  
28 committees:

29 (1) The Medical Board of California.

30 (2) The Podiatric Medical Board of California.

31 (3) The Physical Therapy Board of California.

32 (4) The Board of Registered Nursing, except as provided in  
33 subdivision (c) of Section 2703.

34 (5) The Board of Vocational Nursing and Psychiatric  
35 Technicians.

36 (6) The State Board of Optometry.

37 (7) The California State Board of Pharmacy.

38 (8) The Veterinary Medical Board.

39 (9) The California Architects Board.

40 (10) The Landscape Architect Technical Committee.

- 1 (11) The Board for Professional Engineers and Land Surveyors.
- 2 (12) The Contractors State License Board.
- 3 (13) The Board of Behavioral Sciences.
- 4 (14) The Court Reporters Board of California.
- 5 (15) The State Athletic Commission.
- 6 (16) The Osteopathic Medical Board of California.
- 7 (17) The Respiratory Care Board of California.
- 8 (18) The Acupuncture Board.
- 9 (19) The Board of Psychology.
- 10 (20) The Structural Pest Control Board.

11 SEC. 5. Section 144 of the Business and Professions Code is  
12 amended to read:

13 144. (a) Notwithstanding any other law, an agency designated  
14 in subdivision (b) shall require an applicant to furnish to the agency  
15 a full set of fingerprints for purposes of conducting criminal history  
16 record checks. Any agency designated in subdivision (b) may  
17 obtain and receive, at its discretion, criminal history information  
18 from the Department of Justice and the United States Federal  
19 Bureau of Investigation.

20 (b) Subdivision (a) applies to the following:

- 21 (1) California Board of Accountancy.
- 22 (2) State Athletic Commission.
- 23 (3) Board of Behavioral Sciences.
- 24 (4) Court Reporters Board of California.
- 25 (5) Dental Board of California.
- 26 (6) California State Board of Pharmacy.
- 27 (7) Board of Registered Nursing.
- 28 (8) Veterinary Medical Board.
- 29 (9) Board of Vocational Nursing and Psychiatric Technicians.
- 30 (10) Respiratory Care Board of California.
- 31 (11) Physical Therapy Board of California.
- 32 (12) Physician Assistant Committee.
- 33 (13) Speech-Language Pathology and Audiology and Hearing  
34 Aid Dispensers Board.
- 35 (14) Medical Board of California.
- 36 (15) State Board of Optometry.
- 37 (16) Acupuncture Board.
- 38 (17) Cemetery and Funeral Bureau.
- 39 (18) Bureau of Security and Investigative Services.
- 40 (19) Division of Investigation.



- 1 (20) Board of Psychology.  
 2 (21) California Board of Occupational Therapy.  
 3 (22) Structural Pest Control Board.  
 4 (23) Contractors State License Board.  
 5 (24) Naturopathic Medicine Committee.  
 6 (25) Professional Fiduciaries Bureau.  
 7 (26) Board for Professional Engineers, Land Surveyors, and  
 8 Geologists.  
 9 (27) Bureau of Cannabis Control.  
 10 (28) Podiatric Medical Board of California.  
 11 (29) Osteopathic Medical Board of California.  
 12 (30) California Architects Board, beginning January 1, 2021.  
 13 (31) Landscape Architects Technical Committee, beginning  
 14 January 1, 2021.

15 (c) For purposes of paragraph (26) of subdivision (b), the term  
 16 “applicant” shall be limited to an initial applicant who has never  
 17 been registered or licensed by the board or to an applicant for a  
 18 new licensure or registration category.

19 SEC. 6. Section 200.1 of the Business and Professions Code  
 20 is amended to read:

21 200.1. (a) Any accruals that occur on or after September 11,  
 22 1993, to any funds or accounts within the Professions and  
 23 Vocations Fund that realize increased revenues to that fund or  
 24 account as a result of legislation enacted on or after September 11,  
 25 1993, and that have not been transferred pursuant to Sections 13.50,  
 26 13.60, and 13.70 of the Budget Act of 1993 on the effective date  
 27 of the act that enacted this section, shall be exempt from the  
 28 transfers contained in Sections 13.50, 13.60, and 13.70 of the  
 29 Budget Act of 1993. These funds shall include, but not be limited  
 30 to, all of the following:

- 31 (1) Athletic Commission Fund.  
 32 (2) Bureau of Home Furnishings and Thermal Insulation Fund.  
 33 (3) Contractors License Fund.  
 34 (4) Private Investigator Fund.  
 35 (5) Respiratory Care Fund.  
 36 (6) Vocational Nursing and Psychiatric Technicians Fund.

37 (b) Subdivision (a) shall not apply to the Contingent Fund of  
 38 the Medical Board of California.

1 SEC. 7. Section 205 of the Business and Professions Code, as  
2 amended by Section 2 of Chapter 865 of the Statutes of 2019, is  
3 amended to read:

4 205. (a) There is in the State Treasury the Professions and  
5 Vocations Fund. The fund shall consist of the following special  
6 funds:

- 7 (1) Accountancy Fund.
- 8 (2) California Architects Board Fund.
- 9 (3) Athletic Commission Fund.
- 10 (4) Barbering and Cosmetology Contingent Fund.
- 11 (5) Cemetery and Funeral Fund.
- 12 (6) Contractors License Fund.
- 13 (7) State Dentistry Fund.
- 14 (8) Home Furnishings and Thermal Insulation Fund.
- 15 (9) California Architects Board-Landscape Architects Fund.
- 16 (10) Contingent Fund of the Medical Board of California.
- 17 (11) Optometry Fund.
- 18 (12) Pharmacy Board Contingent Fund.
- 19 (13) Physical Therapy Fund.
- 20 (14) Private Investigator Fund.
- 21 (15) Private Security Services Fund.
- 22 (16) Professional Engineer's, Land Surveyor's, and Geologist's  
23 Fund.
- 24 (17) Consumer Affairs Fund.
- 25 (18) Behavioral Sciences Fund.
- 26 (19) Licensed Midwifery Fund.
- 27 (20) Court Reporters' Fund.
- 28 (21) Veterinary Medical Board Contingent Fund.
- 29 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 30 (23) Electronic and Appliance Repair Fund.
- 31 (24) Dispensing Opticians Fund.
- 32 (25) Acupuncture Fund.
- 33 (26) Physician Assistant Fund.
- 34 (27) Board of Podiatric Medicine Fund.
- 35 (28) Psychology Fund.
- 36 (29) Respiratory Care Fund.
- 37 (30) Speech-Language Pathology and Audiology and Hearing  
38 Aid Dispensers Fund.
- 39 (31) Board of Registered Nursing Fund.
- 40 (32) Animal Health Technician Examining Committee Fund.

- 1 (33) State Dental Hygiene Fund.
- 2 (34) State Dental Assistant Fund.
- 3 (35) Structural Pest Control Fund.
- 4 (36) Structural Pest Control Eradication and Enforcement Fund.
- 5 (37) Structural Pest Control Research Fund.
- 6 (38) Household Movers Fund.

7 (b) For accounting and recordkeeping purposes, the Professions  
8 and Vocations Fund shall be deemed to be a single special fund,  
9 and each of the several special funds therein shall constitute and  
10 be deemed to be a separate account in the Professions and  
11 Vocations Fund. Each account or fund shall be available for  
12 expenditure only for the purposes as are now or may hereafter be  
13 provided by law.

14 (c) This section shall be repealed on July 1, 2022.

15 SEC. 8. Section 205 of the Business and Professions Code, as  
16 added by Section 3 of Chapter 865 of the Statutes of 2019, is  
17 amended to read:

18 205. (a) There is in the State Treasury the Professions and  
19 Vocations Fund. The fund shall consist of the following special  
20 funds:

- 21 (1) Accountancy Fund.
- 22 (2) California Architects Board Fund.
- 23 (3) Athletic Commission Fund.
- 24 (4) Barbering and Cosmetology Contingent Fund.
- 25 (5) Cemetery and Funeral Fund.
- 26 (6) Contractors License Fund.
- 27 (7) State Dentistry Fund.
- 28 (8) Home Furnishings and Thermal Insulation Fund.
- 29 (9) California Architects Board-Landscape Architects Fund.
- 30 (10) Contingent Fund of the Medical Board of California.
- 31 (11) Optometry Fund.
- 32 (12) Pharmacy Board Contingent Fund.
- 33 (13) Physical Therapy Fund.
- 34 (14) Private Investigator Fund.
- 35 (15) Private Security Services Fund.
- 36 (16) Professional Engineer's, Land Surveyor's, and Geologist's  
37 Fund.
- 38 (17) Consumer Affairs Fund.
- 39 (18) Behavioral Sciences Fund.
- 40 (19) Licensed Midwifery Fund.

- 1 (20) Court Reporters' Fund.
- 2 (21) Veterinary Medical Board Contingent Fund.
- 3 (22) Vocational Nursing and Psychiatric Technicians Fund.
- 4 (23) Electronic and Appliance Repair Fund.
- 5 (24) Dispensing Opticians Fund.
- 6 (25) Acupuncture Fund.
- 7 (26) Physician Assistant Fund.
- 8 (27) Board of Podiatric Medicine Fund.
- 9 (28) Psychology Fund.
- 10 (29) Respiratory Care Fund.
- 11 (30) Speech-Language Pathology and Audiology and Hearing
- 12 Aid Dispensers Fund.
- 13 (31) Board of Registered Nursing Fund.
- 14 (32) Animal Health Technician Examining Committee Fund.
- 15 (33) State Dental Hygiene Fund.
- 16 (34) Structural Pest Control Fund.
- 17 (35) Structural Pest Control Eradication and Enforcement Fund.
- 18 (36) Structural Pest Control Research Fund.
- 19 (37) Household Movers Fund.

20 (b) For accounting and recordkeeping purposes, the Professions  
 21 and Vocations Fund shall be deemed to be a single special fund,  
 22 and each of the several special funds therein shall constitute and  
 23 be deemed to be a separate account in the Professions and  
 24 Vocations Fund. Each account or fund shall be available for  
 25 expenditure only for the purposes as are now or may hereafter be  
 26 provided by law.

27 (c) This section shall become operative on July 1, 2022.

28 SEC. 9. Section 494.5 of the Business and Professions Code  
 29 is amended to read:

30 494.5. (a) (1) Except as provided in paragraphs (2), (3), and  
 31 (4), a state governmental licensing entity shall refuse to issue,  
 32 reactivate, reinstate, or renew a license and shall suspend a license  
 33 if a licensee's name is included on a certified list.

34 (2) The Department of Motor Vehicles shall suspend a license  
 35 if a licensee's name is included on a certified list. Any reference  
 36 in this section to the issuance, reactivation, reinstatement, renewal,  
 37 or denial of a license shall not apply to the Department of Motor  
 38 Vehicles.

39 (3) The State Bar of California may recommend to refuse to  
 40 issue, reactivate, reinstate, or renew a license and may recommend

1 to suspend a license if a licensee's name is included on a certified  
2 list. The word "may" shall be substituted for the word "shall"  
3 relating to the issuance of a temporary license, refusal to issue,  
4 reactivate, reinstate, renew, or suspend a license in this section for  
5 licenses under the jurisdiction of the California Supreme Court.

6 (4) The Department of Alcoholic Beverage Control may refuse  
7 to issue, reactivate, reinstate, or renew a license, and may suspend  
8 a license, if a licensee's name is included on a certified list.

9 (b) For purposes of this section:

10 (1) "Certified list" means either the list provided by the State  
11 Board of Equalization or the list provided by the Franchise Tax  
12 Board of persons whose names appear on the lists of the 500 largest  
13 tax delinquencies pursuant to Section 7063 or 19195 of the  
14 Revenue and Taxation Code, as applicable.

15 (2) "License" includes a certificate, registration, or any other  
16 authorization to engage in a profession or occupation issued by a  
17 state governmental licensing entity. "License" includes a driver's  
18 license issued pursuant to Chapter 1 (commencing with Section  
19 12500) of Division 6 of the Vehicle Code. "License" excludes a  
20 vehicle registration issued pursuant to Division 3 (commencing  
21 with Section 4000) of the Vehicle Code.

22 (3) "Licensee" means an individual authorized by a license to  
23 drive a motor vehicle or authorized by a license, certificate,  
24 registration, or other authorization to engage in a profession or  
25 occupation issued by a state governmental licensing entity.

26 (4) "State governmental licensing entity" means any entity listed  
27 in Section 101, 1000, or 19420, the office of the Attorney General,  
28 the Department of Insurance, the Department of Motor Vehicles,  
29 the State Bar of California, the Department of Real Estate, and  
30 any other state agency, board, or commission that issues a license,  
31 certificate, or registration authorizing an individual to engage in  
32 a profession or occupation, including any certificate, business or  
33 occupational license, or permit or license issued by the Department  
34 of Motor Vehicles or the Department of the California Highway  
35 Patrol. "State governmental licensing entity" shall not include the  
36 Contractors State License Board.

37 (c) The State Board of Equalization and the Franchise Tax Board  
38 shall each submit its respective certified list to every state  
39 governmental licensing entity. The certified lists shall include the  
40 name, social security number or taxpayer identification number,

1 and the last known address of the persons identified on the certified  
2 lists.

3 (d) Notwithstanding any other law, each state governmental  
4 licensing entity shall collect the social security number or the  
5 federal taxpayer identification number from all applicants for the  
6 purposes of matching the names of the certified lists provided by  
7 the State Board of Equalization and the Franchise Tax Board to  
8 applicants and licensees.

9 (e) (1) Each state governmental licensing entity shall determine  
10 whether an applicant or licensee is on the most recent certified list  
11 provided by the State Board of Equalization and the Franchise Tax  
12 Board.

13 (2) If an applicant or licensee is on either of the certified lists,  
14 the state governmental licensing entity shall immediately provide  
15 a preliminary notice to the applicant or licensee of the entity's  
16 intent to suspend or withhold issuance or renewal of the license.  
17 The preliminary notice shall be delivered personally or by mail to  
18 the applicant's or licensee's last known mailing address on file  
19 with the state governmental licensing entity within 30 days of  
20 receipt of the certified list. Service by mail shall be completed in  
21 accordance with Section 1013 of the Code of Civil Procedure.

22 (A) The state governmental licensing entity shall issue a  
23 temporary license valid for a period of 90 days to any applicant  
24 whose name is on a certified list if the applicant is otherwise  
25 eligible for a license.

26 (B) The 90-day time period for a temporary license shall not be  
27 extended. Only one temporary license shall be issued during a  
28 regular license term and the term of the temporary license shall  
29 coincide with the first 90 days of the regular license term. A license  
30 for the full term or the remainder of the license term may be issued  
31 or renewed only upon compliance with this section.

32 (C) In the event that a license is suspended or an application for  
33 a license or the renewal of a license is denied pursuant to this  
34 section, any funds paid by the applicant or licensee shall not be  
35 refunded by the state governmental licensing entity.

36 (f) (1) A state governmental licensing entity shall refuse to  
37 issue or shall suspend a license pursuant to this section no sooner  
38 than 90 days and no later than 120 days of the mailing of the  
39 preliminary notice described in paragraph (2) of subdivision (e),  
40 unless the state governmental licensing entity has received a release

1 pursuant to subdivision (h). The procedures in the administrative  
2 adjudication provisions of the Administrative Procedure Act  
3 (Chapter 4.5 (commencing with Section 11400) and Chapter 5  
4 (commencing with Section 11500) of Part 1 of Division 3 of Title  
5 2 of the Government Code) shall not apply to the denial or  
6 suspension of, or refusal to renew, a license or the issuance of a  
7 temporary license pursuant to this section.

8 (2) Notwithstanding any other law, if a board, bureau, or  
9 commission listed in Section 101, other than the Contractors State  
10 License Board, fails to take action in accordance with this section,  
11 the Department of Consumer Affairs shall issue a temporary license  
12 or suspend or refuse to issue, reactivate, reinstate, or renew a  
13 license, as appropriate.

14 (g) Notices shall be developed by each state governmental  
15 licensing entity. For an applicant or licensee on the State Board  
16 of Equalization's certified list, the notice shall include the address  
17 and telephone number of the State Board of Equalization, and shall  
18 emphasize the necessity of obtaining a release from the State Board  
19 of Equalization as a condition for the issuance, renewal, or  
20 continued valid status of a license or licenses. For an applicant or  
21 licensee on the Franchise Tax Board's certified list, the notice shall  
22 include the address and telephone number of the Franchise Tax  
23 Board, and shall emphasize the necessity of obtaining a release  
24 from the Franchise Tax Board as a condition for the issuance,  
25 renewal, or continued valid status of a license or licenses.

26 (1) The notice shall inform the applicant that the state  
27 governmental licensing entity shall issue a temporary license, as  
28 provided in subparagraph (A) of paragraph (2) of subdivision (e),  
29 for 90 calendar days if the applicant is otherwise eligible and that  
30 upon expiration of that time period, the license will be denied  
31 unless the state governmental licensing entity has received a release  
32 from the State Board of Equalization or the Franchise Tax Board,  
33 whichever is applicable.

34 (2) The notice shall inform the licensee that any license  
35 suspended under this section will remain suspended until the state  
36 governmental licensing entity receives a release along with  
37 applications and fees, if applicable, to reinstate the license.

38 (3) The notice shall also inform the applicant or licensee that if  
39 an application is denied or a license is suspended pursuant to this  
40 section, any moneys paid by the applicant or licensee shall not be

1 refunded by the state governmental licensing entity. The state  
2 governmental licensing entity shall also develop a form that the  
3 applicant or licensee shall use to request a release by the State  
4 Board of Equalization or the Franchise Tax Board. A copy of this  
5 form shall be included with every notice sent pursuant to this  
6 subdivision.

7 (h) If the applicant or licensee wishes to challenge the  
8 submission of their name on a certified list, the applicant or licensee  
9 shall make a timely written request for release to the State Board  
10 of Equalization or the Franchise Tax Board, whichever is  
11 applicable. The State Board of Equalization or the Franchise Tax  
12 Board shall immediately send a release to the appropriate state  
13 governmental licensing entity and the applicant or licensee, if any  
14 of the following conditions are met:

15 (1) The applicant or licensee has complied with the tax  
16 obligation, either by payment of the unpaid taxes or entry into an  
17 installment payment agreement, as described in Section 6832 or  
18 19008 of the Revenue and Taxation Code, to satisfy the unpaid  
19 taxes.

20 (2) The applicant or licensee has submitted a request for release  
21 not later than 45 days after the applicant's or licensee's receipt of  
22 a preliminary notice described in paragraph (2) of subdivision (e),  
23 but the State Board of Equalization or the Franchise Tax Board,  
24 whichever is applicable, will be unable to complete the release  
25 review and send notice of its findings to the applicant or licensee  
26 and state governmental licensing entity within 45 days after the  
27 State Board of Equalization's or the Franchise Tax Board's receipt  
28 of the applicant's or licensee's request for release. Whenever a  
29 release is granted under this paragraph, and, notwithstanding that  
30 release, the applicable license or licenses have been suspended  
31 erroneously, the state governmental licensing entity shall reinstate  
32 the applicable licenses with retroactive effect back to the date of  
33 the erroneous suspension and that suspension shall not be reflected  
34 on any license record.

35 (3) The applicant or licensee is unable to pay the outstanding  
36 tax obligation due to a current financial hardship. "Financial  
37 hardship" means financial hardship as determined by the State  
38 Board of Equalization or the Franchise Tax Board, whichever is  
39 applicable, where the applicant or licensee is unable to pay any  
40 part of the outstanding liability and the applicant or licensee is



1 unable to qualify for an installment payment arrangement as  
2 provided for by Section 6832 or Section 19008 of the Revenue  
3 and Taxation Code. In order to establish the existence of a financial  
4 hardship, the applicant or licensee shall submit any information,  
5 including information related to reasonable business and personal  
6 expenses, requested by the State Board of Equalization or the  
7 Franchise Tax Board, whichever is applicable, for purposes of  
8 making that determination.

9 (i) An applicant or licensee is required to act with diligence in  
10 responding to notices from the state governmental licensing entity  
11 and the State Board of Equalization or the Franchise Tax Board  
12 with the recognition that the temporary license will lapse or the  
13 license suspension will go into effect after 90 days and that the  
14 State Board of Equalization or the Franchise Tax Board must have  
15 time to act within that period. An applicant's or licensee's delay  
16 in acting, without good cause, which directly results in the inability  
17 of the State Board of Equalization or the Franchise Tax Board,  
18 whichever is applicable, to complete a review of the applicant's  
19 or licensee's request for release shall not constitute the diligence  
20 required under this section which would justify the issuance of a  
21 release. An applicant or licensee shall have the burden of  
22 establishing that they diligently responded to notices from the state  
23 governmental licensing entity or the State Board of Equalization  
24 or the Franchise Tax Board and that any delay was not without  
25 good cause.

26 (j) The State Board of Equalization or the Franchise Tax Board  
27 shall create release forms for use pursuant to this section. When  
28 the applicant or licensee has complied with the tax obligation by  
29 payment of the unpaid taxes, or entry into an installment payment  
30 agreement, or establishing the existence of a current financial  
31 hardship as defined in paragraph (3) of subdivision (h), the State  
32 Board of Equalization or the Franchise Tax Board, whichever is  
33 applicable, shall mail a release form to the applicant or licensee  
34 and provide a release to the appropriate state governmental  
35 licensing entity. Any state governmental licensing entity that has  
36 received a release from the State Board of Equalization and the  
37 Franchise Tax Board pursuant to this subdivision shall process the  
38 release within five business days of its receipt. If the State Board  
39 of Equalization or the Franchise Tax Board determines subsequent  
40 to the issuance of a release that the licensee has not complied with

1 their installment payment agreement, the State Board of  
2 Equalization or the Franchise Tax Board, whichever is applicable,  
3 shall notify the state governmental licensing entity and the licensee  
4 in a format prescribed by the State Board of Equalization or the  
5 Franchise Tax Board, whichever is applicable, that the licensee is  
6 not in compliance and the release shall be rescinded. The State  
7 Board of Equalization and the Franchise Tax Board may, when it  
8 is economically feasible for the state governmental licensing entity  
9 to develop an automated process for complying with this  
10 subdivision, notify the state governmental licensing entity in a  
11 manner prescribed by the State Board of Equalization or the  
12 Franchise Tax Board, whichever is applicable, that the licensee  
13 has not complied with the installment payment agreement. Upon  
14 receipt of this notice, the state governmental licensing entity shall  
15 immediately notify the licensee on a form prescribed by the state  
16 governmental licensing entity that the licensee's license will be  
17 suspended on a specific date, and this date shall be no longer than  
18 30 days from the date the form is mailed. The licensee shall be  
19 further notified that the license will remain suspended until a new  
20 release is issued in accordance with this subdivision.

21 (k) The State Board of Equalization and the Franchise Tax Board  
22 may enter into interagency agreements with the state governmental  
23 licensing entities necessary to implement this section.

24 (l) Notwithstanding any other law, a state governmental  
25 licensing entity, with the approval of the appropriate department  
26 director or governing body, may impose a fee on a licensee whose  
27 license has been suspended pursuant to this section. The fee shall  
28 not exceed the amount necessary for the state governmental  
29 licensing entity to cover its costs in carrying out the provisions of  
30 this section. Fees imposed pursuant to this section shall be  
31 deposited in the fund in which other fees imposed by the state  
32 governmental licensing entity are deposited and shall be available  
33 to that entity upon appropriation in the annual Budget Act.

34 (m) The process described in subdivision (h) shall constitute  
35 the sole administrative remedy for contesting the issuance of a  
36 temporary license or the denial or suspension of a license under  
37 this section.

38 (n) Any state governmental licensing entity receiving an inquiry  
39 as to the licensed status of an applicant or licensee who has had a  
40 license denied or suspended under this section or who has been

1 granted a temporary license under this section shall respond that  
2 the license was denied or suspended or the temporary license was  
3 issued only because the licensee appeared on a list of the 500  
4 largest tax delinquencies pursuant to Section 7063 or 19195 of the  
5 Revenue and Taxation Code. Information collected pursuant to  
6 this section by any state agency, board, or department shall be  
7 subject to the Information Practices Act of 1977 (Chapter 1  
8 (commencing with Section 1798) of Title 1.8 of Part 4 of Division  
9 3 of the Civil Code). Any state governmental licensing entity that  
10 discloses on its internet website or other publication that the  
11 licensee has had a license denied or suspended under this section  
12 or has been granted a temporary license under this section shall  
13 prominently disclose, in bold and adjacent to the information  
14 regarding the status of the license, that the only reason the license  
15 was denied, suspended, or temporarily issued is because the  
16 licensee failed to pay taxes.

17 (o) Any rules and regulations issued pursuant to this section by  
18 any state agency, board, or department may be adopted as  
19 emergency regulations in accordance with the rulemaking  
20 provisions of the Administrative Procedure Act (Chapter 3.5  
21 (commencing with Section 11340) of Part 1 of Division 3 of Title  
22 2 of the Government Code). The adoption of these regulations  
23 shall be deemed an emergency and necessary for the immediate  
24 preservation of the public peace, health, and safety, or general  
25 welfare. The regulations shall become effective immediately upon  
26 filing with the Secretary of State.

27 (p) The State Board of Equalization, the Franchise Tax Board,  
28 and state governmental licensing entities, as appropriate, shall  
29 adopt regulations as necessary to implement this section.

30 (q) (1) Neither the state governmental licensing entity, nor any  
31 officer, employee, or agent, or former officer, employee, or agent  
32 of a state governmental licensing entity, may disclose or use any  
33 information obtained from the State Board of Equalization or the  
34 Franchise Tax Board, pursuant to this section, except to inform  
35 the public of the denial, refusal to renew, or suspension of a license  
36 or the issuance of a temporary license pursuant to this section. The  
37 release or other use of information received by a state governmental  
38 licensing entity pursuant to this section, except as authorized by  
39 this section, is punishable as a misdemeanor. This subdivision may  
40 not be interpreted to prevent the State Bar of California from filing

1 a request with the Supreme Court of California to suspend a  
2 member of the bar pursuant to this section.

3 (2) A suspension of, or refusal to renew, a license or issuance  
4 of a temporary license pursuant to this section does not constitute  
5 denial or discipline of a licensee for purposes of any reporting  
6 requirements to the National Practitioner Data Bank and shall not  
7 be reported to the National Practitioner Data Bank or the Healthcare  
8 Integrity and Protection Data Bank.

9 (3) Upon release from the certified list, the suspension or  
10 revocation of the applicant's or licensee's license shall be purged  
11 from the state governmental licensing entity's internet website or  
12 other publication within three business days. This paragraph shall  
13 not apply to the State Bar of California.

14 (r) If any provision of this section or the application thereof to  
15 any person or circumstance is held invalid, that invalidity shall not  
16 affect other provisions or applications of this section that can be  
17 given effect without the invalid provision or application, and to  
18 this end the provisions of this section are severable.

19 (s) All rights to review afforded by this section to an applicant  
20 shall also be afforded to a licensee.

21 (t) Unless otherwise provided in this section, the policies,  
22 practices, and procedures of a state governmental licensing entity  
23 with respect to license suspensions under this section shall be the  
24 same as those applicable with respect to suspensions pursuant to  
25 Section 17520 of the Family Code.

26 (u) No provision of this section shall be interpreted to allow a  
27 court to review and prevent the collection of taxes prior to the  
28 payment of those taxes in violation of the California Constitution.

29 (v) This section shall apply to any licensee whose name appears  
30 on a list of the 500 largest tax delinquencies pursuant to Section  
31 7063 or 19195 of the Revenue and Taxation Code on or after July  
32 1, 2012.

33 SEC. 10. Section 1000 of the Business and Professions Code  
34 is amended to read:

35 1000. (a) The law governing practitioners of chiropractic is  
36 found in an initiative act entitled "An act prescribing the terms  
37 upon which licenses may be issued to practitioners of chiropractic,  
38 creating the State Board of Chiropractic Examiners and declaring  
39 its powers and duties, prescribing penalties for violation hereof,

1 and repealing all acts and parts of acts inconsistent herewith,”  
2 adopted by the electors November 7, 1922.

3 (b) The State Board of Chiropractic Examiners is within the  
4 Department of Consumer Affairs.

5 (c) Notwithstanding any other law, the powers and duties of the  
6 State Board of Chiropractic Examiners, as set forth in this article  
7 and under the act creating the board, shall be subject to review by  
8 the appropriate policy committees of the Legislature. The review  
9 shall be performed as if this chapter were scheduled to be repealed  
10 as of January 1, 2023.

11 ~~SEC. 11. Section 1209 of the Business and Professions Code~~  
12 ~~is amended to read:~~

13 ~~1209. (a) As used in this chapter, “laboratory director” means~~  
14 ~~any person who is any of the following:~~

15 ~~(1) A duly licensed physician and surgeon.~~

16 ~~(2) Only for purposes of a clinical laboratory test or examination~~  
17 ~~classified as waived, is any of the following:~~

18 ~~(A) A duly licensed clinical laboratory scientist.~~

19 ~~(B) A duly licensed limited clinical laboratory scientist.~~

20 ~~(C) A duly licensed naturopathic doctor.~~

21 ~~(D) A duly licensed optometrist serving as the director of a~~  
22 ~~laboratory that only performs clinical laboratory tests authorized~~  
23 ~~in paragraph (10) of subdivision (d) of Section 3041.~~

24 ~~(E) A duly licensed dentist.~~

25 ~~(3) Licensed to direct a clinical laboratory under this chapter.~~

26 ~~(b) (1) A person defined in paragraph (1) or (3) of subdivision~~  
27 ~~(a) who is identified as the CLIA laboratory director of a laboratory~~  
28 ~~that performs clinical laboratory tests classified as moderate or~~  
29 ~~high complexity shall also meet the laboratory director~~  
30 ~~qualifications under CLIA for the type and complexity of tests~~  
31 ~~being offered by the laboratory.~~

32 ~~(2) As used in this subdivision, “CLIA laboratory director”~~  
33 ~~means the person identified as the laboratory director on the CLIA~~  
34 ~~certificate issued to the laboratory by the federal Centers for~~  
35 ~~Medicare and Medicaid Services (CMS).~~

36 ~~(e) The laboratory director, if qualified under CLIA, may~~  
37 ~~perform the duties of the technical consultant, technical supervisor,~~  
38 ~~clinical consultant, general supervisor, and testing personnel, or~~  
39 ~~delegate these responsibilities to persons qualified under CLIA.~~  
40 ~~If the laboratory director reapportions performance of those~~

1 responsibilities or duties, they shall remain responsible for ensuring  
2 that all those duties and responsibilities are properly performed.

3 ~~(d) (1) The laboratory director is responsible for the overall  
4 operation and administration of the clinical laboratory, including  
5 administering the technical and scientific operation of a clinical  
6 laboratory, the selection and supervision of procedures, the  
7 reporting of results, and active participation in its operations to  
8 the extent necessary to ensure compliance with this act and CLIA.  
9 They shall be responsible for the proper performance of all  
10 laboratory work of all subordinates and shall employ a sufficient  
11 number of laboratory personnel with the appropriate education  
12 and either experience or training to provide appropriate  
13 consultation, properly supervise and accurately perform tests, and  
14 report test results in accordance with the personnel qualifications,  
15 duties, and responsibilities described in CLIA and this chapter.~~

16 ~~(2) Where a point-of-care laboratory testing device is utilized  
17 and provides results for more than one analyte, the testing  
18 personnel may perform and report the results of all tests ordered  
19 for each analyte for which they have been found by the laboratory  
20 director to be competent to perform and report.~~

21 ~~(e) As part of the overall operation and administration, the  
22 laboratory director of a registered laboratory shall document the  
23 adequacy of the qualifications (educational background, training,  
24 and experience) of the personnel directing and supervising the  
25 laboratory and performing the laboratory test procedures and  
26 examinations. In determining the adequacy of qualifications, the  
27 laboratory director shall comply with any regulations adopted by  
28 the department that specify the minimum qualifications for  
29 personnel, in addition to any CLIA requirements relative to the  
30 education or training of personnel.~~

31 ~~(f) As part of the overall operation and administration, the  
32 laboratory director of a licensed laboratory shall do all of the  
33 following:~~

34 ~~(1) Ensure that all personnel, prior to testing biological  
35 specimens, have the appropriate education and experience, receive  
36 the appropriate training for the type and complexity of the services  
37 offered, and have demonstrated that they can perform all testing  
38 operations reliably to provide and report accurate results. In  
39 determining the adequacy of qualifications, the laboratory director  
40 shall comply with any regulations adopted by the department that~~

1 specify the minimum qualifications for, and the type of procedures  
2 that may be performed by, personnel in addition to any CLIA  
3 requirements relative to the education or training of personnel.  
4 Any regulations adopted pursuant to this section that specify the  
5 type of procedure that may be performed by testing personnel shall  
6 be based on the skills, knowledge, and tasks required to perform  
7 the type of procedure in question.

8 (2) Ensure that policies and procedures are established for  
9 monitoring individuals who conduct preanalytical, analytical, and  
10 postanalytical phases of testing to ensure that they are competent  
11 and maintain their competency to process biological specimens,  
12 perform test procedures, and report test results promptly and  
13 proficiently, and, whenever necessary, identify needs for remedial  
14 training or continuing education to improve skills.

15 (3) Specify in writing the responsibilities and duties of each  
16 individual engaged in the performance of the preanalytic, analytic,  
17 and postanalytic phases of clinical laboratory tests or examinations,  
18 including which clinical laboratory tests or examinations the  
19 individual is authorized to perform, whether supervision is required  
20 for the individual to perform specimen processing, test  
21 performance, or results reporting, and whether consultant,  
22 supervisor, or director review is required prior to the individual  
23 reporting patient test results.

24 (g) The competency and performance of staff of a licensed  
25 laboratory shall be evaluated and documented by the laboratory  
26 director, or by a person who qualifies as a technical consultant or  
27 a technical supervisor under CLIA depending on the type and  
28 complexity of tests being offered by the laboratory.

29 (1) The procedures for evaluating the competency of the staff  
30 shall include, but are not limited to, all of the following:

31 (A) Direct observations of routine patient test performance,  
32 including patient preparation, if applicable, and specimen handling,  
33 processing, and testing.

34 (B) Monitoring the recording and reporting of test results.

35 (C) Review of intermediate test results or worksheets, quality  
36 control records, proficiency testing results, and preventive  
37 maintenance records.

38 (D) Direct observation of performance of instrument  
39 maintenance and function checks.

1 ~~(E) Assessment of test performance through testing previously~~  
2 ~~analyzed specimens, internal blind testing samples, or external~~  
3 ~~proficiency testing samples.~~

4 ~~(F) Assessment of problem solving skills.~~

5 ~~(2) Evaluation and documentation of staff competency and~~  
6 ~~performance shall occur at least semiannually during the first year~~  
7 ~~an individual tests biological specimens. Thereafter, evaluations~~  
8 ~~shall be performed at least annually unless test methodology or~~  
9 ~~instrumentation changes, in which case, prior to reporting patient~~  
10 ~~test results, the individual's performance shall be reevaluated to~~  
11 ~~include the use of the new test methodology or instrumentation.~~

12 ~~(h) The laboratory director of each clinical laboratory of an~~  
13 ~~acute care hospital shall be a physician and surgeon who is a~~  
14 ~~qualified pathologist, except as follows:~~

15 ~~(1) If a qualified pathologist is not available, a physician and~~  
16 ~~surgeon or a clinical laboratory bioanalyst qualified as a laboratory~~  
17 ~~director under subdivision (a) may direct the laboratory. However,~~  
18 ~~a qualified pathologist shall be available for consultation at suitable~~  
19 ~~intervals to ensure high-quality service.~~

20 ~~(2) If there are two or more clinical laboratories of an acute care~~  
21 ~~hospital, those additional clinical laboratories that are limited to~~  
22 ~~the performance of blood gas analysis, blood electrolyte analysis,~~  
23 ~~or both, may be directed by a physician and surgeon qualified as~~  
24 ~~a laboratory director under subdivision (a), irrespective of whether~~  
25 ~~a pathologist is available.~~

26 ~~As used in this subdivision, a qualified pathologist is a physician~~  
27 ~~and surgeon certified or eligible for certification in clinical or~~  
28 ~~anatomical pathology by the American Board of Pathology or the~~  
29 ~~American Osteopathic Board of Pathology.~~

30 ~~(i) Subdivision (h) does not apply to any director of a clinical~~  
31 ~~laboratory of an acute care hospital acting in that capacity on or~~  
32 ~~before January 1, 1988.~~

33 ~~(j) A laboratory director may serve as the director of up to the~~  
34 ~~maximum number of laboratories stipulated by CLIA, as defined~~  
35 ~~under Section 1202.5.~~

36 ~~SEC. 12.~~

37 ~~SEC. 11.~~ Section 1632 of the Business and Professions Code  
38 is amended to read:

39 1632. (a) The board shall require each applicant to successfully  
40 complete the written examination of the National Board Dental



1 Examination of the Joint Commission on National Dental  
2 Examinations.

3 (b) The board shall require each applicant to successfully  
4 complete an examination in California law and ethics developed  
5 and administered by the board. The board shall provide a separate  
6 application for this examination. The board shall ensure that the  
7 law and ethics examination reflects current law and regulations,  
8 and ensure that the examinations are randomized. Applicants shall  
9 submit this application and required fee to the board in order to  
10 take this examination. In addition to the aforementioned  
11 application, the only other requirement for taking this examination  
12 shall be certification from the dean of the qualifying dental school  
13 or the dean's delegate attended by the applicant that the applicant  
14 has graduated, or will graduate, or is expected to graduate.  
15 Applicants who submit completed applications and certification  
16 from the dean at least 15 days prior to a scheduled examination  
17 shall be scheduled to take the examination. Successful results of  
18 the examination shall, as established by board regulation, remain  
19 valid for two years from the date that the applicant is notified of  
20 having passed the examination.

21 (c) Except as otherwise provided in Section 1632.5 or 1632.56,  
22 the board shall require each applicant to have taken and received  
23 a passing score on one of the following:

24 (1) (A) A portfolio examination of the applicant's competence  
25 to enter the practice of dentistry. This examination shall be  
26 conducted while the applicant is enrolled in a dental school  
27 program at a board-approved school located in California. This  
28 examination shall utilize uniform standards of clinical experiences  
29 and competencies, as approved by the board pursuant to Section  
30 1632.1. The applicant shall pass a final assessment of the submitted  
31 portfolio at the end of the applicant's dental school program. Before  
32 any portfolio assessment may be submitted to the board, the  
33 applicant shall remit the required fee to the board to be deposited  
34 into the State Dentistry Fund, and a letter of good standing signed  
35 by the dean of the applicant's dental school or the dean's delegate  
36 stating that the applicant has graduated or will graduate with no  
37 pending ethical issues.

38 (B) The board shall provide a report on how many other states  
39 have recognized licensure by portfolio examination at the time of  
40 its sunset review pursuant to subdivision (d) of Section 1601.1.

1 The report shall be submitted in compliance with Section 9795 of  
2 the Government Code.

3 (2) Either one of the following examinations:

4 (A) A clinical and written examination administered by the  
5 Western Regional Examining Board within five years prior to the  
6 date of their application for a license under this section.

7 (B) The clinical and written examination developed by the  
8 American Board of Dental Examiners, Inc., within five years prior  
9 to the date of their application for a license under this section.

10 (d) Notwithstanding subdivision (b) of Section 1628, the board  
11 is authorized to do either of the following:

12 (1) Approve an application for examination from, and to  
13 examine an applicant who is enrolled in, but has not yet graduated  
14 from, a reputable dental school approved by the board.

15 (2) Accept the results of an examination described in paragraph  
16 (2) of subdivision (c) submitted by an applicant who was enrolled  
17 in, but had not graduated from, a reputable dental school approved  
18 by the board at the time the examination was administered.

19 In either case, the board shall require the dean of that school or  
20 the dean's delegate to furnish satisfactory proof that the applicant  
21 will graduate within one year of the date the examination was  
22 administered or as provided in paragraph (1) of subdivision (c).

23 (e) The board may determine the testing format, as related to  
24 patients, for the examination provided pursuant to subparagraph  
25 (B) of paragraph (2) of subdivision (c).

26 (f) This section shall remain in effect only until January 1, 2025,  
27 and as of that date is repealed.

28 ~~SEC. 13.~~

29 *SEC. 12.* Section 1632 is added to the Business and Professions  
30 Code, to read:

31 1632. (a) The board shall require each applicant to successfully  
32 complete the written examination of the National Board Dental  
33 Examination of the Joint Commission on National Dental  
34 Examinations.

35 (b) The board shall require each applicant to successfully  
36 complete an examination in California law and ethics developed  
37 and administered by the board. The board shall provide a separate  
38 application for this examination. The board shall ensure that the  
39 law and ethics examination reflects current law and regulations,  
40 and ensure that the examinations are randomized. Applicants shall

1 submit this application and required fee to the board in order to  
2 take this examination. In addition to the aforementioned  
3 application, the only other requirement for taking this examination  
4 shall be certification from the dean of the qualifying dental school  
5 or the dean's delegate attended by the applicant that the applicant  
6 has graduated, or will graduate, or is expected to graduate.  
7 Applicants who submit completed applications and certification  
8 from the dean at least 15 days prior to a scheduled examination  
9 shall be scheduled to take the examination. Successful results of  
10 the examination shall, as established by board regulation, remain  
11 valid for two years from the date that the applicant is notified of  
12 having passed the examination.

13 (c) Except as otherwise provided in Section 1632.5, the board  
14 shall require each applicant to have taken and received a passing  
15 score on one of the following:

16 (1) (A) A portfolio examination of the applicant's competence  
17 to enter the practice of dentistry. This examination shall be  
18 conducted while the applicant is enrolled in a dental school  
19 program at a board-approved school located in California. This  
20 examination shall utilize uniform standards of clinical experiences  
21 and competencies, as approved by the board pursuant to Section  
22 1632.1. The applicant shall pass a final assessment of the submitted  
23 portfolio at the end of the applicant's dental school program. Before  
24 any portfolio assessment may be submitted to the board, the  
25 applicant shall remit the required fee to the board to be deposited  
26 into the State Dentistry Fund, and a letter of good standing signed  
27 by the dean of the applicant's dental school or the dean's delegate  
28 stating that the applicant has graduated or will graduate with no  
29 pending ethical issues.

30 (B) The board shall provide a report on how many other states  
31 have recognized licensure by portfolio examination at the time of  
32 its sunset review pursuant to subdivision (d) of Section 1601.1.  
33 The report shall be submitted in compliance with Section 9795 of  
34 the Government Code.

35 (2) Either one of the following examinations:

36 (A) A clinical and written examination administered by the  
37 Western Regional Examining Board within five years prior to the  
38 date of their application for a license under this section.

1 (B) The clinical and written examination developed by the  
2 American Board of Dental Examiners, Inc., within five years prior  
3 to the date of their application for a license under this section.

4 (d) Notwithstanding subdivision (b) of Section 1628, the board  
5 is authorized to do either of the following:

6 (1) Approve an application for examination from, and to  
7 examine an applicant who is enrolled in, but has not yet graduated  
8 from, a reputable dental school approved by the board.

9 (2) Accept the results of an examination described in paragraph  
10 (2) of subdivision (c) submitted by an applicant who was enrolled  
11 in, but had not graduated from, a reputable dental school approved  
12 by the board at the time the examination was administered.

13 In either case, the board shall require the dean of that school or  
14 the dean's delegate to furnish satisfactory proof that the applicant  
15 will graduate within one year of the date the examination was  
16 administered or as provided in paragraph (1) of subdivision (c).

17 (e) The board may determine the testing format, as related to  
18 patients, for the examination provided pursuant to subparagraph  
19 (B) of paragraph (2) of subdivision (c).

20 (f) This section shall become operative on January 1, 2025.

21 ~~SEC. 14.~~

22 *SEC. 13.* Section 1632.56 is added to the Business and  
23 Professions Code, immediately following Section 1632.55, to read:

24 1632.56. (a) Notwithstanding Section 1630, an applicant  
25 receiving a passing score on an examination administered by the  
26 Western Regional Examining Board from January 1, 2015, to  
27 December 31, 2019, inclusive, shall satisfy the requirement of a  
28 passing score pursuant to subdivision (c) of Section 1632 for a  
29 license to practice dentistry in this state, so long as the passing  
30 score is used for initial licensure within five years prior to the date  
31 of their application for a license under Section 1632.

32 (b) This section shall remain in effect only until January 1, 2025,  
33 and as of that date is repealed.

34 ~~SEC. 15.~~

35 *SEC. 14.* Section 1913 of the Business and Professions Code  
36 is amended to read:

37 1913. Unless otherwise specified in this chapter, a registered  
38 dental hygienist may perform any procedure or provide any service  
39 within the scope of their practice in any setting under the  
40 appropriate level of supervision required by this article, if the

1 registered dental hygienist has completed the appropriate education  
2 and training required to perform the procedure or provide the  
3 service.

4 ~~SEC. 16.~~

5 *SEC. 15.* Section 1917 of the Business and Professions Code  
6 is amended to read:

7 1917. The dental hygiene board shall grant initial licensure as  
8 a registered dental hygienist to a person who satisfies all of the  
9 following requirements:

10 (a) Completion of an educational program for registered dental  
11 hygienists, approved by the dental hygiene board, accredited by  
12 the Commission on Dental Accreditation, and conducted by a  
13 degree-granting, postsecondary institution.

14 (b) Within the preceding three years, satisfactory completion  
15 of the dental hygiene examination given by the Western Regional  
16 Examining Board or any other clinical or dental hygiene  
17 examination approved by the dental hygiene board.

18 (c) Satisfactory completion of the National Board Dental  
19 Hygiene Examination.

20 (d) Satisfactory completion of the examination in California  
21 law and ethics as prescribed by the dental hygiene board.

22 (e) Submission of a completed application form and all fees  
23 required by the dental hygiene board.

24 (f) Satisfactory completion of dental hygiene board-approved  
25 instruction in gingival soft-tissue curettage, nitrous oxide-oxygen  
26 analgesia, and local anesthesia.

27 ~~SEC. 17.~~

28 *SEC. 16.* Section 1917.1 of the Business and Professions Code  
29 is amended to read:

30 1917.1. (a) The dental hygiene board may grant a license as  
31 a registered dental hygienist to an applicant who has not taken a  
32 clinical examination before the dental hygiene board, if the  
33 applicant submits all of the following to the dental hygiene board:

34 (1) A completed application form and all fees required by the  
35 dental hygiene board.

36 (2) Proof of a current license as a registered dental hygienist  
37 issued by another state that is not revoked, suspended, or otherwise  
38 restricted.

39 (3) Proof that the applicant has been in clinical practice as a  
40 registered dental hygienist or has been a full-time faculty member

1 in an accredited dental hygiene education program for a minimum  
2 of 750 hours per year for at least five years immediately preceding  
3 the date of application under this section. The clinical practice  
4 requirement shall be deemed met if the applicant provides proof  
5 of at least three years of clinical practice and commits to  
6 completing the remaining two years of clinical practice by filing  
7 with the dental hygiene board a copy of a pending contract to  
8 practice dental hygiene in any of the following facilities:

9 (A) A primary care clinic licensed under subdivision (a) of  
10 Section 1204 of the Health and Safety Code.

11 (B) A primary care clinic exempt from licensure pursuant to  
12 subdivision (c) of Section 1206 of the Health and Safety Code.

13 (C) A clinic owned or operated by a public hospital or health  
14 system.

15 (D) A clinic owned and operated by a hospital that maintains  
16 the primary contract with a county government to fill the county's  
17 role under Section 17000 of the Welfare and Institutions Code.

18 (4) Satisfactory performance on a California law and ethics  
19 examination and any examination that may be required by the  
20 dental hygiene board.

21 (5) Proof that the applicant has not been subject to disciplinary  
22 action by any state in which the applicant is or has been previously  
23 issued any professional or vocational license. If the applicant has  
24 been subject to disciplinary action, the dental hygiene board shall  
25 review that action to determine if it warrants refusal to issue a  
26 license to the applicant.

27 (6) Proof of graduation from a school of dental hygiene  
28 accredited by the Commission on Dental Accreditation.

29 (7) Proof of satisfactory completion of the National Board  
30 Dental Hygiene Examination and of a state clinical examination,  
31 regional clinical licensure examination, or any other clinical dental  
32 hygiene examination approved by the dental hygiene board.

33 (8) Proof that the applicant has not failed the state clinical  
34 examination, the examination given by the Western Regional  
35 Examining Board, or any other clinical dental hygiene examination  
36 approved by the dental hygiene board for licensure to practice  
37 dental hygiene under this chapter more than once or once within  
38 five years prior to the date of application for a license under this  
39 section.

1 (9) Documentation of completion of a minimum of 25 units of  
2 continuing education earned in the two years preceding application,  
3 including completion of any continuing education requirements  
4 imposed by the dental hygiene board on registered dental hygienists  
5 licensed in this state at the time of application.

6 (10) Any other information as specified by the dental hygiene  
7 board to the extent that it is required of applicants for licensure by  
8 examination under this article.

9 (b) The dental hygiene board may periodically request  
10 verification of compliance with the requirements of paragraph (3)  
11 of subdivision (a) and may revoke the license upon a finding that  
12 the employment requirement or any other requirement of paragraph  
13 (3) of subdivision (a) has not been met.

14 (c) The dental hygiene board shall provide in the application  
15 packet to each out-of-state dental hygienist pursuant to this section  
16 the following information:

17 (1) The location of dental manpower shortage areas in the state.

18 (2) Any nonprofit clinics, public hospitals, and accredited dental  
19 hygiene education programs seeking to contract with licensees for  
20 dental hygiene service delivery or training purposes.

21 ~~SEC. 18.~~

22 *SEC. 17.* Section 1922 of the Business and Professions Code  
23 is amended to read:

24 1922. The dental hygiene board shall license as a registered  
25 dental hygienist in alternative practice a person who demonstrates  
26 satisfactory performance on an examination in California law and  
27 ethics required by the dental hygiene board and who completes an  
28 application form and pays all application fees required by the dental  
29 hygiene board and meets either of the following requirements:

30 (a) Holds a current California license as a registered dental  
31 hygienist and meets the following requirements:

32 (1) Has been engaged in the practice of dental hygiene, as  
33 defined in Section 1908, as a registered dental hygienist in any  
34 setting, including, but not limited to, educational settings and public  
35 health settings, for a minimum of 2,000 hours during the  
36 immediately preceding 36 months.

37 (2) Has successfully completed a bachelor's degree or its  
38 equivalent, recognized as a minimum of 120 semester credit hours  
39 or 180 quarter credit hours in postsecondary education, from a  
40 college or institution of higher education that is accredited by a

1 national or regional accrediting agency recognized by the United  
2 States Department of Education, and a minimum of 150 hours of  
3 additional educational requirements, as prescribed by the dental  
4 hygiene board by regulation, that are consistent with good dental  
5 and dental hygiene practice, including, but not necessarily limited  
6 to, dental hygiene technique and theory including gerontology and  
7 medical emergencies, and business administration and practice  
8 management.

9 (b) Has received a letter of acceptance into the employment  
10 utilization phase of the Health Workforce Pilot Project No. 155  
11 established by the Office of Statewide Health Planning and  
12 Development pursuant to Article 1 (commencing with Section  
13 128125) of Chapter 3 of Part 3 of Division 107 of the Health and  
14 Safety Code.

15 ~~SEC. 19.~~

16 *SEC. 18.* Section 2065 of the Business and Professions Code  
17 is amended to read:

18 2065. (a) Unless otherwise provided by law, no postgraduate  
19 trainee, intern, resident, postdoctoral fellow, or instructor may  
20 engage in the practice of medicine, or receive compensation  
21 therefor, or offer to engage in the practice of medicine unless they  
22 hold a valid, unrevoked, and unsuspended physician's and  
23 surgeon's certificate issued by the board. However, a graduate of  
24 an approved medical school may engage in the practice of medicine  
25 whenever and wherever required as a part of a postgraduate training  
26 program under the following conditions:

27 (1) The medical school graduate has taken and passed the  
28 board-approved medical licensing examinations required to qualify  
29 the applicant to participate in an approved postgraduate training  
30 program.

31 (2) If the medical school graduate graduated from a foreign  
32 medical school approved by the board pursuant to Section 2084,  
33 the Educational Commission for Foreign Medical Graduates  
34 (ECFMG) has submitted an official ECFMG Certification Status  
35 Report directly to the board confirming the graduate is ECFMG  
36 certified.

37 (3) The medical school graduate is enrolled in a postgraduate  
38 training program approved by the board.

39 (4) The board-approved postgraduate training program has  
40 submitted the required board-approved form to the board



1 documenting the medical school graduate is enrolled in an  
2 approved postgraduate training program.

3 (5) The medical school graduate obtains a physician's and  
4 surgeon's postgraduate training license in accordance with Section  
5 2064.5.

6 (b) A medical school graduate enrolled in an approved first-year  
7 postgraduate training program in accordance with this section may  
8 engage in the practice of medicine whenever and wherever required  
9 as a part of the training program, and may receive compensation  
10 for that practice.

11 (c) A graduate who has completed the first year of postgraduate  
12 training may, in an approved residency or fellowship, engage in  
13 the practice of medicine whenever and wherever required as part  
14 of that residency or fellowship, and may receive compensation for  
15 that practice. The resident or fellow shall qualify for, take, and  
16 pass the next succeeding written examination for licensure. If the  
17 resident or fellow fails to receive a license to practice medicine  
18 under this chapter within 27 months from the commencement of  
19 the residency or fellowship, except as otherwise allowed under  
20 subdivision (g) or (h), or if the board denies their application for  
21 licensure, all privileges and exemptions under this section shall  
22 automatically cease.

23 (d) All approved postgraduate training the medical school  
24 graduate has successfully completed in the United States or Canada  
25 shall count toward the 39-month license exemption, except as  
26 otherwise allowed under subdivision (h).

27 (e) A medical school graduate from a medical school approved  
28 by the board shall have successfully completed a minimum of 36  
29 months of approved postgraduate training, which includes  
30 successful progression through 24 months in the same program,  
31 to be eligible for a California physician's and surgeon's certificate.

32 (f) The program director for an approved postgraduate training  
33 program in California shall report to the board, on a form approved  
34 by the board, and provide any supporting documents as required  
35 by the board, the following actions within 30 days of the action:

36 (1) A postgraduate trainee is notified that they have received  
37 partial or no credit for a period of postgraduate training, and their  
38 postgraduate training period is extended.

1 (2) A postgraduate trainee takes a leave of absence or any break  
2 from their postgraduate training, and they are notified that their  
3 postgraduate training period is extended.

4 (3) A postgraduate trainee is terminated from the postgraduate  
5 training program.

6 (4) A postgraduate trainee resigns, dies, or otherwise leaves the  
7 postgraduate training program.

8 (5) A postgraduate trainee has completed a one-year contract  
9 approved by the postgraduate training program.

10 (g) Upon review of supporting documentation, the board, in its  
11 discretion, may grant an extension beyond 39 months to a  
12 postgraduate training licensee to successfully complete the 36  
13 months of required approved postgraduate training.

14 (h) An applicant for a physician's and surgeon's license who  
15 has successfully completed 36 months of approved postgraduate  
16 training in another state or in Canada and who is accepted into an  
17 approved postgraduate training program in California shall obtain  
18 their physician's and surgeon's license within 90 days after  
19 beginning that postgraduate training program or all privileges and  
20 exemptions under this section shall automatically cease.

21 (i) This section shall become operative on January 1, 2020.

22 ~~SEC. 20.~~

23 *SEC. 19.* Section 2113 of the Business and Professions Code  
24 is amended to read:

25 2113. (a) Any person who does not immediately qualify for  
26 a physician's and surgeon's certificate under this chapter and who  
27 is offered by the dean of an approved medical school in this state  
28 a full-time faculty position may, after application to and approval  
29 by the board, be granted a certificate of registration to engage in  
30 the practice of medicine only to the extent that the practice is  
31 incident to and a necessary part of their duties as approved by the  
32 board in connection with the faculty position. A certificate of  
33 registration does not authorize a registrant to admit patients to a  
34 nursing or a skilled or assisted living facility unless that facility is  
35 formally affiliated with the sponsoring medical school. A clinical  
36 fellowship shall not be submitted as a faculty service appointment.

37 (b) Application for a certificate of registration shall be made on  
38 a form prescribed by the board and shall be accompanied by a  
39 registration fee fixed by the board in an amount necessary to  
40 recover the actual application processing costs of the program. To

1 qualify for the certificate, an applicant shall submit all of the  
2 following:

3 (1) If the applicant is a graduate of a medical school other than  
4 in the United States or Canada, documentary evidence satisfactory  
5 to the board that they have been licensed to practice medicine and  
6 surgery for not less than four years in another state or country  
7 whose requirements for licensure are satisfactory to the board, or  
8 has been engaged in the practice of medicine in the United States  
9 for at least four years in approved facilities, or has completed a  
10 combination of that licensure and training.

11 (2) If the applicant is a graduate of a medical school in the  
12 United States or Canada, documentary evidence that the medical  
13 school is approved by the board.

14 (3) Written certification by the head of the department in which  
15 the applicant is to be appointed of all of the following:

16 (A) The applicant will be under their direction.

17 (B) The applicant will not be permitted to practice medicine  
18 unless incident to and a necessary part of their duties as approved  
19 by the board in subdivision (a).

20 (C) The applicant will be accountable to the medical school's  
21 department chair or division chief for the specialty in which the  
22 applicant will practice.

23 (D) The applicant will be proctored in the same manner as other  
24 new faculty members, including, as appropriate, review by the  
25 medical staff of the school's medical center.

26 (E) The applicant will not be appointed to a supervisory position  
27 at the level of a medical school department chair or division chief.

28 (4) Demonstration by the dean of the medical school that the  
29 applicant has the requisite qualifications to assume the position to  
30 which they are to be appointed and that shall include a written  
31 statement of the recruitment procedures followed by the medical  
32 school before offering the faculty position to the applicant.

33 (c) A certificate of registration shall be issued only for a faculty  
34 position at one approved medical school, and no person shall be  
35 issued more than one certificate of registration for the same period  
36 of time.

37 (d) (1) A certificate of registration is valid for one year from  
38 its date of issuance and may be renewed twice.

39 A request for renewal shall be submitted on a form prescribed  
40 by the board and shall be accompanied by a renewal fee fixed by

1 the board in an amount necessary to recover the actual application  
2 processing costs of the program.

3 (2) The dean of the medical school may request renewal of the  
4 registration by submitting a plan at the beginning of the third year  
5 of the registrant's appointment demonstrating the registrant's  
6 continued progress toward licensure and, if the registrant is a  
7 graduate of a medical school other than in the United States or  
8 Canada, that the registrant has been issued a certificate by the  
9 Educational Commission for Foreign Medical Graduates. The  
10 board may, in its discretion, extend the registration for a two-year  
11 period to facilitate the registrant's completion of the licensure  
12 process.

13 (e) If the registrant is a graduate of a medical school other than  
14 in the United States or Canada, they shall meet the requirements  
15 of Section 2065 or 2135, as appropriate, in order to obtain a  
16 physician's and surgeon's certificate. Notwithstanding any other  
17 provision of law, the board may accept clinical practice in an  
18 appointment pursuant to this section as qualifying time to meet  
19 the postgraduate training requirements in Section 2065, and, in its  
20 discretion, waive the examination and the Educational Commission  
21 for Foreign Medical Graduates certification requirements specified  
22 in paragraph (3) of subdivision (a) of Section 2065 in the event  
23 the registrant applies for a physician's and surgeon's certificate.  
24 As a condition to waiving any examination or the Educational  
25 Commission for Foreign Medical Graduates certification  
26 requirement, the board in its discretion, may require an applicant  
27 to pass a clinical competency examination approved by the board.  
28 The board shall not waive any examination for an applicant who  
29 has not completed at least one year in the faculty position.

30 (f) Except to the extent authorized by this section, the registrant  
31 shall not engage in the practice of medicine, bill individually for  
32 medical services provided by the registrant, or receive  
33 compensation therefor, unless they are issued a physician's and  
34 surgeon's certificate.

35 (g) When providing clinical services, the registrant shall wear  
36 a visible name tag containing the title "visiting professor" or  
37 "visiting faculty member," as appropriate, and the institution at  
38 which the services are provided shall obtain a signed statement  
39 from each patient to whom the registrant provides services  
40 acknowledging that the patient understands that the services are

1 provided by a person who does not hold a physician's and  
2 surgeon's certificate but who is qualified to participate in a special  
3 program as a visiting professor or faculty member.

4 (h) The board shall notify both the registrant and the dean of  
5 the medical school of a complaint made about the registrant. The  
6 board may terminate a registration for any act that would be  
7 grounds for discipline if done by a licensee. The board shall provide  
8 both the registrant and the dean of the medical school with written  
9 notice of the termination and the basis for that termination. The  
10 registrant may, within 30 days after the date of the notice of  
11 termination, file a written appeal to the board. The appeal shall  
12 include any documentation the registrant wishes to present to the  
13 board.

14 (i) This section shall become operative on January 1, 2020.

15 ~~SEC. 21.~~

16 *SEC. 20.* Section 2135.5 of the Business and Professions Code  
17 is amended to read:

18 2135.5. Upon review and recommendation, the board may  
19 determine that an applicant for a physician's and surgeon's  
20 certificate has satisfied the medical education requirements of  
21 Sections 2084 and 2135 and the examination requirements of  
22 Section 2170 if the applicant meets all of the following criteria:

23 (a) They hold an unlimited and unrestricted license as a  
24 physician and surgeon in another state and has held that license  
25 continuously for a minimum of four years prior to the date of  
26 application.

27 (b) They meet the postgraduate training requirements in Section  
28 2096 and are certified by a specialty board that is a member board  
29 of the American Board of Medical Specialties.

30 (c) They are not subject to denial of licensure under Division  
31 1.5 (commencing with Section 475) or Article 12 (commencing  
32 with Section 2220).

33 (d) They have not been the subject of a disciplinary action by  
34 a medical licensing authority or of an adverse judgment or  
35 settlement resulting from the practice of medicine that, as  
36 determined by the board, constitutes a pattern of negligence or  
37 incompetence.

38 (e) This section shall become operative on January 1, 2020.

1     ~~SEC. 22.~~

2     *SEC. 21.* Section 2460 of the Business and Professions Code  
3 is amended to read:

4     2460. (a) There is created in the Department of Consumer  
5 Affairs the California Board of Podiatric Medicine. Commencing  
6 July 1, 2019, the California Board of Podiatric Medicine is renamed  
7 the Podiatric Medical Board of California. Any reference in any  
8 provision of law to the California Board of Podiatric Medicine  
9 shall, commencing July 1, 2019, be deemed to refer to the Podiatric  
10 Medical Board of California.

11     (b) This section shall remain in effect only until January 1, 2022,  
12 and as of that date is repealed. Notwithstanding any other law, the  
13 repeal of this section renders the California Board of Podiatric  
14 Medicine subject to review by the appropriate policy committees  
15 of the Legislature.

16     (c) The amendments made by Chapter 775 of the Statutes of  
17 2017 relating to podiatrists shall not be construed to change any  
18 rights or privileges held by podiatrists prior to the enactment of  
19 that act.

20     ~~SEC. 23.~~

21     *SEC. 22.* Section 2531 of the Business and Professions Code  
22 is amended to read:

23     2531. (a) There is in the Department of Consumer Affairs the  
24 Speech-Language Pathology and Audiology and Hearing Aid  
25 Dispensers Board in which the enforcement and administration of  
26 this chapter are vested. The Speech-Language Pathology and  
27 Audiology and Hearing Aid Dispensers Board shall consist of nine  
28 members, three of whom shall be public members.

29     (b) This section shall remain in effect only until January 1, 2023,  
30 and as of that date is repealed.

31     (c) Notwithstanding any other law, the repeal of this section  
32 renders the board subject to review by the appropriate policy  
33 committees of the Legislature.

34     ~~SEC. 24.~~

35     *SEC. 23.* Section 2531.75 of the Business and Professions Code  
36 is amended to read:

37     2531.75. (a) The board may appoint a person exempt from  
38 civil service who shall be designated as an executive officer and  
39 who shall exercise the powers and perform the duties delegated  
40 by the board and vested in them by this chapter.

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

3 ~~SEC. 25.~~

4 *SEC. 24.* Section 2570.19 of the Business and Professions Code  
5 is amended to read:

6 2570.19. (a) There is hereby created a California Board of  
7 Occupational Therapy, hereafter referred to as the board. The board  
8 shall enforce and administer this chapter.

9 (b) The members of the board shall consist of the following:

10 (1) Three occupational therapists who shall have practiced  
11 occupational therapy for five years.

12 (2) One occupational therapy assistant who shall have assisted  
13 in the practice of occupational therapy for five years.

14 (3) Three public members who shall not be licentiates of the  
15 board, of any other board under this division, or of any board  
16 referred to in Section 1000 or 3600.

17 (c) The Governor shall appoint the three occupational therapists  
18 and one occupational therapy assistant to be members of the board.  
19 The Governor, the Senate Committee on Rules, and the Speaker  
20 of the Assembly shall each appoint a public member. Not more  
21 than one member of the board shall be appointed from the full-time  
22 faculty of any university, college, or other educational institution.

23 (d) All members shall be residents of California at the time of  
24 their appointment. The occupational therapist and occupational  
25 therapy assistant members shall have been engaged in rendering  
26 occupational therapy services to the public, teaching, or research  
27 in occupational therapy for at least five years preceding their  
28 appointments.

29 (e) The public members may not be or have ever been  
30 occupational therapists or occupational therapy assistants or in  
31 training to become occupational therapists or occupational therapy  
32 assistants. The public members may not be related to, or have a  
33 household member who is, an occupational therapist or an  
34 occupational therapy assistant, and may not have had, within two  
35 years of the appointment, a substantial financial interest in a person  
36 regulated by the board.

37 (f) The Governor shall appoint two board members for a term  
38 of one year, two board members for a term of two years, and one  
39 board member for a term of three years. Appointments made  
40 thereafter shall be for four-year terms, but no person shall be

1 appointed to serve more than two consecutive terms. Terms shall  
2 begin on the first day of the calendar year and end on the last day  
3 of the calendar year or until successors are appointed, except for  
4 the first appointed members who shall serve through the last  
5 calendar day of the year in which they are appointed, before  
6 commencing the terms prescribed by this section. Vacancies shall  
7 be filled by appointment for the unexpired term. The board shall  
8 annually elect one of its members as president.

9 (g) The board shall meet and hold at least one regular meeting  
10 annually in the Cities of Sacramento, Los Angeles, and San  
11 Francisco. The board may convene from time to time until its  
12 business is concluded. Special meetings of the board may be held  
13 at any time and place designated by the board.

14 (h) Notice of each meeting of the board shall be given in  
15 accordance with the Bagley-Keene Open Meeting Act (Article 9  
16 commencing with Section 11120) of Chapter 1 of Part 1 of  
17 Division 3 of Title 2 of the Government Code).

18 (i) Members of the board shall receive no compensation for  
19 their services, but shall be entitled to reasonable travel and other  
20 expenses incurred in the execution of their powers and duties in  
21 accordance with Section 103.

22 (j) The appointing power shall have the power to remove any  
23 member of the board from office for neglect of any duty imposed  
24 by state law, for incompetency, or for unprofessional or  
25 dishonorable conduct.

26 (k) This section shall remain in effect only until January 1, 2023,  
27 and as of that date is repealed.

28 (l) Notwithstanding any other law, the repeal of this section  
29 renders the board subject to review by the appropriate policy  
30 committees of the Legislature.

31 ~~SEC. 26.~~

32 *SEC. 25.* Section 2602 of the Business and Professions Code  
33 is amended to read:

34 2602. (a) The Physical Therapy Board of California, hereafter  
35 referred to as the board, shall enforce and administer this chapter.

36 (b) This section shall remain in effect only until January 1, 2023,  
37 and as of that date is repealed.

38 (c) Notwithstanding any other law, the repeal of this section  
39 renders the board subject to review by the appropriate policy  
40 committees of the Legislature.



1 ~~SEC. 27.~~

2 *SEC. 26.* Section 2607.5 of the Business and Professions Code  
3 is amended to read:

4 2607.5. (a) The board may employ an executive officer exempt  
5 from the provisions of the State Civil Service Act (Part 2  
6 (commencing with Section 18500) of Division 5 of Title 2 of the  
7 Government Code) and may also employ investigators, legal  
8 counsel, physical therapist consultants, and other assistance as it  
9 may deem necessary to carry out this chapter. The board may fix  
10 the compensation to be paid for services and may incur other  
11 expenses as it may deem necessary. Investigators employed by the  
12 board shall be provided special training in investigating physical  
13 therapy practice activities.

14 (b) The Attorney General shall act as legal counsel for the board  
15 for any judicial and administrative proceedings and their services  
16 shall be a charge against it.

17 (c) This section shall remain in effect only until January 1, 2023,  
18 and as of that date is repealed.

19 ~~SEC. 28.~~

20 *SEC. 27.* Section 2841 of the Business and Professions Code  
21 is amended to read:

22 2841. (a) There is in the Department of Consumer Affairs a  
23 Board of Vocational Nursing and Psychiatric Technicians of the  
24 State of California, which consists of 11 members.

25 (b) Within the meaning of this chapter, "board," or "the board,"  
26 refers to the Board of Vocational Nursing and Psychiatric  
27 Technicians of the State of California.

28 (c) This section shall remain in effect only until January 1, 2022,  
29 and as of that date is repealed.

30 ~~SEC. 29.~~

31 *SEC. 28.* Section 2847.1 of the Business and Professions Code  
32 is amended to read:

33 2847.1. (a) The board shall select an executive officer who  
34 shall perform duties as are delegated by the board and who shall  
35 be responsible to it for the accomplishment of those duties. The  
36 executive officer shall not be a member of the board.

37 (b) With the approval of the Director of Finance, the board shall  
38 fix the salary of the executive officer.

39 (c) The executive officer shall be entitled to traveling and other  
40 necessary expenses in the performance of their duties. The

1 executive officer shall make a statement, certified before a duly  
2 authorized person, that the expenses have been actually incurred.

3 (d) Commencing January 1, 2018, the executive officer  
4 appointed by the board pursuant to subdivision (a) is abolished.  
5 Thereafter, until January 1, 2022, the executive officer shall be  
6 appointed as set forth in Section 2847.3. Commencing January 1,  
7 2022, the executive officer shall, again, be appointed by the board  
8 as set forth in subdivision (a).

9 (e) This section shall remain in effect only until January 1, 2023,  
10 and as of that date is repealed.

11 ~~SEC. 30.~~

12 *SEC. 29.* Section 2847.3 of the Business and Professions Code  
13 is amended to read:

14 2847.3. (a) Commencing January 1, 2018, the executive officer  
15 position established pursuant to subdivision (a) of Section 2847.1  
16 is temporarily abolished. Commencing January 1, 2018, the  
17 Governor shall appoint an executive officer who shall perform  
18 duties as are delegated by the board and who shall be responsible  
19 for the accomplishment of those duties. The executive officer shall  
20 exercise all powers, discharge all responsibilities, and administer  
21 and enforce all laws pursuant to this chapter and Chapter 10  
22 (commencing with Section 4500) of Division 2 that are necessary  
23 to perform the duties delegated by the board.

24 (b) The executive officer shall serve at the pleasure of the  
25 Governor and the Governor shall fix the salary of the executive  
26 officer. The executive officer shall not be a member of the board.

27 (c) The executive officer shall be entitled to traveling and other  
28 necessary expenses in the performance of their duties.

29 (d) This section shall become operative on January 1, 2018, and  
30 shall remain in effect only until January 1, 2022, and as of that  
31 date is repealed.

32 ~~SEC. 31.~~

33 *SEC. 30.* Section 2920 of the Business and Professions Code  
34 is amended to read:

35 2920. (a) The Board of Psychology shall enforce and  
36 administer this chapter. The board shall consist of nine members,  
37 four of whom shall be public members.

38 (b) This section shall remain in effect only until January 1, 2022,  
39 and as of that date is repealed.

1 (c) Notwithstanding any other law, the repeal of this section  
2 renders the board subject to review by the appropriate policy  
3 committees of the Legislature.

4 ~~SEC. 32.~~

5 *SEC. 31.* Section 2933 of the Business and Professions Code  
6 is amended to read:

7 2933. (a) Except as provided by Section 159.5, the board shall  
8 employ and shall make available to the board within the limits of  
9 the funds received by the board all personnel necessary to carry  
10 out this chapter. The board may employ, exempt from the State  
11 Civil Service Act, an executive officer to the Board of Psychology.  
12 The board shall make all expenditures to carry out this chapter.  
13 The board may accept contributions to effectuate the purposes of  
14 this chapter.

15 (b) This section shall remain in effect only until January 1, 2022,  
16 and as of that date is repealed.

17 ~~SEC. 33.~~

18 *SEC. 32.* Section 3504 of the Business and Professions Code  
19 is amended to read:

20 3504. There is established a Physician Assistant Board within  
21 the jurisdiction of the Medical Board of California. The board  
22 consists of nine members. This section shall remain in effect only  
23 until January 1, 2022, and as of that date is repealed.  
24 Notwithstanding any other law, the repeal of this section renders  
25 the board subject to review by the appropriate policy committees  
26 of the Legislature.

27 ~~SEC. 34.~~

28 *SEC. 33.* Section 3512 of the Business and Professions Code  
29 is amended to read:

30 3512. (a) Except as provided in Sections 159.5 and 2020, the  
31 board shall employ within the limits of the Physician Assistant  
32 Fund all personnel necessary to carry out this chapter including  
33 an executive officer who shall be exempt from civil service. The  
34 Medical Board of California and board shall make all necessary  
35 expenditures to carry out this chapter from the funds established  
36 by Section 3520. The board may accept contributions to effect the  
37 purposes of this chapter.

38 (b) This section shall remain in effect only until January 1, 2022,  
39 and as of that date is repealed.

1 ~~SEC. 35.~~

2 *SEC. 34.* Section 3686 of the Business and Professions Code  
3 is amended to read:

4 3686. This chapter shall remain in effect only until January 1,  
5 2023, and as of that date is repealed.

6 ~~SEC. 36.~~

7 *SEC. 35.* Section 3710 of the Business and Professions Code  
8 is amended to read:

9 3710. (a) The Respiratory Care Board of California, hereafter  
10 referred to as the board, shall enforce and administer this chapter.

11 (b) This section shall remain in effect only until January 1, 2023,  
12 and as of that date is repealed. Notwithstanding any other law, the  
13 repeal of this section renders the board subject to review by the  
14 appropriate policy committees of the Legislature.

15 ~~SEC. 37.~~

16 *SEC. 36.* Section 3716 of the Business and Professions Code  
17 is amended to read:

18 3716. (a) The board may employ an executive officer exempt  
19 from civil service and, subject to the provisions of law relating to  
20 civil service, clerical assistants and, except as provided in Section  
21 159.5, other employees as it may deem necessary to carry out its  
22 powers and duties.

23 (b) This section shall remain in effect only until January 1, 2023,  
24 and as of that date is repealed.

25 ~~SEC. 38.~~

26 *SEC. 37.* Section 4001 of the Business and Professions Code  
27 is amended to read:

28 4001. (a) There is in the Department of Consumer Affairs a  
29 California State Board of Pharmacy in which the administration  
30 and enforcement of this chapter is vested. The board consists of  
31 13 members.

32 (b) The Governor shall appoint seven competent pharmacists  
33 who reside in different parts of the state to serve as members of  
34 the board. The Governor shall appoint four public members, and  
35 the Senate Committee on Rules and the Speaker of the Assembly  
36 shall each appoint a public member who shall not be a licensee of  
37 the board, any other board under this division, or any board referred  
38 to in Section 1000 or 3600.

39 (c) At least five of the seven pharmacist appointees to the board  
40 shall be pharmacists who are actively engaged in the practice of

1 pharmacy. Additionally, the membership of the board shall include  
2 at least one pharmacist representative from each of the following  
3 practice settings: an acute care hospital, an independent community  
4 pharmacy, a chain community pharmacy, and a long-term health  
5 care or skilled nursing facility. The pharmacist appointees shall  
6 also include a pharmacist who is a member of a labor union that  
7 represents pharmacists. For the purposes of this subdivision, a  
8 “chain community pharmacy” means a chain of 75 or more stores  
9 in California under the same ownership, and an “independent  
10 community pharmacy” means a pharmacy owned by a person or  
11 entity who owns no more than four pharmacies in California.

12 (d) Members of the board shall be appointed for a term of four  
13 years. No person shall serve as a member of the board for more  
14 than two consecutive terms. Each member shall hold office until  
15 the appointment and qualification of their successor or until one  
16 year shall have elapsed since the expiration of the term for which  
17 the member was appointed, whichever first occurs. Vacancies  
18 occurring shall be filled by appointment for the unexpired term.

19 (e) Each member of the board shall receive a per diem and  
20 expenses as provided in Section 103.

21 (f) This section shall remain in effect only until January 1, 2022,  
22 and as of that date is repealed. Notwithstanding any other law, the  
23 repeal of this section renders the board subject to review by the  
24 appropriate policy committees of the Legislature.

25 ~~SEC. 39.~~

26 *SEC. 38.* Section 4003 of the Business and Professions Code  
27 is amended to read:

28 4003. (a) The board, with the approval of the director, may  
29 appoint a person exempt from civil service who shall be designated  
30 as an executive officer and who shall exercise the powers and  
31 perform the duties delegated by the board and vested in them by  
32 this chapter. The executive officer may or may not be a member  
33 of the board as the board may determine.

34 (b) The executive officer shall receive the compensation as  
35 established by the board with the approval of the Director of  
36 Finance. The executive officer shall also be entitled to travel and  
37 other expenses necessary in the performance of their duties.

38 (c) The executive officer shall maintain and update in a timely  
39 fashion records containing the names, titles, qualifications, and  
40 places of business of all persons subject to this chapter.

1 (d) The executive officer shall give receipts for all money  
2 received by them and pay it to the department, taking its receipt  
3 therefor. Besides the duties required by this chapter, the executive  
4 officer shall perform other duties pertaining to the office as may  
5 be required of them by the board.

6 (e) This section shall remain in effect only until January 1, 2022,  
7 and as of that date is repealed.

8 ~~SEC. 40.~~

9 *SEC. 39.* Section 4501 of the Business and Professions Code  
10 is amended to read:

11 4501. (a) "Board," as used in this chapter, means the Board  
12 of Vocational Nursing and Psychiatric Technicians of the State of  
13 California.

14 (b) This section shall remain in effect only until January 1, 2022,  
15 and as of that date is repealed.

16 ~~SEC. 41.~~

17 *SEC. 40.* Section 4503 of the Business and Professions Code  
18 is amended to read:

19 4503. (a) The board shall administer and enforce this chapter.

20 (b) This section shall remain in effect only until January 1, 2022,  
21 and as of that date is repealed.

22 ~~SEC. 42.~~

23 *SEC. 41.* Section 4604 of the Business and Professions Code  
24 is amended to read:

25 4604. (a) In order to obtain certification as a massage therapist,  
26 an applicant shall submit a written application and provide the  
27 council with satisfactory evidence that the applicant meets all of  
28 the following requirements:

29 (1) The applicant is 18 years of age or older.

30 (2) The applicant has successfully completed the curricula in  
31 massage and related subjects totaling a minimum of 500 hours, or  
32 the credit unit equivalent, that incorporates appropriate school  
33 assessment of student knowledge and skills.

34 (A) Of the 500 hours, a minimum of 100 hours of instruction  
35 shall address anatomy and physiology, contraindications, health  
36 and hygiene, and business and ethics.

37 (B) All of the 500 hours shall be from approved schools. The  
38 council shall accept the 500 hours if, at the time all of the hours  
39 were completed, the school or schools were approved. The 500  
40 hours may be completed at more than one approved school.

1 Notwithstanding any other law, pursuant to its policies and  
2 procedures for approval of schools, the council shall accept hours  
3 earned by an applicant for certification as a massage therapist if  
4 those hours were completed before July 1, 2016, and were earned  
5 from a school providing education in this state that was unapproved  
6 by the council after July 1, 2016, based solely on the fact that the  
7 National Certification Board for Therapeutic Massage and  
8 Bodywork took denial or disciplinary action against the school.  
9 For purposes of this section, “unapproved” means that the council  
10 determined that it will not accept hours from a school toward  
11 certification.

12 (3) The applicant has passed a massage and bodywork  
13 competency assessment examination that meets generally  
14 recognized psychometric principles and standards and that is  
15 approved by the council. The successful completion of this  
16 examination may have been accomplished before the date the  
17 council is authorized by this chapter to begin issuing certificates.  
18 This paragraph shall be inoperative commencing on January 1,  
19 2019, and shall become operative on January 1, 2022.

20 (4) The applicant has successfully passed a background  
21 investigation pursuant to Section 4606, and has not violated any  
22 of the provisions of this chapter.

23 (5) All fees required by the council have been paid.

24 (6) The council may issue a certificate to an applicant who meets  
25 the qualifications of this chapter if the applicant holds a current  
26 and valid registration, certification, or license from any other state  
27 whose licensure requirements meet or exceed those defined within  
28 this chapter. If an applicant has received education at a school that  
29 is not approved by the council, the council shall have the discretion  
30 to give credit for comparable academic work completed by an  
31 applicant in a program outside of California.

32 (b) A certificate issued pursuant to this chapter and any  
33 identification card issued by the council shall be surrendered to  
34 the council by any certificate holder whose certificate is suspended  
35 or revoked.

36 ~~SEC. 43.~~

37 *SEC. 42.* Section 4621 of the Business and Professions Code  
38 is amended to read:

39 4621. (a) This chapter shall remain in effect only until January  
40 1, 2022, and as of that date is repealed.

1 (b) Notwithstanding any other law, the powers and duties of the  
2 council shall be subject to review by the appropriate policy  
3 committees of the Legislature.

4 ~~SEC. 44.~~

5 *SEC. 43.* Section 4800 of the Business and Professions Code  
6 is amended to read:

7 4800. (a) There is in the Department of Consumer Affairs a  
8 Veterinary Medical Board in which the administration of this  
9 chapter is vested. The board consists of the following members:

- 10 (1) Four licensed veterinarians.  
11 (2) One registered veterinary technician.  
12 (3) Three public members.

13 (b) This section shall remain in effect only until January 1, 2022,  
14 and as of that date is repealed.

15 (c) Notwithstanding any other law, the repeal of this section  
16 renders the board subject to review by the appropriate policy  
17 committees of the Legislature. However, the review of the board  
18 shall be limited to those issues identified by the appropriate policy  
19 committees of the Legislature and shall not involve the preparation  
20 or submission of a sunset review document or evaluative  
21 questionnaire.

22 ~~SEC. 45.~~

23 *SEC. 44.* Section 4804.5 of the Business and Professions Code  
24 is amended to read:

25 4804.5. The board may appoint a person exempt from civil  
26 service who shall be designated as an executive officer and who  
27 shall exercise the powers and perform the duties delegated by the  
28 board and vested in them by this chapter.

29 This section shall remain in effect only until January 1, 2022,  
30 and as of that date is repealed.

31 ~~SEC. 46.~~

32 *SEC. 45.* Section 4990 of the Business and Professions Code  
33 is amended to read:

34 4990. (a) There is in the Department of Consumer Affairs, a  
35 Board of Behavioral Sciences that consists of the following  
36 members:

- 37 (1) Two state licensed clinical social workers.  
38 (2) One state licensed educational psychologist.  
39 (3) Two state licensed marriage and family therapists.  
40 (4) One state licensed professional clinical counselor.



1 (5) Seven public members.

2 (b) Each member, except the seven public members, shall have  
3 at least two years of experience in their profession.

4 (c) Each member shall reside in the State of California.

5 (d) The Governor shall appoint five of the public members and  
6 the six licensed members with the advice and consent of the Senate.  
7 The Senate Committee on Rules and the Speaker of the Assembly  
8 shall each appoint a public member.

9 (e) Each member of the board shall be appointed for a term of  
10 four years. A member appointed by the Senate Committee on Rules  
11 or the Speaker of the Assembly shall hold office until the  
12 appointment and qualification of their successor or until one year  
13 from the expiration date of the term for which they were appointed,  
14 whichever first occurs. Pursuant to Section 1774 of the Government  
15 Code, a member appointed by the Governor shall hold office until  
16 the appointment and qualification of their successor or until 60  
17 days from the expiration date of the term for which they were  
18 appointed, whichever first occurs.

19 (f) A vacancy on the board shall be filled by appointment for  
20 the unexpired term by the authority who appointed the member  
21 whose membership was vacated.

22 (g) Not later than the first of June of each calendar year, the  
23 board shall elect a chairperson and a vice chairperson from its  
24 membership.

25 (h) Each member of the board shall receive a per diem and  
26 reimbursement of expenses as provided in Section 103.

27 (i) This section shall remain in effect only until January 1, 2022,  
28 and as of that date is repealed.

29 (j) Notwithstanding any other provision of law, the repeal of  
30 this section renders the board subject to review by the appropriate  
31 policy committees of the Legislature.

32 ~~SEC. 47.~~

33 *SEC. 46.* Section 4990.04 of the Business and Professions Code  
34 is amended to read:

35 4990.04. (a) The board shall appoint an executive officer. This  
36 position is designated as a confidential position and is exempt from  
37 civil service under subdivision (e) of Section 4 of Article VII of  
38 the California Constitution.

39 (b) The executive officer serves at the pleasure of the board.

1 (c) The executive officer shall exercise the powers and perform  
2 the duties delegated by the board and vested in them by this  
3 chapter.

4 (d) With the approval of the director, the board shall fix the  
5 salary of the executive officer.

6 (e) The chairperson and executive officer may call meetings of  
7 the board and any duly appointed committee at a specified time  
8 and place. For purposes of this section, "call meetings" means  
9 setting the agenda, time, date, or place for any meeting of the board  
10 or any committee.

11 (f) This section shall remain in effect only until January 1, 2022,  
12 and as of that date is repealed.

13 ~~SEC. 48.~~

14 *SEC. 47.* Section 5600.4 of the Business and Professions Code  
15 is amended to read:

16 5600.4. (a) The board shall issue, upon application and  
17 payment of the fee fixed by this chapter, a retired license to an  
18 architect who holds a license that is current and active or capable  
19 of being renewed pursuant to Section 5600.2 and whose license  
20 is not suspended, revoked, or otherwise punitively restricted by  
21 the board or subject to disciplinary action under this chapter.

22 (b) The holder of a retired license issued pursuant to this section  
23 shall not engage in any activity for which an active architect's  
24 license is required. An architect holding a retired license shall be  
25 permitted to use the title "architect retired" or "retired architect."

26 (c) The holder of a retired license shall not be required to renew  
27 that license.

28 (d) In order for the holder of a retired license issued pursuant  
29 to this section to restore their license to active status, the holder  
30 of a retired license shall comply with Section 5600.2 or 5600.3,  
31 as applicable.

32 ~~SEC. 49.~~ Section 5650.5 is added to the Business and  
33 Professions Code, to read:

34 5650.5. (a) Pursuant to Section 144, the board has the authority  
35 to obtain and review criminal offender record information. The  
36 information obtained as a result of the fingerprinting shall be used  
37 in accordance with Section 11105 of the Penal Code to determine  
38 whether the applicant is subject to denial of license pursuant to  
39 Division 1.5 (commencing with Section 475) or Section 5660,  
40 5675, or 5676.

1 ~~(b) As a condition of application for a license, each applicant~~  
2 ~~shall furnish to the Department of Justice a full set of fingerprints~~  
3 ~~for the purpose of conducting a criminal history record check and~~  
4 ~~to undergo a state- and federal- level criminal offender record~~  
5 ~~information search conducted through the Department of Justice.~~

6 ~~(c) The board shall request from the Department of Justice~~  
7 ~~subsequent arrest notification service, pursuant to subdivision (p)~~  
8 ~~of Section 11105 of the Penal Code.~~

9 ~~(d) The applicant shall pay the reasonable regulatory costs for~~  
10 ~~furnishing the fingerprints and conducting the searches.~~

11 ~~(e) The applicant shall certify, under penalty of perjury, when~~  
12 ~~applying for a license whether the applicant's fingerprints have~~  
13 ~~been furnished to the Department of Justice in compliance with~~  
14 ~~this section.~~

15 ~~(f) Failure to comply with the requirements of this section~~  
16 ~~renders the application for a license incomplete, and the application~~  
17 ~~shall not be considered until the applicant demonstrates compliance~~  
18 ~~with all requirements of this section.~~

19 ~~(g) Notwithstanding any other law, the results of any criminal~~  
20 ~~offender record information request by either state or federal law~~  
21 ~~enforcement authorities shall not be released by the board except~~  
22 ~~in accordance with state and federal requirements.~~

23 ~~(h) As used in this section, the term "applicant" shall be limited~~  
24 ~~to an initial applicant who has never been registered or licensed~~  
25 ~~by the board or to an applicant for a new licensure or registration~~  
26 ~~category.~~

27 ~~(i) As a condition of petitioning the board for reinstatement of~~  
28 ~~a revoked or surrendered license, an applicant shall comply with~~  
29 ~~subdivision (a).~~

30 ~~SEC. 50.~~

31 *SEC. 48.* Section 5810 of the Business and Professions Code  
32 is amended to read:

33 5810. (a) This chapter shall be subject to review by the  
34 appropriate policy committees of the Legislature.

35 (b) This chapter shall remain in effect only until January 1,  
36 2023, and as of that date is repealed.

37 ~~SEC. 51.~~

38 *SEC. 49.* Section 7000 of the Business and Professions Code  
39 is amended to read:

1 7000. This chapter constitutes, and may be cited as, the  
2 Contractors State License Law.

3 ~~SEC. 52.~~

4 *SEC. 50.* Section 7000.5 of the Business and Professions Code  
5 is amended to read:

6 7000.5. (a) There is in the Department of Consumer Affairs  
7 a Contractors State License Board, which consists of 15 members.

8 (b) Notwithstanding any other provision of law, the repeal of  
9 this section renders the board subject to review by the appropriate  
10 policy committees of the Legislature.

11 (c) This section shall remain in effect only until January 1, 2024,  
12 and as of that date is repealed.

13 ~~SEC. 53.~~

14 *SEC. 51.* Section 7000.6 of the Business and Professions Code  
15 is amended to read:

16 7000.6. Protection of the public shall be the highest priority  
17 for the Contractors State License Board in exercising its licensing,  
18 regulatory, and disciplinary functions. Whenever the protection  
19 of the public is inconsistent with other interests sought to be  
20 promoted, the protection of the public shall be paramount.

21 ~~SEC. 54.~~

22 *SEC. 52.* Section 7011.4 of the Business and Professions Code  
23 is amended to read:

24 7011.4. (a) Notwithstanding Section 7011, there is in the  
25 Contractors State License Board, a separate enforcement division  
26 that shall rigorously enforce this chapter prohibiting all forms of  
27 unlicensed activity and shall enforce the obligation to secure the  
28 payment of valid and current workers' compensation insurance in  
29 accordance with Section 3700.5 of the Labor Code.

30 (b) Persons employed as enforcement representatives of the  
31 Contractors State License Board and designated by the Director  
32 of Consumer Affairs shall have the authority to issue a written  
33 notice to appear in court pursuant to Chapter 5C (commencing  
34 with Section 853.5) of Title 3 of Part 2 of the Penal Code. An  
35 employee so designated is not a peace officer and is not entitled  
36 to safety member retirement benefits as a result of that designation.  
37 They do not have the power of arrest.

38 (c) When participating in the activities of the Joint Enforcement  
39 Strike Force on the Underground Economy pursuant to Section

1 329 of the Unemployment Insurance Code, the enforcement  
2 division shall have free access to all places of labor.

3 ~~SEC. 55.~~

4 *SEC. 53.* Section 7011.5 of the Business and Professions Code  
5 is amended to read:

6 7011.5. Persons employed as investigators of the Special  
7 Investigations Unit of the Contractors State License Board and  
8 designated by the Director of Consumer Affairs have the authority  
9 of peace officers while engaged in exercising the powers granted  
10 or performing the duties imposed upon them in investigating the  
11 laws administered by the Contractors State License Board or  
12 commencing directly or indirectly any criminal prosecution arising  
13 from any investigation conducted under these laws. All persons  
14 herein referred to shall be deemed to be acting within the scope  
15 of employment with respect to all acts and matters in this section  
16 set forth.

17 ~~SEC. 56.~~

18 *SEC. 54.* Section 7011.8 of the Business and Professions Code  
19 is amended to read:

20 7011.8. (a) Any person subject to licensure under this chapter  
21 who reports to, or causes a complaint to be filed with, the  
22 Contractors State License Board that a person licensed by that  
23 entity has engaged in professional misconduct, knowing the report  
24 or complaint to be false, may be issued a citation by the registrar.

25 (b) The board may notify the appropriate district attorney or  
26 city attorney that a person subject to licensure under this chapter  
27 has made or filed what the entity believes to be a false report or  
28 complaint against a licensee.

29 ~~SEC. 57.~~

30 *SEC. 55.* Section 7015 of the Business and Professions Code  
31 is amended to read:

32 7015. The board shall adopt a seal for its own use. The seal  
33 shall have the words "Contractors State License Board, State of  
34 California, Department of Consumer Affairs," and the care and  
35 custody thereof shall be in the hands of the registrar.

36 ~~SEC. 58.~~

37 *SEC. 56.* Section 7017.3 of the Business and Professions Code  
38 is amended to read:

39 7017.3. The Contractors State License Board shall report  
40 annually to the Legislature, not later than October 1 of each year,

1 the following statistical information for the prior fiscal year. The  
2 following data shall be reported on complaints filed with the board  
3 against licensed contractors, registered home improvement  
4 salespersons, and unlicensed persons acting as licensees or  
5 registrants:

6 (a) The number of complaints received by the board categorized  
7 by source, such as public, trade, profession, government agency,  
8 or board-initiated, and by type of complaint, such as licensee or  
9 nonlicensee.

10 (b) The number of complaints closed prior to referral for field  
11 investigation, categorized by the reason for the closure, such as  
12 settled, referred for mandatory arbitration, or referred for voluntary  
13 arbitration.

14 (c) The number of complaints referred for field investigation  
15 categorized by the type of complaint, such as licensee or  
16 nonlicensee.

17 (d) The number of complaints closed after referral for field  
18 investigation categorized by the reason for the closure, such as  
19 settled, referred for mandatory arbitration, or referred for voluntary  
20 arbitration.

21 (e) For the board's Intake/Mediation Center and the board's  
22 Investigation Center closures, respectively, the total number of  
23 complaints closed prior to a field investigation per consumer  
24 services representative, and the total number of complaints closed  
25 after referral for a field investigation per enforcement  
26 representative. Additionally, the board shall report the total number  
27 of complaints closed by other board staff during the year.

28 (f) The number of complaints pending at the end of the fiscal  
29 year grouped in 90-day increments, and the percentage of total  
30 complaints pending, represented by the number of complaints in  
31 each grouping.

32 (g) The number of citations issued to licensees categorized by  
33 the type of citation such as order of correction only or order of  
34 correction and fine, and the number of citations issued to licensees  
35 that were vacated or withdrawn.

36 (h) The number of citations issued to nonlicensees and the  
37 number of these citations that were vacated or withdrawn.

38 (i) The number of complaints referred to a local prosecutor for  
39 criminal investigation or prosecution, the number of complaints  
40 referred to the Attorney General for the filing of an accusation,

1 and the number of complaints referred to both a local prosecutor  
2 and the Attorney General, categorized by type of complaint, such  
3 as licensee and nonlicensee.

4 (j) Actions taken by the board, including, but not limited to, the  
5 following:

6 (1) The number of disciplinary actions categorized by type, such  
7 as revocations or suspensions, categorized by whether the  
8 disciplinary action resulted from an accusation, failure to comply  
9 with a citation, or failure to comply with an arbitration award.

10 (2) The number of accusations dismissed or withdrawn.

11 (k) For subdivisions (g) and (j), the number of cases containing  
12 violations of Sections 7121 and 7121.5, and paragraph (5) of  
13 subdivision (a) of Section 7159.5, categorized by section.

14 (l) The number of interim suspension orders sought, the number  
15 of interim suspension orders granted, the number of temporary  
16 restraining orders sought, and the number of temporary restraining  
17 orders granted.

18 (m) The amount of cost recovery ordered and the amount  
19 collected.

20 (n) Case aging data, including data for each major stage of the  
21 enforcement process, including the following:

22 (1) The average number of days from the filing of a complaint  
23 to its closure by the board's Intake/Mediation Center prior to the  
24 referral for an investigation categorized by the type of complaint,  
25 such as licensee or nonlicensee.

26 (2) The average number of days from the referral of a complaint  
27 for an investigation to its closure by the Investigation Center  
28 categorized by the type of complaint, such as licensee or  
29 nonlicensee.

30 (3) The average number of days from the filing of a complaint  
31 to the referral of the completed investigation to the Attorney  
32 General.

33 (4) The average number of days from the referral of a completed  
34 investigation to the Attorney General to the filing of an accusation  
35 by the Attorney General.

36 (5) The average number of days from the filing of an accusation  
37 to the first hearing date or date of a stipulated settlement.

38 (6) The average number of days from the receipt of the  
39 Administrative Law Judge's proposed decision to the registrar's  
40 final decision.

1     ~~SEC. 59.~~

2     *SEC. 57.* Section 7028.7 of the Business and Professions Code  
3 is amended to read:

4     7028.7. (a) If upon inspection or investigation, either upon  
5 complaint or otherwise, the registrar has probable cause to believe  
6 that a person is acting in the capacity of or engaging in the business  
7 of a contractor or salesperson within this state without having a  
8 license or registration in good standing to so act or engage, and  
9 the person is not otherwise exempted from this chapter, the registrar  
10 shall issue a citation to that person.

11     (b) Within 72 hours of receiving notice that a public entity is  
12 intending to award, or has awarded, a contract to an unlicensed  
13 contractor, the registrar shall give written notice to the public entity  
14 that a citation may be issued if a contract is awarded to an  
15 unlicensed contractor. If after receiving the written notice from  
16 the registrar that the public entity has awarded or awards the  
17 contract to an unlicensed contractor, the registrar may issue a  
18 citation to the responsible officer or employee of the public entity  
19 as specified in Section 7028.15.

20     (c) Each citation shall be in writing and shall describe with  
21 particularity the basis of the citation. Notwithstanding Sections  
22 125.9 and 148, each citation shall contain an order of abatement  
23 and an assessment of a civil penalty in an amount not less than  
24 two hundred dollars (\$200) nor more than fifteen thousand dollars  
25 (\$15,000).

26     (d) With the approval of the Contractors State License Board,  
27 the registrar shall prescribe procedures for the issuance of a citation  
28 under this section. The board shall adopt regulations covering the  
29 assessment of a civil penalty that shall give due consideration to  
30 the gravity of the violation, and any history of previous violations.

31     (e) The sanctions authorized under this section shall be separate  
32 from, and in addition to, all other remedies either civil or criminal.

33     ~~SEC. 60.~~

34     *SEC. 58.* Section 7030 of the Business and Professions Code  
35 is amended to read:

36     7030. (a) Except for contractors writing home improvement  
37 contracts pursuant to Section 7151.2 and contractors writing service  
38 and repair contracts pursuant to Section 7159.10, every person  
39 licensed pursuant to this chapter shall include the following



1 statement in at least 10-point type on all written contracts with  
2 respect to which the person is a prime contractor:

3  
4 “Contractors are required by law to be licensed and regulated  
5 by the Contractors State License Board which has jurisdiction to  
6 investigate complaints against contractors if a complaint regarding  
7 a patent act or omission is filed within four years of the date of the  
8 alleged violation. A complaint regarding a latent act or omission  
9 pertaining to structural defects must be filed within 10 years of  
10 the date of the alleged violation. Any questions concerning a  
11 contractor may be referred to the Registrar, Contractors State  
12 License Board, P.O. Box 26000, Sacramento, CA 95826.”

13  
14 (b) Every person licensed pursuant to this chapter shall include  
15 the following statement in at least 12-point type in all home  
16 improvement contracts written pursuant to Section 7151.2 and  
17 service and repair contracts written pursuant to Section 7159.10:

18  
19 “Information about the Contractors State License Board (CSLB):  
20 CSLB is the state consumer protection agency that licenses and  
21 regulates construction contractors.

22 Contact CSLB for information about the licensed contractor you  
23 are considering, including information about disclosable  
24 complaints, disciplinary actions and civil judgments that are  
25 reported to CSLB.

26 Use only licensed contractors. If you file a complaint against a  
27 licensed contractor within the legal deadline (usually four years),  
28 CSLB has authority to investigate the complaint. If you use an  
29 unlicensed contractor, CSLB may not be able to help you resolve  
30 your complaint. Your only remedy may be in civil court, and you  
31 may be liable for damages arising out of any injuries to the  
32 unlicensed contractor or the unlicensed contractor’s employees.

33 For more information:

34 Visit CSLB’s internet website at [www.cslb.ca.gov](http://www.cslb.ca.gov)

35 Call CSLB at 800-321-CSLB (2752)

36 Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”

37

38 (c) Failure to comply with the notice requirements set forth in  
39 subdivision (a) or (b) of this section is cause for disciplinary action.

1 ~~SEC. 61.~~

2 *SEC. 59.* Section 7031 of the Business and Professions Code  
3 is amended to read:

4 7031. (a) Except as provided in subdivision (e), no person  
5 engaged in the business or acting in the capacity of a contractor,  
6 may bring or maintain any action, or recover in law or equity in  
7 any action, in any court of this state for the collection of  
8 compensation for the performance of any act or contract where a  
9 license is required by this chapter without alleging that they were  
10 a duly licensed contractor at all times during the performance of  
11 that act or contract regardless of the merits of the cause of action  
12 brought by the person, except that this prohibition shall not apply  
13 to contractors who are each individually licensed under this chapter  
14 but who fail to comply with Section 7029.

15 (b) Except as provided in subdivision (e), a person who utilizes  
16 the services of an unlicensed contractor may bring an action in  
17 any court of competent jurisdiction in this state to recover all  
18 compensation paid to the unlicensed contractor for performance  
19 of any act or contract.

20 (c) A security interest taken to secure any payment for the  
21 performance of any act or contract for which a license is required  
22 by this chapter is unenforceable if the person performing the act  
23 or contract was not a duly licensed contractor at all times during  
24 the performance of the act or contract.

25 (d) If licensure or proper licensure is controverted, then proof  
26 of licensure pursuant to this section shall be made by production  
27 of a verified certificate of licensure from the Contractors State  
28 License Board which establishes that the individual or entity  
29 bringing the action was duly licensed in the proper classification  
30 of contractors at all times during the performance of any act or  
31 contract covered by the action. Nothing in this subdivision shall  
32 require any person or entity controverting licensure or proper  
33 licensure to produce a verified certificate. When licensure or proper  
34 licensure is controverted, the burden of proof to establish licensure  
35 or proper licensure shall be on the licensee.

36 (e) The judicial doctrine of substantial compliance shall not  
37 apply under this section where the person who engaged in the  
38 business or acted in the capacity of a contractor has never been a  
39 duly licensed contractor in this state. However, notwithstanding  
40 subdivision (b) of Section 143, the court may determine that there

1 has been substantial compliance with licensure requirements under  
2 this section if it is shown at an evidentiary hearing that the person  
3 who engaged in the business or acted in the capacity of a contractor  
4 (1) had been duly licensed as a contractor in this state prior to the  
5 performance of the act or contract, (2) acted reasonably and in  
6 good faith to maintain proper licensure, and (3) acted promptly  
7 and in good faith to remedy the failure to comply with the licensure  
8 requirements upon learning of the failure.

9 (f) The exceptions to the prohibition against the application of  
10 the judicial doctrine of substantial compliance found in subdivision  
11 (e) shall apply to all contracts entered into on or after January 1,  
12 1992, and to all actions or arbitrations arising therefrom, except  
13 that the amendments to subdivisions (e) and (f) enacted during the  
14 1994 portion of the 1993–94 Regular Session of the Legislature  
15 shall not apply to either of the following:

16 (1) Any legal action or arbitration commenced prior to January  
17 1, 1995, regardless of the date on which the parties entered into  
18 the contract.

19 (2) Any legal action or arbitration commenced on or after  
20 January 1, 1995, if the legal action or arbitration was commenced  
21 prior to January 1, 1995, and was subsequently dismissed.

22 ~~SEC. 62.~~

23 *SEC. 60.* Section 7058.7 of the Business and Professions Code  
24 is amended to read:

25 7058.7. (a) No contractor may engage in a removal or remedial  
26 action, as defined in subdivision (d), unless the qualifier for the  
27 license has passed an approved hazardous substance certification  
28 examination.

29 (b) (1) The Contractors State License Board, the Division of  
30 Occupational Safety and Health of the Department of Industrial  
31 Relations, and the Department of Toxic Substances Control shall  
32 jointly select an advisory committee, which shall be composed of  
33 two representatives of hazardous substance removal workers in  
34 California, two general engineering contractors in California, and  
35 two representatives of insurance companies in California who shall  
36 be selected by the Insurance Commissioner.

37 (2) The Contractors State License Board shall develop a written  
38 test for the certification of contractors engaged in hazardous  
39 substance removal or remedial action, in consultation with the  
40 Division of Occupational Safety and Health, the State Water

1 Resources Control Board, the Department of Toxic Substances  
2 Control, and the advisory committee.

3 (c) The Contractors State License Board may require additional  
4 updated approved hazardous substance certification examinations  
5 of licensees currently certified based on new public or occupational  
6 health and safety information. The Contractors State License Board,  
7 in consultation with the Department of Toxic Substances Control  
8 and the State Water Resources Control Board, shall approve other  
9 initial and updated hazardous substance certification examinations  
10 and determine whether to require an updated certification  
11 examination of all current certificate holders.

12 (d) For purposes of this section “removal or remedial action”  
13 has the same meaning as found in Chapter 6.8 (commencing with  
14 Section 25300) of Division 20 of the Health and Safety Code, if  
15 the action requires the contractor to dig into the surface of the earth  
16 and remove the dug material and the action is at a site listed  
17 pursuant to Section 25356 of the Health and Safety Code or any  
18 other site listed as a hazardous substance release site by the  
19 Department of Toxic Substances Control or a site listed on the  
20 National Priorities List compiled pursuant to the Comprehensive  
21 Environmental Response, Compensation, and Liability Act of 1980  
22 (42 U.S.C. Sec. 9601 et seq.). “Removal or remedial action” does  
23 not include asbestos-related work, as defined in Section 6501.8 of  
24 the Labor Code, or work related to a hazardous substance spill on  
25 a highway.

26 (e) (1) A contractor may not install or remove an underground  
27 storage tank, unless the contractor has passed the hazardous  
28 substance certification examination developed pursuant to this  
29 section.

30 (2) A contractor who is not certified may bid on or contract for  
31 the installation or removal of an underground tank, if the work is  
32 performed by a contractor who is certified pursuant to this section.

33 (3) For purposes of this subdivision, “underground storage tank”  
34 has the same meaning as defined in subdivision (y) of Section  
35 25281 of the Health and Safety Code.

36 ~~SEC. 63.~~

37 *SEC. 61.* Section 7071.4 of the Business and Professions Code  
38 is amended to read:

39 7071.4. (a) Each person licensed under the provisions of this  
40 chapter and subject to any of the bonding provisions of this article

1 shall maintain the requisite bond as executed by an admitted surety  
2 insurer or as deposited with the registrar pursuant to paragraph (1)  
3 of subdivision (a) of Section 995.710 of the Code of Civil  
4 Procedure in the appropriate amount. Notwithstanding Article 7  
5 (commencing with Section 995.710) of Chapter 2 of Title 14 of  
6 Part 2 of the Code of Civil Procedure, no other method of deposit,  
7 including, but not limited to, a certificate of deposit, shall satisfy  
8 a bond requirement under this article.

9 (b) All existing alternatives in lieu of a bond currently filed with  
10 the registrar shall be replaced for a surety bond or the deposit  
11 prescribed by paragraph (1) of subdivision (a) of Section 995.710  
12 of the Code of Civil Procedure by January 1, 2020.

13 (c) (1) If the board is notified, in writing, of a civil action  
14 against the deposit authorized under this section, the deposit or  
15 any portion thereof shall not be released for any purpose, except  
16 as determined by the court.

17 (2) If any deposit authorized under this section is insufficient  
18 to pay, in full, all claims that have been adjudicated under any  
19 action filed in accordance with this section, the amount of the  
20 deposit shall be distributed to all claimants in proportion to the  
21 amount of their respective claims.

22 (d) Notwithstanding subdivision (a), this section shall not apply  
23 to the bond equivalents described in Section 7159.5 of this chapter.

24 (e) (1) This section shall be operative on and after January 1,  
25 2019, upon which date the registrar shall thereafter no longer accept  
26 alternatives in lieu of a bond, other than as provided in this section.

27 (2) Notwithstanding any other law, in order to comply with the  
28 bonding provisions of this article, a person shall only be required  
29 to provide information consistent with the requirements for an  
30 applicant under Section 30.

31 (f) All alternatives in lieu of a bond filed with the registrar before  
32 January 1, 2019, and any lawful money or cashier's check  
33 deposited pursuant to paragraph (1) of subdivision (a) of Section  
34 995.710 of the Code of Civil Procedure after January 1, 2019, shall  
35 be subject to the following limitations periods:

36 (1) Any action, other than an action to recover wages or fringe  
37 benefits, against a deposit given in lieu of a contractor's bond or  
38 bond of a qualifying individual filed by an active licensee shall be  
39 brought within three years after the expiration of the license period  
40 during which the act or omission occurred, or within three years

1 of the date the license of the active licensee was inactivated,  
2 canceled, or revoked by the board, whichever occurs first.

3 (2) Any action, other than an action to recover wages or fringe  
4 benefits, against a deposit given in lieu of a disciplinary bond filed  
5 by an active licensee pursuant to Section 7071.8 shall be brought  
6 within three years after the expiration of the license period during  
7 which the act or omission occurred, or within three years of the  
8 date the license of the active licensee was inactivated, canceled,  
9 or revoked by the board, or within three years after the last date  
10 for which a deposit given in lieu of a disciplinary bond filed  
11 pursuant to Section 7071.8 was required, whichever date is first.

12 (3) A claim to recover wages or fringe benefits shall be brought  
13 within six months from the date that the wage or fringe benefit  
14 delinquencies were discovered, but in no event shall a civil action  
15 thereon be brought later than two years from the date the wage or  
16 fringe benefit contributions were due.

17 (g) In any case in which a claim is filed against an alternative  
18 given in lieu of a bond filed with the registrar before January 1,  
19 2019, or deposited with the registrar pursuant to subdivision (a),  
20 by any employee or by an employee organization on behalf of an  
21 employee, concerning wages or fringe benefits based upon the  
22 employee's employment, claims for the nonpayment shall be filed  
23 with the Labor Commissioner. The Labor Commissioner shall,  
24 pursuant to the authority vested by Section 96.5 of the Labor Code,  
25 conduct hearings to determine whether or not the wages or fringe  
26 benefits should be paid to the complainant. Upon a finding by the  
27 commissioner that the wages or fringe benefits should be paid to  
28 the complainant, the commissioner shall notify the registrar of the  
29 findings. The registrar shall not make payment from the deposit  
30 on the basis of findings by the commissioner for a period of 10  
31 days following determination of the findings. If, within the period,  
32 the complainant or the contractor files written notice with the  
33 registrar and the commissioner of an intention to seek judicial  
34 review of the findings pursuant to Section 11523 of the  
35 Government Code, the registrar shall not make payment if an action  
36 is actually filed, except as determined by the court. If, thereafter,  
37 no action is filed within 60 days following determination of  
38 findings by the commissioner, the registrar shall make payment  
39 from the deposit to the complainant.

1 (h) Legal fees may not be charged by the board against any  
2 alternative given in lieu of a bond filed with the registrar before  
3 January 1, 2019, or deposited with the registrar pursuant to  
4 subdivision (a).

5 ~~SEC. 64.~~

6 *SEC. 62.* Section 7080.5 of the Business and Professions Code  
7 is amended to read:

8 7080.5. When an application has been accepted by the registrar,  
9 the name and address of the applicant, every classification for  
10 which the applicant has applied, and the names and titles of all  
11 personnel who have signed the application shall be publicly posted  
12 by the registrar, on the day following acceptance, in the office of  
13 the Contractors State License Board in Sacramento.

14 ~~SEC. 65.~~

15 *SEC. 63.* Section 7085.5 of the Business and Professions Code  
16 is amended to read:

17 7085.5. Arbitrations of disputes arising out of cases filed with  
18 or by the board shall be conducted in accordance with the following  
19 rules:

20 (a) All “agreements to arbitrate” shall include the names,  
21 addresses, and telephone numbers of the parties to the dispute, the  
22 issue in dispute, and the amount in dollars or any other remedy  
23 sought. The appropriate fee shall be paid by the board from the  
24 Contractors License Fund.

25 (b) (1) The board or appointed arbitration association shall  
26 appoint an arbitrator in the following manner: immediately after  
27 the filing of the agreement to arbitrate, the board or appointed  
28 arbitration association shall submit simultaneously to each party  
29 to the dispute, an identical list of names of persons chosen from  
30 the panel. Each party to the dispute shall have seven days from  
31 the mailing date in which to cross off any names to which it objects,  
32 number the remaining names to indicate the order of preference,  
33 and return the list to the board or appointed arbitration association.  
34 If a party does not return the list within the time specified, all  
35 persons named in the list are acceptable. From among the persons  
36 who have been approved on both lists, and in accordance with the  
37 designated order of mutual preference, the board or appointed  
38 arbitration association shall appoint an arbitrator to serve. If the  
39 parties fail to agree on any of the parties named, if acceptable  
40 arbitrators are unable to act, or if, for any other reason, the

1 appointment cannot be made from the submitted lists, the board  
2 or appointed arbitration association shall have the power to make  
3 the appointment from among other members of the panel without  
4 the submission of any additional lists. Each dispute shall be heard  
5 and determined by one arbitrator unless the board or appointed  
6 arbitration association, in its discretion, directs that a greater  
7 number of arbitrators be appointed.

8 (2) In all cases in which a complaint has been referred to  
9 arbitration pursuant to subdivision (b) of Section 7085, the board  
10 or the appointed arbitration association shall have the power to  
11 appoint an arbitrator to hear the matter.

12 (3) The board shall adopt regulations setting minimum  
13 qualification standards for listed arbitrators based upon relevant  
14 training, experience, and performance.

15 (c) No person shall serve as an arbitrator in any arbitration in  
16 which that person has any financial or personal interest in the result  
17 of the arbitration. Prior to accepting an appointment, the  
18 prospective arbitrator shall disclose any circumstances likely to  
19 prevent a prompt hearing or to create a presumption of bias. Upon  
20 receipt of that information, the board or appointed arbitration  
21 association shall immediately replace the arbitrator or communicate  
22 the information to the parties for their comments. Thereafter, the  
23 board or appointed arbitration association shall determine whether  
24 the arbitrator should be disqualified and shall inform the parties  
25 of its decision, which shall be conclusive.

26 (d) The board or appointed arbitration association may appoint  
27 another arbitrator if a vacancy occurs, or if an appointed arbitrator  
28 is unable to serve in a timely manner.

29 (e) (1) The board or appointed arbitration association shall  
30 provide the parties with a list of the times and dates, and locations  
31 of the hearing to be held. The parties shall notify the arbitrator,  
32 within seven calendar days of the mailing of the list, of the times  
33 and dates convenient to each party. If the parties fail to respond  
34 to the arbitrator within the seven-day period, the arbitrator shall  
35 fix the time, place, and location of the hearing. An arbitrator may,  
36 at the arbitrator's sole discretion, make an inspection of the  
37 construction site which is the subject of the arbitration. The  
38 arbitrator shall notify the parties of the time and date set for the  
39 inspection. Any party who so desires may be present at the  
40 inspection.



1 (2) The board or appointed arbitration association shall fix the  
2 time, place, and location of the hearing for all cases referred to  
3 arbitration pursuant to subdivision (b) of Section 7085. An  
4 arbitrator may, at the arbitrator's sole discretion, make an  
5 inspection of the construction site which is the subject of the  
6 arbitration. The arbitrator shall notify the parties of the time and  
7 date set for the inspection. Any party who desires may be present  
8 at the inspection.

9 (f) Any person having a direct interest in the arbitration is  
10 entitled to attend the hearing. The arbitrator shall otherwise have  
11 the power to require the exclusion of any witness, other than a  
12 party or other essential person, during the testimony of any other  
13 witness. It shall be discretionary with the arbitrator to determine  
14 the propriety of the attendance of any other person.

15 (g) Hearings shall be adjourned by the arbitrator only for good  
16 cause.

17 (h) A record is not required to be taken of the proceedings.  
18 However, any party to the proceeding may have a record made at  
19 its own expense. The parties may make appropriate notes of the  
20 proceedings.

21 (i) The hearing shall be conducted by the arbitrator in any  
22 manner which will permit full and expeditious presentation of the  
23 case by both parties. Consistent with the expedited nature of  
24 arbitration, the arbitrator shall establish the extent of, and schedule  
25 for, the production of relevant documents and other information,  
26 the identification of any witnesses to be called, and a schedule for  
27 any hearings to elicit facts solely within the knowledge of one  
28 party. The complaining party shall present its claims, proofs, and  
29 witnesses, who shall submit to questions or other examination.  
30 The defending party shall then present its defenses, proofs, and  
31 witnesses, who shall submit to questions or other examination.  
32 The arbitrator has discretion to vary this procedure but shall afford  
33 full and equal opportunity to the parties for the presentation of any  
34 material or relevant proofs.

35 (j) The arbitration may proceed in the absence of any party who,  
36 after due notice, fails to be present. The arbitrator shall require the  
37 attending party to submit supporting evidence in order to make an  
38 award. An award for the attending party shall not be based solely  
39 on the fact that the other party has failed to appear at the arbitration  
40 hearing.

1 (k) The arbitrator shall be the sole judge of the relevancy and  
2 materiality of the evidence offered and conformity to legal rules  
3 of evidence shall not be required.

4 (l) The arbitrator may receive and consider documentary  
5 evidence. Documents to be considered by the arbitrator may be  
6 submitted prior to the hearing. However, a copy shall be  
7 simultaneously transmitted to all other parties and to the board or  
8 appointed arbitration association for transmittal to the arbitrator  
9 or board appointed arbitrator.

10 (m) The arbitrator shall specifically inquire of the parties  
11 whether they have any further proofs to offer or witnesses to be  
12 heard. Upon receiving negative replies, the arbitrator shall declare  
13 the hearing closed and minutes thereof shall be recorded. If briefs  
14 are to be filed, the hearing shall be declared closed as of the final  
15 date set by the arbitrator for the receipt of briefs. If documents are  
16 to be filed as requested by the arbitrator and the date set for their  
17 receipt is later than that set for the receipt of briefs, the later date  
18 shall be the date of closing the hearings. The time limit within  
19 which the arbitrator is required to make the award shall commence  
20 to run, in the absence of other agreements by the parties, upon the  
21 closing of the hearings.

22 (n) The hearing may be reopened on the arbitrator's own motion.

23 (o) Any party who proceeds with the arbitration after knowledge  
24 that any provision or requirement of these rules has not been  
25 complied with, and who fails to state their objections to the  
26 arbitrator in writing, within 10 calendar days of close of hearing,  
27 shall be deemed to have waived their right to object.

28 (p) (1) Except as provided in paragraph (2), any papers or  
29 process necessary or proper for the initiation or continuation of an  
30 arbitration under these rules and for any court action in connection  
31 therewith, or for the entry of judgment on an award made  
32 thereunder, may be served upon any party (A) by regular mail  
33 addressed to that party or their attorney at the party's last known  
34 address, or (B) by personal service.

35 (2) Notwithstanding paragraph (1), in all cases referred to  
36 arbitration pursuant to subdivision (b) of Section 7085 in which  
37 the contractor fails or refuses to return an executed copy of the  
38 notice to arbitrate within the time specified, any papers or process  
39 specified in paragraph (1) to be sent to the contractor, including

1 the notice of hearing, shall be mailed by certified mail to the  
2 contractor's address of record.

3 (q) The award shall be made promptly by the arbitrator, and  
4 unless otherwise agreed by the parties, no later than 30 calendar  
5 days from the date of closing the hearing, closing a reopened  
6 hearing, or if oral hearing has been waived, from the date of  
7 transmitting the final statements and proofs to the arbitrator.

8 The arbitrator may for good cause extend any period of time  
9 established by these rules, except the time for making the award.  
10 The arbitrator shall notify the parties of any extension and the  
11 reason therefor.

12 (r) (1) The arbitrator may grant any remedy or relief that the  
13 arbitrator deems just and equitable and within the scope of the  
14 board's referral and the requirements of the board. The arbitrator,  
15 in their sole discretion, may award costs or expenses.

16 (2) The amendments made in paragraph (1) during the 2003-04  
17 Regular Session shall not be interpreted to prevent an arbitrator  
18 from awarding a complainant all direct costs and expenses for the  
19 completion or repair of the project.

20 (s) The award shall become final 30 calendar days from the date  
21 the arbitration award is issued. The arbitrator, upon written  
22 application of a party to the arbitration, may correct the award  
23 upon the following grounds:

24 (1) There was an evident miscalculation of figures or an evident  
25 mistake in the description of any person, things, or property  
26 referred to in the award.

27 (2) There is any other clerical error in the award, not affecting  
28 the merits of the controversy.

29 An application for correction of the award shall be made within  
30 10 calendar days of the date of service of the award by serving a  
31 copy of the application on the arbitrator, and all other parties to  
32 the arbitration. Any party to the arbitration may make a written  
33 objection to the application for correction by serving a copy of the  
34 written objection on the arbitrator, the board, and all other parties  
35 to the arbitration, within 10 calendar days of the date of service of  
36 the application for correction.

37 The arbitrator shall either deny the application or correct the  
38 award within 30 calendar days of the date of service of the original  
39 award by mailing a copy of the denial or correction to all parties  
40 to the arbitration. Any appeal from the denial or correction shall

1 be filed with a court of competent jurisdiction and a true copy  
2 thereof shall be filed with the arbitrator or appointed arbitration  
3 association within 30 calendar days after the award has become  
4 final. The award shall be in writing, and shall be signed by the  
5 arbitrator or a majority of them. If no appeal is filed within the  
6 30-calendar day period, it shall become a final order of the registrar.

7 (t) Service of the award by certified mail shall be effective if a  
8 certified letter containing the award, or a true copy thereof, is  
9 mailed by the arbitrator or arbitration association to each party or  
10 to a party's attorney of record at their last known address, address  
11 of record, or by personally serving any party. Service may be  
12 proved in the manner authorized in civil actions.

13 (u) The board shall pay the expenses of one expert witness  
14 appointed by the board when the services of an expert witness are  
15 requested by either party involved in arbitration pursuant to this  
16 article and the case involves workmanship issues that are itemized  
17 in the complaint and have not been repaired or replaced. Parties  
18 who choose to present the findings of another expert witness as  
19 evidence shall pay for those services. Payment for expert witnesses  
20 appointed by the board shall be limited to the expert witness costs  
21 for inspection of the problem at the construction site, preparation  
22 of the expert witness' report, and expert witness fees for appearing  
23 or testifying at a hearing. All requests for payment to an expert  
24 witness shall be submitted on a form that has been approved by  
25 the registrar. All requests for payment to an expert witness shall  
26 be reviewed and approved by the board prior to payment. The  
27 registrar shall advise the parties that names of industry experts  
28 may be obtained by requesting this information from the registrar.

29 (v) The arbitrator shall interpret and apply these rules insofar  
30 as they relate to their powers and duties.

31 (w) The following shall apply as to court procedure and  
32 exclusion of liability:

33 (1) The board, the appointed arbitration association, or any  
34 arbitrator in a proceeding under these rules is not a necessary party  
35 in judicial proceedings relating to the arbitration.

36 (2) Parties to these rules shall be deemed to have consented that  
37 judgment upon the arbitration award may be entered in any federal  
38 or state court having jurisdiction thereof.

1 (3) The board, the appointed arbitration association, or any  
2 arbitrator is not liable to any party for any act or omission in  
3 connection with any arbitration conducted under these rules.

4 ~~SEC. 66.~~

5 *SEC. 64.* Section 7099.2 of the Business and Professions Code  
6 is amended to read:

7 7099.2. (a) The board shall promulgate regulations covering  
8 the assessment of civil penalties under this article that give due  
9 consideration to the appropriateness of the penalty with respect to  
10 the following factors:

11 (1) The gravity of the violation.

12 (2) The good faith of the licensee or applicant for licensure  
13 being charged.

14 (3) The history of previous violations.

15 (b) Except as otherwise provided by this chapter, no civil penalty  
16 shall be assessed in an amount greater than five thousand dollars  
17 (\$5,000). Notwithstanding Section 125.9, a civil penalty not to  
18 exceed fifteen thousand dollars (\$15,000) may be assessed for a  
19 violation of Section 7114 or 7118.

20 ~~SEC. 67.~~

21 *SEC. 65.* Section 7099.9 is added to the Business and  
22 Professions Code, to read:

23 7099.9. (a) If, upon investigation, the registrar has probable  
24 cause to believe that a licensee, registrant, or applicant has  
25 committed acts or omissions that are grounds for denial,  
26 suspension, or revocation of a license or registration, the registrar,  
27 or their designee, may issue a letter of admonishment to an  
28 applicant, licensee, or registrant in lieu of issuing a citation.  
29 Nothing in this article shall in any way limit the registrar's  
30 discretionary authority or ability to issue a letter of admonishment  
31 as prescribed by this subdivision.

32 (b) The letter of admonishment shall be in writing and shall  
33 describe in detail the nature and facts of the violation, including a  
34 reference to the statutes or regulations violated. The letter of  
35 admonishment shall inform the licensee, registrant, or applicant  
36 that within 30 days of service of the letter of admonishment the  
37 licensee, registrant, or applicant may do either of the following:

38 (1) Submit a written request for an office conference to the  
39 registrar to contest the letter of admonishment. Upon a timely  
40 request, the registrar, or their designee, shall hold an office

1 conference with the licensee, registrant, or applicant and, if  
2 applicable, their legal counsel or authorized representative.

3 (A) No individual other than the legal counsel or authorized  
4 representative of the licensee, registrant, or applicant may  
5 accompany the licensee, registrant, or applicant to the office  
6 conference.

7 (B) Prior to or at the office conference, the licensee, registrant,  
8 or applicant may submit to the registrar declarations and documents  
9 pertinent to the subject matter of the letter of admonishment.

10 (C) The office conference is intended to be informal and shall  
11 not be subject to the Administrative Procedure Act (Chapter 4.5  
12 commencing with Section 11400) or Chapter 5 (commencing with  
13 Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
14 Code).

15 (D) After the office conference, the registrar, or their designee,  
16 may affirm, modify, or withdraw the letter of admonishment.  
17 Within 14 calendar days from the date of the office conference,  
18 the registrar, or their designee, shall personally serve or send the  
19 written decision by certified mail to the licensee's, registrant's, or  
20 applicant's address of record. This decision shall be deemed the  
21 final administrative decision concerning the letter of  
22 admonishment.

23 (E) Judicial review of the decision may be had by filing a  
24 petition for a writ of mandate in accordance with the provisions  
25 of Section 1094.5 of the Code of Civil Procedure within 30 days  
26 after the date the decision was personally served or sent by certified  
27 mail. The judicial review shall extend to the question of whether  
28 or not there was a prejudicial abuse of discretion in the issuance  
29 of the letter of admonishment or in the decision after the office  
30 conference.

31 (2) Comply with the letter of admonishment and, if required,  
32 submit a written corrective action plan to the registrar documenting  
33 compliance. If an office conference is not requested pursuant to  
34 this section, compliance with the letter of admonishment shall not  
35 constitute an admission of the violation noted in the letter of  
36 admonishment.

37 (c) The letter of admonishment shall be served upon the licensee,  
38 registrant, or applicant personally or by certified mail at their  
39 address of record with the board. If the licensee, registrant, or

1 applicant is served by certified mail, service shall be effective upon  
2 deposit in the United States mail.

3 (d) The licensee, registrant, or applicant shall maintain and have  
4 readily available a copy of the letter of admonishment and  
5 corrective action plan, if any, for at least one year from the date  
6 of issuance of the letter of admonishment.

7 (e) Nothing in this subdivision shall in any way limit the board's  
8 authority or ability to do either of the following:

9 (1) Issue a citation pursuant to Section 125.9, 148, or 7099.

10 (2) Institute disciplinary proceedings pursuant to this article.

11 (f) The issuance of a letter of admonishment shall not be  
12 construed as a disciplinary action or discipline for purposes of  
13 licensure or the reporting of discipline for licensure.

14 (g) The board shall not issue a letter of admonishment when  
15 any one of the following factors is present:

16 (1) The licensee, registrant, or applicant was unlicensed at the  
17 time of the violation.

18 (2) Multiple violations have been established.

19 (3) The licensee, registrant, or applicant has a history of the  
20 same or similar violations.

21 (4) The violation resulted in financial harm to another.

22 (5) The victim is an elder or dependent adult as defined in  
23 Section 368 of the Penal Code.

24 (6) The violation is related to the repair of damage caused by a  
25 natural disaster.

26 (h) The board may adopt regulations to further define the  
27 circumstances under which a letter of admonishment may be issued.

28 ~~SEC. 68.~~

29 *SEC. 66.* Section 7123.5 of the Business and Professions Code  
30 is amended to read:

31 7123.5. If a contractor is convicted of violating Section 396 of  
32 the Penal Code or any substantially similar local ordinance in  
33 connection with the sale, or offer for sale, of repair or  
34 reconstruction services, as defined in Section 396 of the Penal  
35 Code, the Contractors State License Board shall take disciplinary  
36 action against the contractor, which shall include a suspension of  
37 at least six months or the permanent revocation of the contractor's  
38 license.

1 ~~SEC. 69.~~

2 *SEC. 67.* Section 7135 of the Business and Professions Code  
3 is amended to read:

4 7135. (a) The fees and civil penalties received under this  
5 chapter shall be deposited in the Contractors License Fund. All  
6 moneys in the fund are hereby appropriated for the purposes of  
7 this chapter.

8 (b) It is the intent of the Legislature that the board shall use  
9 moneys appropriated from the fund to improve its administrative  
10 and investigative oversight activities and capacity.

11 ~~SEC. 70.~~

12 *SEC. 68.* Section 7136 of the Business and Professions Code  
13 is amended to read:

14 7136. The director shall designate a sum not to exceed 10  
15 percent of the total income of the Contractors State License Board  
16 for each fiscal year to be transferred to the Consumer Affairs Fund  
17 as the board's share of the cost of administration of the department.

18 ~~SEC. 71.~~

19 *SEC. 69.* Section 7137 of the Business and Professions Code  
20 is amended to read:

21 7137. The board may set fees by regulation. These fees shall  
22 be set according to the following schedule:

23 (a) (1) The application fee for an original license in a single  
24 classification shall be three hundred thirty dollars (\$330) and may  
25 be increased to not more than three hundred seventy-five dollars  
26 (\$375).

27 (2) The application fee for each additional classification applied  
28 for in connection with an original license shall not be more than  
29 eighty-five dollars (\$85).

30 (3) The application fee for each additional classification pursuant  
31 to Section 7059 shall be one hundred fifty dollars (\$150) and may  
32 be increased to not more than one hundred seventy-five dollars  
33 (\$175).

34 (4) The application fee to replace a responsible managing officer,  
35 responsible managing manager, responsible managing member,  
36 or responsible managing employee pursuant to Section 7068.2  
37 shall be one hundred fifty dollars (\$150) and may be increased to  
38 not more than one hundred seventy-five dollars (\$175).

39 (5) The application fee to add personnel, other than a qualifying  
40 individual, to an existing license shall be one hundred dollars



1 (\$100) and may be increased to not more than one hundred fifteen  
2 dollars (\$115).

3 (b) The fee for rescheduling an examination for an applicant  
4 who has applied for an original license, additional classification,  
5 a change of responsible managing officer, responsible managing  
6 manager, responsible managing member, or responsible managing  
7 employee, or for an asbestos certification or hazardous substance  
8 removal certification, shall not be more than seventy dollars (\$70).

9 (c) The fee for scheduling or rescheduling an examination for  
10 a licensee who is required to take the examination as a condition  
11 of probation shall not be more than seventy dollars (\$70).

12 (d) The initial license fee for an active or inactive license shall  
13 be two hundred dollars (\$200) and may be increased to not more  
14 than two hundred twenty-five dollars (\$225).

15 (e) (1) The renewal fee for an active license shall be four  
16 hundred dollars (\$400) and may be increased to not more than four  
17 hundred fifty dollars (\$450).

18 (2) The renewal fee for an inactive license shall be two hundred  
19 dollars (\$200) and may be increased to not more than two hundred  
20 twenty-five dollars (\$225).

21 (f) The delinquency fee is an amount equal to 50 percent of the  
22 renewal fee, if the license is renewed after its expiration.

23 (g) The registration fee for a home improvement salesperson  
24 shall be eighty-three dollars (\$83) and may be increased to not  
25 more than ninety-five dollars (\$95).

26 (h) The renewal fee for a home improvement salesperson  
27 registration shall be eighty-three dollars (\$83) and may be increased  
28 to not more than ninety-five dollars (\$95).

29 (i) The application fee for an asbestos certification examination  
30 shall be eighty-three dollars (\$83) and may be increased to not  
31 more than ninety-five dollars (\$95).

32 (j) The application fee for a hazardous substance removal or  
33 remedial action certification examination shall be eighty-three  
34 dollars (\$83) and may be increased to not more than ninety-five  
35 dollars (\$95).

36 (k) In addition to any other fees charged to C-10 contractors,  
37 the board shall charge a fee of twenty dollars (\$20), to be assessed  
38 with the renewal fee for an active license, which shall be used by  
39 the board to enforce provisions of the Labor Code related to  
40 electrician certification.

1 (l) The service fee to deposit with the registrar lawful money  
 2 or cashier's check pursuant to paragraph (1) of subdivision (a) of  
 3 Section 995.710 of the Code of Civil Procedure for purposes of  
 4 compliance with any provision of Article 5 (commencing with  
 5 Section 7065) shall be one hundred dollars (\$100), which shall be  
 6 used by the board only to process each deposit filed with the  
 7 registrar, to cover the reasonable costs to the registrar for holding  
 8 money or cashier's checks in trust in interest bearing deposit or  
 9 share accounts, and to offset the costs of processing payment of  
 10 lawful claims against a deposit in a civil action.

11 (m) The board shall, by regulation, establish criteria for the  
 12 approval of expedited processing of applications. Approved  
 13 expedited processing of applications for licensure or registration,  
 14 as required by other provisions of law, shall not be subject to this  
 15 subdivision.

16 ~~SEC. 72.~~

17 *SEC. 70.* Section 7137.5 of the Business and Professions Code  
 18 is amended to read:

19 7137.5. The sum of ten thousand dollars (\$10,000) shall be  
 20 transferred from the Contractors License Fund to the Controller  
 21 for the exclusive use of the California Uniform Construction Cost  
 22 Accounting Commission.

23 The commission shall prepare a recommendation to the  
 24 Legislature for a local public agency source to fund the commission  
 25 beginning July 1, 1991, which will provide revenue supported by  
 26 the contract activities represented by the commission's authority.

27 Upon adoption of this funding program, the commission shall  
 28 reimburse the Contractors License Fund in the amount of ten  
 29 thousand dollars (\$10,000).

30 ~~SEC. 73.~~

31 *SEC. 71.* Section 7138 of the Business and Professions Code  
 32 is amended to read:

33 7138. Notwithstanding any other provision of law, a fee paid  
 34 in connection with a service or application covered by Section  
 35 7137 shall accrue to the Contractors License Fund as an earned  
 36 fee and shall not be refunded.

37 ~~SEC. 74.~~

38 *SEC. 72.* Section 7139.1 of the Business and Professions Code  
 39 is amended to read:

1 7139.1. The Legislature hereby finds and declares all of the  
2 following:

3 (a) There is a demand and increasing need for construction  
4 management education programs and resources within the  
5 postsecondary education system that prepare graduates for the  
6 management of construction operations and companies regulated  
7 by the Contractors State License Law and enforced by the  
8 Contractors State License Board.

9 (b) Although construction management programs do exist within  
10 the state university system, these programs are woefully  
11 underfunded and insufficiently funded to provide training on  
12 state-of-the-art management information systems for either  
13 graduates or extension programs for continuing education of  
14 licensed contractors. Construction industry associations have  
15 provided some assistance through direct grants and scholarships,  
16 but the industrywide service of these programs and the need for  
17 additional assistance mandates broad based industrywide support.

18 (c) It is the intent of the Legislature that by enabling contractors  
19 to designate a portion of their licensure fee and providing a format  
20 for contractors to contribute funds to construction management  
21 education, this article will receive broad based industry support.  
22 In addition, this article allows the contractor to demonstrate the  
23 importance of construction management education. This assistance  
24 will enable greater development of construction management  
25 curricula and will improve the overall quality of construction by  
26 providing construction management training to California licensed  
27 contractors and their current and future management personnel.

28 ~~SEC. 75.~~

29 *SEC. 73.* Section 7139.2 of the Business and Professions Code  
30 is amended to read:

31 7139.2. (a) There is hereby created the Construction  
32 Management Education Account (CMEA) as a separate account  
33 in the Contractors License Fund for the purposes of construction  
34 management education. Funds in the account shall be available  
35 for the purposes of this article upon appropriation by the  
36 Legislature.

37 (b) The Contractors State License Board shall allow a contractor  
38 to make a contribution to the Construction Management Education  
39 Account at the time of the contractor license fee payment. The  
40 license fee form shall clearly display this alternative on its face

1 and shall clearly inform the licensee that this provision is a  
2 contribution to the Construction Management Education Account  
3 and is in addition to the fees.

4 (c) The board may accept grants from federal, state, or local  
5 public agencies, or from private foundations or individuals, in  
6 order to assist it in carrying out its duties, functions, and powers  
7 under this article. Grant moneys shall be deposited into the  
8 Construction Management Education Account.

9 ~~SEC. 76.~~

10 *SEC. 74.* Section 7141.5 of the Business and Professions Code  
11 is amended to read:

12 7141.5. The registrar shall grant the retroactive renewal of a  
13 license if, within 90 days of the expiration of the license, the  
14 otherwise eligible licensee submits a completed application for  
15 renewal on a form prescribed by the registrar, and pays the  
16 appropriate renewal fee and delinquency fee prescribed by this  
17 chapter. For the purposes of this section, an application shall be  
18 deemed submitted if it is delivered to the board's headquarters or  
19 postmarked within 90 days of the expiration of the license.

20 ~~SEC. 77.~~

21 *SEC. 75.* Section 7145.5 of the Business and Professions Code  
22 is amended to read:

23 7145.5. (a) The registrar may refuse to issue, reinstate,  
24 reactivate, or renew a license or may suspend a license for the  
25 failure of a licensee to resolve all outstanding final liabilities, which  
26 include taxes, additions to tax, penalties, interest, and any fees that  
27 may be assessed by the board, the Department of Industrial  
28 Relations, the Employment Development Department, the  
29 Franchise Tax Board, or the State Board of Equalization.

30 (1) Until the debts covered by this section are satisfied, the  
31 qualifying person and any other personnel of record named on a  
32 license that has been suspended under this section shall be  
33 prohibited from serving in any capacity that is subject to licensure  
34 under this chapter, but shall be permitted to act in the capacity of  
35 a nonsupervising bona fide employee.

36 (2) The license of any other renewable licensed entity with any  
37 of the same personnel of record that have been assessed an  
38 outstanding liability covered by this section shall be suspended  
39 until the debt has been satisfied or until the same personnel of  
40 record disassociate themselves from the renewable licensed entity.

1 (b) The refusal to issue a license or the suspension of a license  
2 as provided by this section shall be applicable only if the registrar  
3 has mailed a notice preliminary to the refusal or suspension that  
4 indicates that the license will be refused or suspended by a date  
5 certain. This preliminary notice shall be mailed to the licensee at  
6 least 60 days before the date certain.

7 (c) In the case of outstanding final liabilities assessed by the  
8 Franchise Tax Board, this section shall be operative within 60 days  
9 after the Contractors State License Board has provided the  
10 Franchise Tax Board with the information required under Section  
11 30, relating to licensing information that includes the federal  
12 employer identification number, individual taxpayer identification  
13 number, or social security number.

14 (d) All versions of the application for a contractor's license shall  
15 include, as part of the application, an authorization by the applicant,  
16 in the form and manner mutually agreeable to the Franchise Tax  
17 Board and the board, for the Franchise Tax Board to disclose the  
18 tax information that is required for the registrar to administer this  
19 section. The Franchise Tax Board may from time to time audit  
20 these authorizations.

21 (e) In the case of outstanding final liabilities assessed by the  
22 State Board of Equalization, this section shall not apply to any  
23 outstanding final liability if the licensee has entered into an  
24 installment payment agreement for that liability with the State  
25 Board of Equalization and is in compliance with the terms of that  
26 agreement.

27 ~~SEC. 78.~~

28 *SEC. 76.* Section 7159 of the Business and Professions Code  
29 is amended to read:

30 7159. (a) (1) This section identifies the projects for which a  
31 home improvement contract is required, outlines the contract  
32 requirements, and lists the items that shall be included in the  
33 contract, or may be provided as an attachment.

34 (2) This section does not apply to service and repair contracts  
35 that are subject to Section 7159.10, if the contract for the applicable  
36 services complies with Sections 7159.10 to 7159.14, inclusive.

37 (3) This section does not apply to the sale, installation, and  
38 servicing of a fire alarm sold in conjunction with an alarm system,  
39 as defined in Section 7590.1, if all costs attributable to making the  
40 fire alarm system operable, including sale and installation costs,

1 do not exceed five hundred dollars (\$500), and the licensee  
2 complies with the requirements set forth in Section 7159.9.

3 (4) This section does not apply to any costs associated with  
4 monitoring a burglar or fire alarm system.

5 (5) Failure by the licensee, their agent or salesperson, or by a  
6 person subject to be licensed under this chapter, to provide the  
7 specified information, notices, and disclosures in the contract, or  
8 to otherwise fail to comply with any provision of this section, is  
9 cause for discipline.

10 (b) For purposes of this section, “home improvement contract”  
11 means an agreement, whether oral or written, or contained in one  
12 or more documents, between a contractor and an owner or between  
13 a contractor and a tenant, regardless of the number of residence  
14 or dwelling units contained in the building in which the tenant  
15 resides, if the work is to be performed in, to, or upon the residence  
16 or dwelling unit of the tenant, for the performance of a home  
17 improvement, as defined in Section 7151, and includes all labor,  
18 services, and materials to be furnished and performed thereunder,  
19 if the aggregate contract price specified in one or more  
20 improvement contracts, including all labor, services, and materials  
21 to be furnished by the contractor, exceeds five hundred dollars  
22 (\$500). “Home improvement contract” also means an agreement,  
23 whether oral or written, or contained in one or more documents,  
24 between a salesperson, whether or not they are a home  
25 improvement salesperson, and an owner or a tenant, regardless of  
26 the number of residence or dwelling units contained in the building  
27 in which the tenant resides, which provides for the sale, installation,  
28 or furnishing of home improvement goods or services.

29 (c) In addition to the specific requirements listed under this  
30 section, every home improvement contract and any person subject  
31 to licensure under this chapter or their agent or salesperson shall  
32 comply with all of the following:

33 (1) The writing shall be legible.

34 (2) Any printed form shall be readable. Unless a larger typeface  
35 is specified in this article, text in any printed form shall be in at  
36 least 10-point typeface and the headings shall be in at least 10-point  
37 boldface type.

38 (3) (A) Before any work is started, the contractor shall give the  
39 buyer a copy of the contract signed and dated by both the contractor  
40 and the buyer. The buyer’s receipt of the copy of the contract

1 initiates the buyer's rights to cancel the contract pursuant to  
2 Sections 1689.5 to 1689.14, inclusive, of the Civil Code.

3 (B) The contract shall contain on the first page, in a typeface  
4 no smaller than that generally used in the body of the document,  
5 both of the following:

6 (i) The date the buyer signed the contract.

7 (ii) The name and address of the contractor to which the  
8 applicable "Notice of Cancellation" is to be mailed, immediately  
9 preceded by a statement advising the buyer that the "Notice of  
10 Cancellation" may be sent to the contractor at the address noted  
11 on the contract.

12 (4) The contract shall include a statement that, upon satisfactory  
13 payment being made for any portion of the work performed, the  
14 contractor, prior to any further payment being made, shall furnish  
15 to the person contracting for the home improvement or swimming  
16 pool work a full and unconditional release from any potential lien  
17 claimant claim or mechanics lien authorized pursuant to Sections  
18 8400 and 8404 of the Civil Code for that portion of the work for  
19 which payment has been made.

20 (5) A change-order form for changes or extra work shall be  
21 incorporated into the contract and shall become part of the contract  
22 only if it is in writing and signed by the parties prior to the  
23 commencement of any work covered by a change order.

24 (6) The contract shall contain, in close proximity to the  
25 signatures of the owner and contractor, a notice stating that the  
26 owner or tenant has the right to require the contractor to have a  
27 performance and payment bond.

28 (7) If the contract provides for a contractor to furnish joint  
29 control, the contractor shall not have any financial or other interest  
30 in the joint control.

31 (8) The provisions of this section are not exclusive and do not  
32 relieve the contractor from compliance with any other applicable  
33 provision of law.

34 (d) A home improvement contract and any changes to the  
35 contract shall be in writing and signed by the parties to the contract  
36 prior to the commencement of work covered by the contract or an  
37 applicable change order and, except as provided in paragraph (8)  
38 of subdivision (a) of Section 7159.5, shall include or comply with  
39 all of the following:

- 1 (1) The name, business address, and license number of the  
2 contractor.
- 3 (2) If applicable, the name and registration number of the home  
4 improvement salesperson that solicited or negotiated the contract.
- 5 (3) The following heading on the contract form that identifies  
6 the type of contract in at least 10-point boldface type: “Home  
7 Improvement.”
- 8 (4) The following statement in at least 12-point boldface type:  
9 “You are entitled to a completely filled in copy of this agreement,  
10 signed by both you and the contractor, before any work may be  
11 started.”
- 12 (5) The heading: “Contract Price,” followed by the amount of  
13 the contract in dollars and cents.
- 14 (6) If a finance charge will be charged, the heading: “Finance  
15 Charge,” followed by the amount in dollars and cents. The finance  
16 charge is to be set out separately from the contract amount.
- 17 (7) The heading: “Description of the Project and Description  
18 of the Significant Materials to be Used and Equipment to be  
19 Installed,” followed by a description of the project and a description  
20 of the significant materials to be used and equipment to be installed.  
21 For swimming pools, the project description required under this  
22 paragraph also shall include a plan and scale drawing showing the  
23 shape, size, dimensions, and the construction and equipment  
24 specifications.
- 25 (8) If a downpayment will be charged, the details of the  
26 downpayment shall be expressed in substantially the following  
27 form, and shall include the text of the notice as specified in  
28 subparagraph (C):
- 29 (A) The heading: “Downpayment.”
- 30 (B) A space where the actual downpayment appears.
- 31 (C) The following statement in at least 12-point boldface type:  
32  
33 **“THE DOWNPAYMENT MAY NOT EXCEED \$1,000 OR 10**  
34 **PERCENT OF THE CONTRACT PRICE, WHICHEVER IS**  
35 **LESS.”**  
36
- 37 (9) If payments, other than the downpayment, are to be made  
38 before the project is completed, the details of these payments,  
39 known as progress payments, shall be expressed in substantially



1 the following form, and shall include the text of the statement as  
2 specified in subparagraph (C):

3 (A) A schedule of progress payments shall be preceded by the  
4 heading: "Schedule of Progress Payments."

5 (B) Each progress payment shall be stated in dollars and cents  
6 and specifically reference the amount of work or services to be  
7 performed and materials and equipment to be supplied.

8 (C) The section of the contract reserved for the progress  
9 payments shall include the following statement in at least 12-point  
10 boldface type:

11  
12 "The schedule of progress payments must specifically describe  
13 each phase of work, including the type and amount of work or  
14 services scheduled to be supplied in each phase, along with the  
15 amount of each proposed progress payment. IT IS AGAINST THE  
16 LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR  
17 WORK NOT YET COMPLETED, OR FOR MATERIALS NOT  
18 YET DELIVERED. HOWEVER, A CONTRACTOR MAY  
19 REQUIRE A DOWNPAYMENT."

20  
21 (10) The contract shall address the commencement of work to  
22 be performed in substantially the following form:

23 (A) A statement that describes what constitutes substantial  
24 commencement of work under the contract.

25 (B) The heading: "Approximate Start Date."

26 (C) The approximate date on which work will be commenced.

27 (11) The estimated completion date of the work shall be  
28 referenced in the contract in substantially the following form:

29 (A) The heading: "Approximate Completion Date."

30 (B) The approximate date of completion.

31 (12) If applicable, the heading: "List of Documents to be  
32 Incorporated into the Contract," followed by the list of documents  
33 incorporated into the contract.

34 (13) The heading: "Note About Extra Work and Change Orders,"  
35 followed by the following statement:

36  
37 "Extra Work and Change Orders become part of the contract  
38 once the order is prepared in writing and signed by the parties prior  
39 to the commencement of work covered by the new change order.  
40 The order must describe the scope of the extra work or change,

1 the cost to be added or subtracted from the contract, and the effect  
2 the order will have on the schedule of progress payments.”

3

4 (e) Except as provided in paragraph (8) of subdivision (a) of  
5 Section 7159.5, all of the following notices shall be provided to  
6 the owner as part of the contract form as specified or, if otherwise  
7 authorized under this subdivision, may be provided as an  
8 attachment to the contract:

9 (1) A notice concerning commercial general liability insurance.

10 This notice may be provided as an attachment to the contract if  
11 the contract includes the following statement: “A notice concerning  
12 commercial general liability insurance is attached to this contract.”

13 The notice shall include the heading “Commercial General Liability  
14 Insurance (CGL),” followed by whichever of the following  
15 statements is both relevant and correct:

16 (A) “(The name on the license or ‘This contractor’) does not  
17 carry commercial general liability insurance.”

18 (B) “(The name on the license or ‘This contractor’) carries  
19 commercial general liability insurance written by (the insurance  
20 company). You may call (the insurance company) at \_\_\_\_\_  
21 to check the contractor’s insurance coverage.”

22 (C) “(The name on the license or ‘This contractor’) is  
23 self-insured.”

24 (D) “(The name on the license or ‘This contractor’) is a limited  
25 liability company that carries liability insurance or maintains other  
26 security as required by law. You may call (the insurance company  
27 or trust company or bank) at \_\_\_\_ to check on the contractor’s  
28 insurance coverage or security.”

29 (2) A notice concerning workers’ compensation insurance. This  
30 notice may be provided as an attachment to the contract if the  
31 contract includes the statement: “A notice concerning workers’  
32 compensation insurance is attached to this contract.” The notice  
33 shall include the heading “Workers’ Compensation Insurance”  
34 followed by whichever of the following statements is correct:

35 (A) “(The name on the license or ‘This contractor’) has no  
36 employees and is exempt from workers’ compensation  
37 requirements.”

38 (B) “(The name on the license or ‘This contractor’) carries  
39 workers’ compensation insurance for all employees.”

1 (3) A notice that provides the buyer with the following  
2 information about the performance of extra or change-order work:

3 (A) A statement that the buyer may not require a contractor to  
4 perform extra or change-order work without providing written  
5 authorization prior to the commencement of work covered by the  
6 new change order.

7 (B) A statement informing the buyer that extra work or a change  
8 order is not enforceable against a buyer unless the change order  
9 also identifies all of the following in writing prior to the  
10 commencement of work covered by the new change order:

11 (i) The scope of work encompassed by the order.

12 (ii) The amount to be added or subtracted from the contract.

13 (iii) The effect the order will make in the progress payments or  
14 the completion date.

15 (C) A statement informing the buyer that the contractor's failure  
16 to comply with the requirements of this paragraph does not  
17 preclude the recovery of compensation for work performed based  
18 upon legal or equitable remedies designed to prevent unjust  
19 enrichment.

20 (4) A notice with the heading "Mechanics Lien Warning" written  
21 as follows:

22

23 "MECHANICS LIEN WARNING:

24

25 Anyone who helps improve your property, but who is not paid,  
26 may record what is called a mechanics lien on your property. A  
27 mechanics lien is a claim, like a mortgage or home equity loan,  
28 made against your property and recorded with the county recorder.

29 Even if you pay your contractor in full, unpaid subcontractors,  
30 suppliers, and laborers who helped to improve your property may  
31 record mechanics liens and sue you in court to foreclose the lien.  
32 If a court finds the lien is valid, you could be forced to pay twice  
33 or have a court officer sell your home to pay the lien. Liens can  
34 also affect your credit.

35 To preserve their right to record a lien, each subcontractor and  
36 material supplier must provide you with a document called a  
37 'Preliminary Notice.' This notice is not a lien. The purpose of the  
38 notice is to let you know that the person who sends you the notice  
39 has the right to record a lien on your property if they are not paid.

1 BE CAREFUL. The Preliminary Notice can be sent up to 20  
2 days after the subcontractor starts work or the supplier provides  
3 material. This can be a big problem if you pay your contractor  
4 before you have received the Preliminary Notices.

5 You will not get Preliminary Notices from your prime contractor  
6 or from laborers who work on your project. The law assumes that  
7 you already know they are improving your property.

8 PROTECT YOURSELF FROM LIENS. You can protect  
9 yourself from liens by getting a list from your contractor of all the  
10 subcontractors and material suppliers that work on your project.  
11 Find out from your contractor when these subcontractors started  
12 work and when these suppliers delivered goods or materials. Then  
13 wait 20 days, paying attention to the Preliminary Notices you  
14 receive.

15 PAY WITH JOINT CHECKS. One way to protect yourself is  
16 to pay with a joint check. When your contractor tells you it is time  
17 to pay for the work of a subcontractor or supplier who has provided  
18 you with a Preliminary Notice, write a joint check payable to both  
19 the contractor and the subcontractor or material supplier.

20 For other ways to prevent liens, visit CSLB's internet website  
21 at [www.cslb.ca.gov](http://www.cslb.ca.gov) or call CSLB at 800-321-CSLB (2752).

22 REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING  
23 A LIEN PLACED ON YOUR HOME. This can mean that you  
24 may have to pay twice, or face the forced sale of your home to pay  
25 what you owe.”

26  
27 (5) The following notice shall be provided in at least 12-point  
28 typeface:

29  
30 “Information about the Contractors State License Board (CSLB):  
31 CSLB is the state consumer protection agency that licenses and  
32 regulates construction contractors.

33 Contact CSLB for information about the licensed contractor you  
34 are considering, including information about disclosable  
35 complaints, disciplinary actions, and civil judgments that are  
36 reported to CSLB.

37 Use only licensed contractors. If you file a complaint against a  
38 licensed contractor within the legal deadline (usually four years),  
39 CSLB has authority to investigate the complaint. If you use an  
40 unlicensed contractor, CSLB may not be able to help you resolve

1 your complaint. Your only remedy may be in civil court, and you  
2 may be liable for damages arising out of any injuries to the  
3 unlicensed contractor or the unlicensed contractor's employees.

4 For more information:

5 Visit CSLB's internet website at [www.cslb.ca.gov](http://www.cslb.ca.gov)

6 Call CSLB at 800-321-CSLB (2752)

7 Write CSLB at P.O. Box 26000, Sacramento, CA 95826."

8

9 (6) (A) The notice set forth in subparagraph (B) and entitled  
10 "Three-Day Right to Cancel," shall be provided to the buyer unless  
11 the contract is:

12 (i) Negotiated at the contractor's place of business.

13 (ii) Subject to the "Seven-Day Right to Cancel," as set forth in  
14 paragraph (7).

15 (iii) Subject to licensure under the Alarm Company Act (Chapter  
16 11.6 (commencing with Section 7590)), provided the alarm  
17 company licensee complies with Sections 1689.5, 1689.6, and  
18 1689.7 of the Civil Code, as applicable.

19

20 (B) "Three-Day Right to Cancel

21 You, the buyer, have the right to cancel this contract within three  
22 business days. You may cancel by emailing, mailing, faxing, or  
23 delivering a written notice to the contractor at the contractor's  
24 place of business by midnight of the third business day after you  
25 received a signed and dated copy of the contract that includes this  
26 notice. Include your name, your address, and the date you received  
27 the signed copy of the contract and this notice.

28 If you cancel, the contractor must return to you anything you  
29 paid within 10 days of receiving the notice of cancellation. For  
30 your part, you must make available to the contractor at your  
31 residence, in substantially as good condition as you received them,  
32 goods delivered to you under this contract or sale. Or, you may,  
33 if you wish, comply with the contractor's instructions on how to  
34 return the goods at the contractor's expense and risk. If you do  
35 make the goods available to the contractor and the contractor does  
36 not pick them up within 20 days of the date of your notice of  
37 cancellation, you may keep them without any further obligation.  
38 If you fail to make the goods available to the contractor, or if you  
39 agree to return the goods to the contractor and fail to do so, then

1 you remain liable for performance of all obligations under the  
2 contract.”

3  
4 (C) The “Three-Day Right to Cancel” notice required by this  
5 paragraph shall comply with all of the following:

6 (i) The text of the notice is at least 12-point boldface type.

7 (ii) The notice is in immediate proximity to a space reserved  
8 for the owner’s signature.

9 (iii) The owner acknowledges receipt of the notice by signing  
10 and dating the notice form in the signature space.

11 (iv) The notice is written in the same language, e.g., Spanish,  
12 as that principally used in any oral sales presentation.

13 (v) The notice may be attached to the contract if the contract  
14 includes, in at least 12-point boldface type, a checkbox with the  
15 following statement: “The law requires that the contractor give  
16 you a notice explaining your right to cancel. Initial the checkbox  
17 if the contractor has given you a ‘Notice of the Three-Day Right  
18 to Cancel.’”

19 (vi) The notice shall be accompanied by a completed form in  
20 duplicate, captioned “Notice of Cancellation,” which also shall be  
21 attached to the agreement or offer to purchase and be easily  
22 detachable, and which shall contain the following statement written  
23 in the same language, e.g., Spanish, as used in the contract:

24  
25 “Notice of Cancellation”

26 /enter date of transaction/  
27 \_\_\_\_\_

28 (Date)  
29

30 “You may cancel this transaction, without any penalty or  
31 obligation, within three business days from the above date.

32 If you cancel, any property traded in, any payments made by  
33 you under the contract or sale, and any negotiable instrument  
34 executed by you will be returned within 10 days following receipt  
35 by the seller of your cancellation notice, and any security interest  
36 arising out of the transaction will be canceled.

37 If you cancel, you must make available to the seller at your  
38 residence, in substantially as good condition as when received,  
39 any goods delivered to you under this contract or sale, or you may,

1 if you wish, comply with the instructions of the seller regarding  
 2 the return shipment of the goods at the seller's expense and risk.  
 3 If you do make the goods available to the seller and the seller  
 4 does not pick them up within 20 days of the date of your notice of  
 5 cancellation, you may retain or dispose of the goods without any  
 6 further obligation. If you fail to make the goods available to the  
 7 seller, or if you agree to return the goods to the seller and fail to  
 8 do so, then you remain liable for performance of all obligations  
 9 under the contract.”

10  
 11 To cancel this transaction, mail or deliver a signed and dated copy of this  
 12 cancellation notice, or any other written notice, or send a telegram  
 13 to \_\_\_\_\_,  
 14 /name of seller/  
 15 at \_\_\_\_\_  
 16 /address of seller's place of business/  
 17 not later than midnight of \_\_\_\_\_.  
 18 (Date)

19 I hereby cancel this transaction. \_\_\_\_\_  
 20 (Date)  
 21 \_\_\_\_\_  
 22 (Buyer's signature)

23  
 24 (7) (A) The following notice entitled “Seven-Day Right to  
 25 Cancel” shall be provided to the buyer for any contract that is  
 26 written for the repair or restoration of residential premises damaged  
 27 by any sudden or catastrophic event for which a state of emergency  
 28 has been declared by the President of the United States or the  
 29 Governor, or for which a local emergency has been declared by  
 30 the executive officer or governing body of any city, county, or city  
 31 and county:

32  
 33 “Seven-Day Right to Cancel  
 34 You, the buyer, have the right to cancel this contract within seven  
 35 business days. You may cancel by emailing, mailing, faxing, or  
 36 delivering a written notice to the contractor at the contractor's  
 37 place of business by midnight of the seventh business day after  
 38 you received a signed and dated copy of the contract that includes  
 39 this notice. Include your name, your address, and the date you  
 40 received the signed copy of the contract and this notice.

1 If you cancel, the contractor must return to you anything you  
2 paid within 10 days of receiving the notice of cancellation. For  
3 your part, you must make available to the contractor at your  
4 residence, in substantially as good condition as you received them,  
5 goods delivered to you under this contract or sale. Or, you may,  
6 if you wish, comply with the contractor’s instructions on how to  
7 return the goods at the contractor’s expense and risk. If you do  
8 make the goods available to the contractor and the contractor does  
9 not pick them up within 20 days of the date of your notice of  
10 cancellation, you may keep them without any further obligation.  
11 If you fail to make the goods available to the contractor, or if you  
12 agree to return the goods to the contractor and fail to do so, then  
13 you remain liable for performance of all obligations under the  
14 contract.”

15  
16 (B) The “Seven-Day Right to Cancel” notice required by this  
17 subdivision shall comply with all of the following:

- 18 (i) The text of the notice is at least 12-point boldface type.
- 19 (ii) The notice is in immediate proximity to a space reserved  
20 for the owner’s signature.
- 21 (iii) The owner acknowledges receipt of the notice by signing  
22 and dating the notice form in the signature space.
- 23 (iv) The notice is written in the same language, e.g., Spanish,  
24 as that principally used in any oral sales presentation.
- 25 (v) The notice may be attached to the contract if the contract  
26 includes, in at least 12-point boldface type, a checkbox with the  
27 following statement: “The law requires that the contractor give  
28 you a notice explaining your right to cancel. Initial the checkbox  
29 if the contractor has given you a ‘Notice of the Seven-Day Right  
30 to Cancel.’”
- 31 (vi) The notice shall be accompanied by a completed form in  
32 duplicate, captioned “Notice of Cancellation,” which shall also be  
33 attached to the agreement or offer to purchase and be easily  
34 detachable, and which shall contain the following statement written  
35 in the same language, e.g., Spanish, as used in the contract:

36  
37 “Notice of Cancellation”

38 /enter date of transaction/  
39

40 \_\_\_\_\_  
(Date)



1 “You may cancel this transaction, without any penalty or  
 2 obligation, within seven business days from the above date.

3 If you cancel, any property traded in, any payments made by  
 4 you under the contract or sale, and any negotiable instrument  
 5 executed by you will be returned within 10 days following receipt  
 6 by the seller of your cancellation notice, and any security interest  
 7 arising out of the transaction will be canceled.

8 If you cancel, you must make available to the seller at your  
 9 residence, in substantially as good condition as when received,  
 10 any goods delivered to you under this contract or sale, or you may,  
 11 if you wish, comply with the instructions of the seller regarding  
 12 the return shipment of the goods at the seller’s expense and risk.

13 If you do make the goods available to the seller and the seller  
 14 does not pick them up within 20 days of the date of your notice of  
 15 cancellation, you may retain or dispose of the goods without any  
 16 further obligation. If you fail to make the goods available to the  
 17 seller, or if you agree to return the goods to the seller and fail to  
 18 do so, then you remain liable for performance of all obligations  
 19 under the contract.”

20

21 To cancel this transaction, mail or deliver a signed and dated copy of this  
 22 cancellation notice, or any other written notice, or send a telegram

23 to \_\_\_\_\_,  
 24 /name of seller/

25 at \_\_\_\_\_  
 26 /address of seller’s place of business/

27 not later than midnight of \_\_\_\_\_.  
 28 (Date)

29 I hereby cancel this transaction. \_\_\_\_\_  
 30 (Date)

31 \_\_\_\_\_  
 32 (Buyer’s signature)

33

34 ~~SEC. 79.~~

35 ~~SEC. 77.~~ Section 7170 of the Business and Professions Code  
 36 is amended to read:

37 7170. (a) The Contractors State License Board shall receive  
 38 and review complaints and consumer questions regarding solar  
 39 energy systems companies and solar contractors. The board shall

1 also receive complaints received from state agencies regarding  
2 solar energy systems companies and solar contractors.

3 (b) Beginning on July 1, 2019, the board annually shall compile  
4 a report documenting consumer complaints relating to solar  
5 contractors. The report shall be made available publicly on the  
6 board's and the Public Utilities Commission's internet websites.

7 The report shall contain all of the following:

8 (1) The number and types of complaints.

9 (2) The ZIP Code where the consumer complaint originated.

10 (3) The disposition of all complaints received against a solar  
11 contractor.

12 (c) For purposes of this section, "solar energy system" means  
13 a solar energy device to be installed on a residential building that  
14 has the primary purpose of providing for the collection and  
15 distribution of solar energy for the generation of electricity, that  
16 produces at least one kW, and not more than five MW, alternating  
17 current rated peak electricity, and that meets or exceeds the  
18 eligibility criteria established pursuant to Section 25782 of the  
19 Public Resources Code.

20 ~~SEC. 80.~~

21 *SEC. 78.* Section 7303 of the Business and Professions Code  
22 is amended to read:

23 7303. (a) Notwithstanding Article 8 (commencing with Section  
24 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the  
25 Government Code, there is in the Department of Consumer Affairs  
26 the State Board of Barbering and Cosmetology in which the  
27 administration of this chapter is vested.

28 (b) The board shall consist of nine members. Five members  
29 shall be public members, and four members shall represent the  
30 professions. The Governor shall appoint three of the public  
31 members and the four professional members. The Senate  
32 Committee on Rules and the Speaker of the Assembly shall each  
33 appoint one public member. Members of the board shall be  
34 appointed for a term of four years, except that of the members  
35 appointed by the Governor, two of the public members and two  
36 of the professions members shall be appointed for an initial term  
37 of two years. No board member may serve longer than two  
38 consecutive terms.

39 (c) The board may appoint an executive officer who is exempt  
40 from civil service. The executive officer shall exercise the powers

1 and perform the duties delegated by the board and vested in the  
2 executive officer by this chapter. The appointment of the executive  
3 officer is subject to the approval of the director. In the event that  
4 a newly authorized board replaces an existing or previous bureau,  
5 the director may appoint an interim executive officer for the board  
6 who shall serve temporarily until the new board appoints a  
7 permanent executive officer.

8 (d) The executive officer shall provide examiners, inspectors,  
9 and other personnel necessary to carry out the provisions of this  
10 chapter.

11 (e) This section shall remain in effect only until January 1, 2022,  
12 and as of that date is repealed. Notwithstanding any other law, the  
13 repeal of this section renders the board subject to review by the  
14 appropriate policy committees of the Legislature.

15 ~~SEC. 81.~~

16 *SEC. 79.* Section 7512.3 of the Business and Professions Code,  
17 as amended by Section 1 of Chapter 569 of the Statutes of 2017,  
18 is amended to read:

19 7512.3. (a) As used in this chapter, “person” includes any  
20 individual, firm, company, limited liability company, association,  
21 organization, partnership, and corporation.

22 (b) This section shall remain in effect only until January 1, 2024,  
23 and as of that date is repealed.

24 ~~SEC. 82.~~

25 *SEC. 80.* Section 7512.3 of the Business and Professions Code,  
26 as amended by Section 2 of Chapter 569 of the Statutes of 2017,  
27 is amended to read:

28 7512.3. (a) As used in this chapter, “person” includes any  
29 individual, firm, company, association, organization, partnership,  
30 and corporation.

31 (b) This section shall become operative on January 1, 2024.

32 ~~SEC. 83.~~

33 *SEC. 81.* Section 7512.14 of the Business and Professions Code  
34 is amended to read:

35 7512.14. (a) As used in this chapter, “member” means an  
36 individual who is a member of a limited liability company as  
37 specified in Section 17704.01 of the Corporations Code.

38 (b) This section shall remain in effect only until January 1, 2024,  
39 and as of that date is repealed.

1 ~~SEC. 84.~~

2 *SEC. 82.* Section 7512.15 of the Business and Professions Code  
3 is amended to read:

4 7512.15. (a) As used in this chapter, “manager” means an  
5 individual designated under an operating agreement of a  
6 manager-managed limited liability company who is responsible  
7 for performing the management functions for the limited liability  
8 company specified in subdivision (c) of Section 17704.07 of the  
9 Corporations Code.

10 (b) This section shall remain in effect only until January 1, 2024,  
11 and as of that date is repealed.

12 ~~SEC. 85.~~

13 *SEC. 83.* Section 7520.3 of the Business and Professions Code  
14 is amended to read:

15 7520.3. (a) As a condition of the issuance, reinstatement,  
16 reactivation, or continued valid use of a license under this chapter,  
17 a limited liability company shall, in accordance with this section,  
18 maintain a policy or policies of insurance against liability imposed  
19 on or against it by law for damages arising out of claims based  
20 upon acts, errors, or omissions arising out of the private investigator  
21 services it provides.

22 (b) The total aggregate limit of liability under the policy or  
23 policies of insurance required under this section shall be as follows:

24 (1) For a limited liability company licensee with five or fewer  
25 persons named as members pursuant to subdivision (i) of Section  
26 7525.1, the aggregate limit shall not be less than one million dollars  
27 (\$1,000,000).

28 (2) For a limited liability company licensee with more than five  
29 persons named as members pursuant to subdivision (i) of Section  
30 7525.1, an additional one hundred thousand dollars (\$100,000) of  
31 insurance shall be obtained for each person named as members of  
32 the licensee except that the maximum amount of insurance is not  
33 required to exceed five million dollars (\$5,000,000) in any one  
34 designated period, less amounts paid in defending, settling, or  
35 discharging claims as set forth under this section.

36 (c) Prior to the issuance, reinstatement, or reactivation of a  
37 limited liability company license as provided under this chapter,  
38 the applicant or licensee shall, in the manner prescribed by the  
39 bureau, submit the information and documentation required by

1 this section and requested by the bureau, demonstrating compliance  
2 with the financial security requirements specified by this section.

3 (d) For any insurance policy secured by a licensee in satisfaction  
4 of this section, a Certificate of Liability Insurance, signed by an  
5 authorized agent or employee of the insurer, shall be submitted  
6 electronically or otherwise to the bureau. The insurer issuing the  
7 certificate shall report to the bureau the following information for  
8 any policy required under this section: name, license number,  
9 policy number, dates that coverage is scheduled to commence and  
10 lapse, and cancellation date if applicable. The insurer shall list the  
11 bureau as the certificate holder for the purposes of receiving  
12 notifications related to the policy's status.

13 (e) (1) If a licensee fails to maintain sufficient insurance as  
14 required by this section, or fails to provide proof of the required  
15 insurance upon request by the bureau, the license is subject to  
16 suspension and shall be automatically suspended pursuant to this  
17 subdivision until the date that the licensee provides proof to the  
18 bureau of compliance with the insurance coverage requirement.

19 (2) Prior to an automatic suspension, the bureau shall notify the  
20 licensee, in writing, that it has 30 days to provide proof to the  
21 bureau of having the required insurance or the license shall be  
22 automatically suspended.

23 (3) If the licensee fails to provide proof of insurance coverage  
24 within this period, the bureau may automatically suspend the  
25 license.

26 (f) If the license of a limited liability company is suspended  
27 pursuant to subdivision (e), each member of the limited liability  
28 company shall be personally liable up to one million dollars  
29 (\$1,000,000) each for damages resulting to third parties in  
30 connection with the company's performance, during the period of  
31 suspension, of any act or contract when a license is required by  
32 this chapter.

33 (g) On and after July 1, 2018, a licensee organized as a limited  
34 liability company shall report a paid or pending claim against its  
35 liability insurance to the bureau, which shall post a notice of the  
36 claim on the Department of Consumer Affairs BreZE License  
37 Verification Internet Web page.

38 (h) This section shall remain in effect only until January 1, 2024,  
39 and as of that date is repealed.

1 ~~SEC. 86.~~

2 *SEC. 84.* Section 7525.1 of the Business and Professions Code,  
3 as amended by Section 11 of Chapter 569 of the Statutes of 2017,  
4 is amended to read:

5 7525.1. An application shall be verified and shall include:

6 (a) The full name and business address of the applicant.

7 (b) The name under which the applicant intends to do business.

8 (c) A statement as to the general nature of the business in which  
9 the applicant intends to engage.

10 (d) A verified statement of their experience qualifications.

11 (e) (1) If the applicant is an individual, a qualified manager, a  
12 partner of a partnership, an officer of a corporation designated in  
13 subdivision (h), or a member, officer, or manager of a limited  
14 liability company designated in subdivision (i), one personal  
15 identification form provided by the bureau upon which shall appear  
16 a photograph taken within one year immediately preceding the  
17 date of the filing of the application together with two legible sets  
18 of fingerprints, one set of which shall be forwarded to the Federal  
19 Bureau of Investigation for purposes of a background check, on a  
20 form approved by the Department of Justice, and a personal  
21 description of each person, respectively. The identification form  
22 shall include residence addresses and employment history for the  
23 previous five years and be signed under penalty of perjury.

24 (2) The bureau may impose a fee not to exceed three dollars  
25 (\$3) for processing classifiable fingerprint cards submitted by  
26 applicants, excluding those submitted into an electronic fingerprint  
27 system using electronic fingerprint technology.

28 (f) In addition, if the applicant for a license is an individual, the  
29 application shall list all other names known as or used during the  
30 past 10 years and shall state that the applicant is to be personally  
31 and actively in charge of the business for which the license is  
32 sought. If any other qualified manager is to be actively in charge  
33 of the business, the application shall be subscribed, verified, and  
34 signed by the applicant, under penalty of perjury. If any other  
35 person is to be actively in charge of the business, the application  
36 shall also be subscribed, verified, and signed by that person under  
37 penalty of perjury.

38 (g) If the applicants for a license are copartners, the application  
39 shall state the true names and addresses of all partners and the  
40 name of the partner to be actively in charge of the business for

1 which the license is sought and list all other names known as or  
2 used during the past 10 years. If a qualified manager other than a  
3 partner is to be actively in charge of the business, then the  
4 application shall be subscribed, verified, and signed by all of the  
5 partners under penalty of perjury. If any other person is to be  
6 actively in charge of the business, the application shall also be  
7 subscribed, verified, and signed by that person, under penalty of  
8 perjury, under penalty of perjury by all of the partners and the  
9 qualified manager, or by all of the partners or the qualified  
10 manager.

11 (h) If the applicant for a license is a corporation, the application  
12 shall state the true names and complete residence addresses of the  
13 chief executive officer, secretary, chief financial officer, and any  
14 other corporate officer who will be active in the business to be  
15 licensed. The application shall also state the name and address of  
16 the designated person to be actively in charge of the business for  
17 which the license is sought. The application shall be subscribed,  
18 verified, and signed by a duly authorized officer of the applicant  
19 and by the qualified manager thereof, under penalty of perjury.

20 (i) If the applicant for a license is a limited liability company,  
21 the application shall state the true name and complete residence  
22 address of each member, manager, and any officer who will be  
23 active in the business to be licensed. A certified copy of the articles  
24 of organization, as filed by the Secretary of State, shall be supplied  
25 to the bureau upon request. In the case of a manager-managed  
26 limited liability company, the application shall be subscribed,  
27 verified, and signed by a manager; otherwise, in the case of a  
28 member-managed limited liability company, the application shall  
29 be subscribed, verified, and signed by a duly authorized member  
30 of the applicant and by the qualified manager thereof. The  
31 application shall also state whether any of the members, managers,  
32 officers, or the qualified manager has ever used an alias.

33 (j) Any other information, evidence, statements, or documents  
34 as may be required by the director.

35 (k) At the discretion of the applicant, a valid email address.

36 (l) This section shall remain in effect only until January 1, 2024,  
37 and as of that date is repealed.

1 ~~SEC. 87.~~

2 *SEC. 85.* Section 7525.1 of the Business and Professions Code,  
3 as amended by Section 12 of Chapter 569 of the Statutes of 2017,  
4 is amended to read:

5 7525.1. An application shall be verified and shall include:

6 (a) The full name and business address of the applicant.

7 (b) The name under which the applicant intends to do business.

8 (c) A statement as to the general nature of the business in which  
9 the applicant intends to engage.

10 (d) A verified statement of their experience qualifications.

11 (e) (1) If the applicant is an individual, a qualified manager, a  
12 partner of a partnership, or an officer of a corporation designated  
13 in subdivision (h), one personal identification form provided by  
14 the bureau upon which shall appear a photograph taken within one  
15 year immediately preceding the date of the filing of the application  
16 together with two legible sets of fingerprints, one set of which  
17 shall be forwarded to the Federal Bureau of Investigation for  
18 purposes of a background check, on a form approved by the  
19 Department of Justice, and a personal description of each person,  
20 respectively. The identification form shall include residence  
21 addresses and employment history for the previous five years and  
22 be signed under penalty of perjury.

23 (2) The bureau may impose a fee not to exceed three dollars  
24 (\$3) for processing classifiable fingerprint cards submitted by  
25 applicants, excluding those submitted into an electronic fingerprint  
26 system using electronic fingerprint technology.

27 (f) In addition, if the applicant for a license is an individual, the  
28 application shall list all other names known as or used during the  
29 past 10 years and shall state that the applicant is to be personally  
30 and actively in charge of the business for which the license is  
31 sought. If any other qualified manager is to be actively in charge  
32 of the business, the application shall be subscribed, verified, and  
33 signed by the applicant, under penalty of perjury. If any other  
34 person is to be actively in charge of the business, the application  
35 shall also be subscribed, verified, and signed by that person under  
36 penalty of perjury.

37 (g) If the applicants for a license are copartners, the application  
38 shall state the true names and addresses of all partners and the  
39 name of the partner to be actively in charge of the business for  
40 which the license is sought and list all other names known as or



1 used during the past 10 years. If a qualified manager other than a  
2 partner is to be actively in charge of the business, then the  
3 application shall be subscribed, verified, and signed by all of the  
4 partners under penalty of perjury. If any other person is to be  
5 actively in charge of the business, the application shall also be  
6 subscribed, verified, and signed under penalty of perjury by that  
7 person, by all of the partners and the qualified manager, or by all  
8 of the partners or the qualified manager.

9 (h) If the applicant for a license is a corporation, the application  
10 shall state the true names and complete residence addresses of the  
11 chief executive officer, secretary, chief financial officer, and any  
12 other corporate officer who will be active in the business to be  
13 licensed. The application shall also state the name and address of  
14 the designated person to be actively in charge of the business for  
15 which the license is sought. The application shall be subscribed,  
16 verified, and signed by a duly authorized officer of the applicant  
17 and by the qualified manager thereof, under penalty of perjury.

18 (i) Any other information, evidence, statements, or documents  
19 as may be required by the director.

20 (j) At the discretion of the applicant, a valid email address.

21 (k) This section shall become operative on January 1, 2024.

22 ~~SEC. 88.~~

23 *SEC. 86.* Section 7529 of the Business and Professions Code,  
24 as amended by Section 2 of Chapter 326 of the Statutes of 2019,  
25 is amended to read:

26 7529. (a) (1) Upon the issuance of and with each biennial  
27 renewal of a license, a license in the form of an enhanced photo  
28 identification card of the size, design, and content as may be  
29 determined by the director or the director's designee shall be issued  
30 by the bureau to each licensee, as follows:

31 (A) If the licensee is an individual, the enhanced photo  
32 identification card shall be issued to the licensee and to the  
33 licensee's qualified manager.

34 (B) If the licensee is a partnership, the enhanced photo  
35 identification card shall be issued to each partner of the partnership  
36 licensee active in the business and to the licensee's qualified  
37 manager.

38 (C) If the licensee is a corporation, the enhanced photo  
39 identification card shall be issued to each officer active in the  
40 business and to the licensee's qualified manager.

1 (D) If the licensee is a limited liability company, the enhanced  
2 photo identification card shall be issued to each member, officer,  
3 and manager of the licensee active in the business and to the  
4 licensee's qualified manager.

5 (2) The enhanced photo identification card is evidence that the  
6 licensee is licensed pursuant to this chapter. The card shall contain  
7 the name of the licensee, license expiration date, and a photograph  
8 of the licensee. The enhanced photo identification card shall clearly  
9 state that the person is licensed as a private investigator or is the  
10 qualified manager or officer of the licensee. The enhanced photo  
11 identification card is to be composed of a durable material and  
12 may incorporate technologically advanced security features. The  
13 bureau may recover its costs in an amount sufficient to reimburse  
14 the department's costs for furnishing the enhanced photo  
15 identification card. The fee charged shall not exceed the actual  
16 direct costs for system development, maintenance, and processing  
17 necessary to provide this service. The total amount of costs shall  
18 be recovered by including that amount in the fee charged for the  
19 initial application of and renewal of licensure. When the position,  
20 office, or association with a licensee belonging to a person to whom  
21 a card is issued is terminated, the person shall surrender the card  
22 to the licensee and, within five days thereafter, the licensee shall  
23 mail or deliver the card to the bureau for cancellation. Every  
24 person, while engaged in any activity for which licensure is  
25 required, shall display the person's valid enhanced photo  
26 identification card as provided by regulation.

27 (b) This section shall remain in effect only until January 1, 2024,  
28 and as of that date is repealed.

29 ~~SEC. 89.~~

30 *SEC. 87.* Section 7529 of the Business and Professions Code,  
31 as amended by Section 3 of Chapter 326 of the Statutes of 2019,  
32 is amended to read:

33 7529. (a) Upon the issuance of and with each biennial renewal  
34 of a license, a license in the form of an enhanced photo  
35 identification card of the size, design, and content as may be  
36 determined by the director or the director's designee shall be issued  
37 by the bureau to each licensee, as follows:

38 (1) If the licensee is an individual, the enhanced photo  
39 identification card shall be issued to the licensee and to the  
40 licensee's qualified manager.

1 (2) If the licensee is a partnership, the enhanced photo  
2 identification card shall be issued to each partner of the partnership  
3 licensee active in the business and to the licensee's qualified  
4 manager.

5 (3) If the licensee is a corporation, the enhanced photo  
6 identification card shall be issued to each officer active in the  
7 business and to the licensee's qualified manager.

8 (b) The enhanced photo identification card is evidence that the  
9 licensee is licensed pursuant to this chapter. The card shall contain  
10 the name of the licensee, license expiration date, and a photograph  
11 of the licensee. The enhanced photo identification card shall clearly  
12 state that the person is licensed as a private investigator or is the  
13 qualified manager or officer of the licensee. The enhanced photo  
14 identification card is to be composed of a durable material and  
15 may incorporate technologically advanced security features. The  
16 bureau may recover its costs in an amount sufficient to reimburse  
17 the department's costs for furnishing the enhanced photo  
18 identification card. The fee charged shall not exceed the actual  
19 direct costs for system development, maintenance, and processing  
20 necessary to provide this service. The total amount of costs shall  
21 be recovered by including that amount in the fee charged for the  
22 initial application of and renewal of licensure. When the position,  
23 office, or association with a licensee belonging to a person to whom  
24 a card is issued is terminated, the person shall surrender the card  
25 to the licensee and, within five days thereafter, the licensee shall  
26 mail or deliver the card to the bureau for cancellation. Every  
27 person, while engaged in any activity for which licensure is  
28 required, shall display the person's valid enhanced photo  
29 identification card as provided by regulation.

30 (c) This section shall become operative on January 1, 2024.

31 ~~SEC. 90.~~

32 *SEC. 88.* Section 7533.5 of the Business and Professions Code,  
33 as amended by Section 21 of Chapter 569 of the Statutes of 2017,  
34 is amended to read:

35 7533.5. (a) A licensee shall notify the bureau within 30 days  
36 of any change in its corporate officers required to be named  
37 pursuant to subdivision (h) of Section 7525.1 or members or  
38 managers required to be named pursuant to subdivision (i) of  
39 Section 7525.1, and of any addition of a new partner.

1 (b) Applications, on forms prescribed by the director, shall be  
2 submitted by all new officers, members or managers, and partners.  
3 The director may suspend or revoke a license issued under this  
4 chapter if the director determines that the new officer, member or  
5 manager, or partner of a licensee has committed any of the acts  
6 constituting grounds to deny an application for a license or to take  
7 disciplinary action against a licensee pursuant to Section 7538 or  
8 7538.5, respectively.

9 (c) This section shall remain in effect only until January 1, 2024,  
10 and as of that date is repealed.

11 ~~SEC. 91.~~

12 *SEC. 89.* Section 7533.5 of the Business and Professions Code,  
13 as amended by Section 22 of Chapter 569 of the Statutes of 2017,  
14 is amended to read:

15 7533.5. (a) A licensee shall notify the bureau within 30 days  
16 of any change in its corporate officers required to be named  
17 pursuant to subdivision (h) of Section 7525.1, and of any addition  
18 of a new partner.

19 (b) Applications, on forms prescribed by the director, shall be  
20 submitted by all new officers and partners. The director may  
21 suspend or revoke a license issued under this chapter if the director  
22 determines that the new officer or partner of a licensee has  
23 committed any of the acts constituting grounds to deny an  
24 application for a license or to take disciplinary action against a  
25 licensee pursuant to Section 7538 or 7538.5, respectively.

26 (c) This section shall become operative on January 1, 2024.

27 ~~SEC. 92.~~

28 *SEC. 90.* Section 7538 of the Business and Professions Code,  
29 as amended by Section 25 of Chapter 569 of the Statutes of 2017,  
30 is amended to read:

31 7538. (a) After a hearing the director may deny a license unless  
32 the applicant makes a showing satisfactory to the director that the  
33 applicant, if an individual, and the applicant's qualified manager  
34 have not, or, if the applicant is a person other than an individual,  
35 that its qualified manager and each of its officers, partners,  
36 members, or managers have not:

37 (1) Committed any act that, if committed by a licensee, would  
38 be a ground for the suspension or revocation of a license under  
39 this chapter.

40 (2) Committed any act constituting dishonesty or fraud.

1 (3) Committed any act or crime constituting grounds for denial  
2 of licensure under Section 480, including illegally using, carrying,  
3 or possessing a deadly weapon.

4 (4) Been refused a license under this chapter or had a license  
5 revoked.

6 (5) Been an officer, partner, qualified manager, member, or  
7 manager of any person who has been refused a license under this  
8 chapter or whose license has been revoked.

9 (6) While unlicensed committed, or aided and abetted the  
10 commission of, any act for which a license is required by this  
11 chapter.

12 (7) Knowingly made any false statement in their application.

13 (b) This section shall remain in effect only until January 1, 2024,  
14 and as of that date is repealed.

15 ~~SEC. 93.~~

16 *SEC. 91.* Section 7538 of the Business and Professions Code,  
17 as amended by Section 26 of Chapter 569 of the Statutes of 2017,  
18 is amended to read:

19 7538. (a) After a hearing the director may deny a license unless  
20 the applicant makes a showing satisfactory to the director that the  
21 applicant, if an individual, and the applicant's qualified manager  
22 have not, or, if the applicant is a person other than an individual,  
23 that its qualified manager and each of its officers and partners have  
24 not:

25 (1) Committed any act that, if committed by a licensee, would  
26 be a ground for the suspension or revocation of a license under  
27 this chapter.

28 (2) Committed any act constituting dishonesty or fraud.

29 (3) Committed any act or crime constituting grounds for denial  
30 of licensure under Section 480, including illegally using, carrying,  
31 or possessing a deadly weapon.

32 (4) Been refused a license under this chapter or had a license  
33 revoked.

34 (5) Been an officer, partner, or qualified manager of any person  
35 who has been refused a license under this chapter or whose license  
36 has been revoked.

37 (6) While unlicensed committed, or aided and abetted the  
38 commission of, any act for which a license is required by this  
39 chapter.

40 (7) Knowingly made any false statement in their application.

1 (b) This section shall become operative on January 1, 2024.

2 ~~SEC. 94.~~

3 *SEC. 92.* Section 7538.5 of the Business and Professions Code,  
4 as amended by Section 27 of Chapter 569 of the Statutes of 2017,  
5 is amended to read:

6 7538.5. (a) The director may refuse to issue any license  
7 provided for in this chapter to any of the following:

8 (1) An individual who has had any license revoked, has a license  
9 currently under suspension, or failed to renew their license while  
10 under suspension.

11 (2) An individual who, while acting as a partner of a partnership,  
12 an officer or director of a corporation, or a member, manager, or  
13 officer of a limited liability company, had their license revoked,  
14 has a license currently under suspension, or failed to renew their  
15 license while under suspension.

16 (3) An individual who, while acting as a partner of the  
17 partnership, an officer, director of the corporation, or a member,  
18 manager, or officer of a limited liability company meets both of  
19 the following conditions:

20 (A) The individual was a partner of any partnership, an officer  
21 or director of any corporation, or a member, manager, or officer  
22 of any limited liability company whose license was revoked, is  
23 currently under suspension, or was not renewed while under  
24 suspension.

25 (B) While acting as a partner, officer, director, member, or  
26 manager, they participated in any of the prohibited acts for which  
27 the license was revoked or suspended.

28 (4) An individual who is serving or has served as the qualified  
29 manager for any licensee that has had its license revoked, is  
30 currently under suspension, or failed to renew while under  
31 suspension.

32 (b) This section shall remain in effect only until January 1, 2024,  
33 and as of that date is repealed.

34 ~~SEC. 95.~~

35 *SEC. 93.* Section 7538.5 of the Business and Professions Code,  
36 as amended by Section 8 of Chapter 92 of the Statutes of 2018, is  
37 amended to read:

38 7538.5. (a) The director may refuse to issue any license  
39 provided for in this chapter to any of the following:

1 (1) An individual who has had any license revoked, has a license  
2 currently under suspension, or failed to renew their license while  
3 under suspension.

4 (2) An individual who, while acting as a partner of a partnership,  
5 or an officer or director of a corporation, had their license revoked,  
6 has a license currently under suspension, or failed to renew their  
7 license while under suspension.

8 (3) An individual, who, while acting as a partner of the  
9 partnership, or an officer or director of the corporation, meets both  
10 of the following conditions:

11 (A) The individual was a partner of any partnership, or an officer  
12 or director of any corporation, whose license was revoked, is  
13 currently under suspension, or was not renewed while under  
14 suspension.

15 (B) The individual, while acting as a partner, officer, or director,  
16 participated in any of the prohibited acts for which the license was  
17 revoked or suspended.

18 (4) An individual who is serving or has served as the qualified  
19 manager for any licensee that has had its license revoked, is  
20 currently under suspension, or failed to renew while under  
21 suspension.

22 (b) This section shall become operative on January 1, 2024.

23 ~~SEC. 96.~~

24 *SEC. 94.* Section 7539 of the Business and Professions Code,  
25 as amended by Section 29 of Chapter 569 of the Statutes of 2017,  
26 is amended to read:

27 7539. (a) Any licensee or officer, director, partner, member,  
28 manager, or qualified manager of a licensee may divulge to any  
29 law enforcement officer or district attorney, or their representative,  
30 any information they may acquire as to any criminal offense, but  
31 they shall not divulge to any other person, except as otherwise  
32 required by law, any information acquired by them except at the  
33 direction of the employer or client for whom the information was  
34 obtained.

35 (b) A licensee or officer, director, partner, member, manager,  
36 qualified manager, or employee of a licensee shall not knowingly  
37 make any false report to their employer or client for whom  
38 information was being obtained.

39 (c) A written report shall not be submitted to a client except by  
40 the licensee, qualified manager, or a person authorized by one or

1 either of them, and the person submitting the report shall exercise  
2 diligence in ascertaining whether or not the facts and information  
3 in the report are true and correct.

4 (d) A licensee, or officer, director, partner, manager, member,  
5 qualified manager, or employee of a licensee shall not use a badge  
6 in connection with the official activities of the licensee's business.

7 (e) A licensee, or officer, director, partner, manager, member,  
8 qualified manager, or employee of a licensee, shall not use a title,  
9 or wear a uniform, or use an insignia, or use an identification card,  
10 or make any statement with the intent to give an impression that  
11 they are connected in any way with the federal government, a state  
12 government, or any political subdivision of a state government.

13 (f) A licensee, or officer, partner, manager, member, qualified  
14 manager, or employee of a licensee shall not use any identification  
15 to indicate that they are licensed as a private investigator other  
16 than the official identification card issued by the bureau or the  
17 business card regularly used by the business. However, a licensee  
18 may issue an employer identification card.

19 (g) A licensee, or officer, director, partner, manager, member,  
20 qualified manager, or employee of a licensee, shall not enter any  
21 private building or portion thereof, except premises commonly  
22 accessible to the public, without the consent of the owner or of the  
23 person in legal possession thereof.

24 (h) A licensee shall not permit an employee or agent in their  
25 own name to advertise, engage clients, furnish reports or present  
26 bills to clients, or in any manner conduct business for which a  
27 license is required under this chapter. All business of the licensee  
28 shall be conducted in the name of and under the control of the  
29 licensee.

30 (i) A licensee, or officer, director, partner, manager, member,  
31 qualified manager, or employee of a licensee shall not knowingly  
32 and directly solicit employment from any person who has directly  
33 sustained bodily injury or from that person's spouse or other family  
34 member to obtain authorization on behalf of the injured person as  
35 an investigator to investigate the accident or act that resulted in  
36 injury or death to that person or damage to the property of that  
37 person. Nothing in this subdivision shall prohibit the soliciting of  
38 employment from that injured person's attorney, insurance  
39 company, self-insured administrator, insurance adjuster, employer,  
40 or any other person having an indirect interest in the investigation



1 of the injury. This subdivision shall not apply to any business agent  
2 or attorney employed by a labor organization. A licensee, or officer,  
3 director, partner, manager, member, or qualified manager of a  
4 licensee shall not pay or compensate any of their employees or  
5 agents on the basis of a bonus, bounty, or quota system whereby  
6 a premium is placed on the number of employer or client rule  
7 violations or infractions purportedly discovered as a result of any  
8 investigation made by a licensee.

9 (j) A licensee shall not use a fictitious business name in  
10 connection with the official activities of the licensee's business,  
11 except as provided by the bureau.

12 (k) This section shall remain in effect only until January 1, 2024,  
13 and as of that date is repealed.

14 ~~SEC. 97.~~

15 *SEC. 95.* Section 7539 of the Business and Professions Code,  
16 as amended by Section 9 of Chapter 92 of the Statutes of 2018, is  
17 amended to read:

18 7539. (a) A licensee or officer, director, partner, or qualified  
19 manager of a licensee may divulge to any law enforcement officer  
20 or district attorney, or their representative, any information they  
21 may acquire as to any criminal offense, but they shall not divulge  
22 to any other person, except as otherwise required by law, any  
23 information acquired by them except at the direction of the  
24 employer or client for whom the information was obtained.

25 (b) A licensee or officer, director, partner, qualified manager,  
26 or employee of a licensee shall not knowingly make any false  
27 report to their employer or client for whom information was being  
28 obtained.

29 (c) A written report shall not be submitted to a client except by  
30 the licensee, qualified manager, or a person authorized by one or  
31 either of them, and the person submitting the report shall exercise  
32 diligence in ascertaining whether or not the facts and information  
33 in the report are true and correct.

34 (d) A licensee, or officer, director, partner, qualified manager,  
35 or employee of a licensee shall not use a badge in connection with  
36 the official activities of the licensee's business.

37 (e) A licensee, or officer, director, partner, qualified manager,  
38 or employee of a licensee, shall not use a title, or wear a uniform,  
39 or use an insignia, or use an identification card, or make any  
40 statement with the intent to give an impression that they are

1 connected in any way with the federal government, a state  
2 government, or any political subdivision of a state government.

3 (f) A licensee, or officer, partner, qualified manager, or  
4 employee of a licensee shall not use any identification to indicate  
5 that they are licensed as a private investigator other than the official  
6 identification card issued by the bureau or the business card  
7 regularly used by the business. However, a licensee may issue an  
8 employer identification card.

9 (g) A licensee, or officer, director, partner, qualified manager,  
10 or employee of a licensee, shall not enter any private building or  
11 portion thereof, except premises commonly accessible to the public,  
12 without the consent of the owner or of the person in legal  
13 possession thereof.

14 (h) A licensee shall not permit an employee or agent in their  
15 own name to advertise, engage clients, furnish reports or present  
16 bills to clients, or in any manner conduct business for which a  
17 license is required under this chapter. All business of the licensee  
18 shall be conducted in the name of and under the control of the  
19 licensee.

20 (i) A licensee, or officer, director, partner, qualified manager,  
21 or employee of a licensee, shall not knowingly and directly solicit  
22 employment from any person who has directly sustained bodily  
23 injury or from that person's spouse or other family member to  
24 obtain authorization on behalf of the injured person as an  
25 investigator to investigate the accident or act that resulted in injury  
26 or death to that person or damage to the property of that person.  
27 This subdivision does not prohibit the soliciting of employment  
28 from that injured person's attorney, insurance company,  
29 self-insured administrator, insurance adjuster, employer, or any  
30 other person having an indirect interest in the investigation of the  
31 injury. This subdivision does not apply to any business agent or  
32 attorney employed by a labor organization. A licensee, officer,  
33 director, partner, or qualified manager of a licensee shall not pay  
34 or compensate any of their employees or agents on the basis of a  
35 bonus, bounty, or quota system whereby a premium is placed on  
36 the number of employer or client rule violations or infractions  
37 purportedly discovered as a result of any investigation made by a  
38 licensee.

1 (j) A licensee shall not use a fictitious business name in  
2 connection with the official activities of the licensee's business,  
3 except as provided by the bureau.

4 (k) This section shall become operative on January 1, 2024.

5 ~~SEC. 98.~~

6 *SEC. 96.* Section 8516 of the Business and Professions Code  
7 is amended to read:

8 8516. (a) This section, and Section 8519, apply only to wood  
9 destroying pests or organisms.

10 (b) A registered company or licensee shall not commence work  
11 on a contract, or sign, issue, or deliver any documents expressing  
12 an opinion or statement relating to the absence or presence of wood  
13 destroying pests or organisms until an inspection has been made  
14 by a licensed Branch 3 field representative or operator employed  
15 by a registered company, except as provided in Section 8519.5.  
16 The address of each property inspected or upon which work is  
17 completed shall be reported on a form prescribed by the board and  
18 shall be filed with the board no later than 10 business days after  
19 the commencement of an inspection or upon completed work.

20 Every property inspected pursuant to this subdivision or Section  
21 8518 shall be assessed a filing fee pursuant to Section 8674.

22 Failure of a registered company to report and file with the board  
23 the address of any property inspected or work completed pursuant  
24 to Section 8518 or this section is grounds for disciplinary action  
25 and shall subject the registered company to a fine of not more than  
26 two thousand five hundred dollars (\$2,500). The address of an  
27 inspection report prepared for use by an attorney for litigation  
28 purposes shall not be required to be reported to the board and shall  
29 not be assessed a filing fee.

30 A written inspection report conforming to this section and a form  
31 approved by the board shall be prepared and delivered to the person  
32 requesting the inspection and the property owner, or to the property  
33 owner's designated agent, within 10 business days from the start  
34 of the inspection, except that an inspection report prepared for use  
35 by an attorney for litigation purposes is not required to be reported  
36 to the board or the property owner. An inspection report may be  
37 a complete, limited, supplemental, or reinspection report, as defined  
38 by Section 1993 of Title 16 of the California Code of Regulations.  
39 The report shall be delivered before work is commenced on any

1 property. The registered company shall retain for three years all  
2 inspection reports, field notes, and activity forms.

3 Reports shall be made available for inspection and reproduction  
4 to the executive officer of the board or their duly authorized  
5 representative during business hours. All inspection reports or  
6 copies thereof shall be submitted to the board upon demand within  
7 two business days. The following shall be set forth in the report:

8 (1) The start date of the inspection and the name of the licensed  
9 field representative or operator making the inspection.

10 (2) The name and address of the person or firm ordering the  
11 report.

12 (3) The name and address of the property owner and any person  
13 who is a party in interest.

14 (4) The address or location of the property.

15 (5) A general description of the building or premises inspected.

16 (6) A foundation diagram or sketch of the structure or structures  
17 or portions of the structure or structures inspected, including the  
18 approximate location of any infested or infected areas evident, and  
19 the parts of the structure where conditions that would ordinarily  
20 subject those parts to attack by wood destroying pests or organisms  
21 exist. Reporting of the infested or infected wood members, or parts  
22 of the structure identified, shall be listed in the inspection report  
23 to clearly identify them, as is typical in standard construction  
24 components, including, but not limited to, siding, studs, rafters,  
25 floor joists, fascia, subfloor, sheathing, and trim boards.

26 (7) Information regarding the substructure, foundation walls  
27 and footings, porches, patios and steps, air vents, abutments, attic  
28 spaces, roof framing that includes the eaves, rafters, fascias,  
29 exposed timbers, exposed sheathing, ceiling joists, and attic walls,  
30 or other parts subject to attack by wood destroying pests or  
31 organisms. Conditions usually deemed likely to lead to infestation  
32 or infection, such as earth-wood contacts, excessive cellulose  
33 debris, faulty grade levels, excessive moisture conditions, evidence  
34 of roof leaks, and insufficient ventilation are to be reported.

35 (8) One of the following statements, as appropriate, printed in  
36 bold type:

37 (A) The exterior surface of the roof was not inspected. If you  
38 want the water tightness of the roof determined, you should contact  
39 a roofing contractor who is licensed by the Contractors State  
40 License Board.

1 (B) The exterior surface of the roof was inspected to determine  
2 whether or not wood destroying pests or organisms are present.

3 (9) Indication or description of any areas that are inaccessible  
4 or not inspected with recommendation for further inspection if  
5 practicable. If, after the report has been made in compliance with  
6 this section, authority is given later to open inaccessible areas, a  
7 supplemental report on conditions in these areas shall be made.

8 (10) Recommendations for corrective measures.

9 (11) Information regarding the pesticide or pesticides to be used  
10 for their control or prevention as set forth in subdivision (a) of  
11 Section 8538.

12 (12) The inspection report shall clearly disclose that if requested  
13 by the person ordering the original report, a reinspection of the  
14 structure will be performed if an estimate or bid for making repairs  
15 was given with the original inspection report, or thereafter.

16 An estimate or bid shall be given separately allocating the costs  
17 to perform each and every recommendation for corrective measures  
18 as specified in subdivision (c) with the original inspection report  
19 if the person who ordered the original inspection report so requests,  
20 and if the registered company is regularly in the business of  
21 performing each corrective measure.

22 If no estimate or bid was given with the original inspection  
23 report, or thereafter, then the registered company shall not be  
24 required to perform a reinspection.

25 A reinspection shall be an inspection of those items previously  
26 listed on an original report to determine if the recommendations  
27 have been completed. Each reinspection shall be reported on an  
28 original inspection report form and shall be labeled "Reinspection."  
29 Each reinspection shall also identify the original report by date.

30 After four months from an original inspection, all inspections  
31 shall be original inspections and not reinspections.

32 Any reinspection shall be performed for not more than the price  
33 of the registered company's original inspection price and shall be  
34 completed within 10 business days after a reinspection has been  
35 ordered.

36 (13) The inspection report shall contain the following statement,  
37 printed in boldface type:

38  
39 "NOTICE: Reports on this structure prepared by various  
40 registered companies should list the same findings (i.e. termite

1 infestations, termite damage, fungus damage, etc.). However,  
2 recommendations to correct these findings may vary from company  
3 to company. You have a right to seek a second opinion from  
4 another company.”  
5

6 (c) At the time a report is ordered, the registered company or  
7 licensee shall inform the person or entity ordering the report, that  
8 a separate report is available pursuant to this subdivision. If a  
9 separate report is requested at the time the inspection report is  
10 ordered, the registered company or licensee shall separately identify  
11 on the report each recommendation for corrective measures as  
12 follows:

13 (1) The infestation or infection that is evident.

14 (2) The conditions that are present that are deemed likely to  
15 lead to infestation or infection.

16 If a registered company or licensee fails to inform as required  
17 by this subdivision and a dispute arises, or if any other dispute  
18 arises as to whether this subdivision has been complied with, a  
19 separate report shall be provided within 24 hours of the request  
20 but, in no event, later than the next business day, and at no  
21 additional cost.

22 (d) When a corrective condition is identified, either as paragraph  
23 (1) or (2) of subdivision (c), and the property owner or the property  
24 owner’s designated agent chooses not to correct those conditions,  
25 the registered company or licensee shall not be liable for damages  
26 resulting from a failure to correct those conditions or subject to  
27 any disciplinary action by the board. Nothing in this subdivision,  
28 however, shall relieve a registered company or a licensee of any  
29 liability resulting from negligence, fraud, dishonest dealing, other  
30 violations pursuant to this chapter, or contractual obligations  
31 between the registered company or licensee and the responsible  
32 parties.

33 (e) The inspection report form prescribed by the board shall  
34 separately identify the infestation or infection that is evident and  
35 the conditions that are present that are deemed likely to lead to  
36 infestation or infection. If a separate form is requested, the form  
37 shall explain the infestation or infection that is evident and the  
38 conditions that are present that are deemed likely to lead to  
39 infestation or infection and the difference between those conditions.  
40 In no event, however, shall conditions deemed likely to lead to

1 infestation or infection be characterized as actual “defects” or as  
2 actual “active” infestations or infections or in need of correction  
3 as a precondition to issuing a certification pursuant to Section  
4 8519.

5 (f) The report and any contract entered into shall also state  
6 specifically when any guarantee for the work is made, and if so,  
7 the specific terms of the guarantee and the period of time for which  
8 the guarantee shall be in effect. If a guarantee extends beyond three  
9 years, the registered company shall maintain all original inspection  
10 reports, field notes, activity forms, and notices of completion for  
11 the duration of the guarantee period and for one year after the  
12 guarantee expires.

13 (g) For purposes of this section, “control service agreement”  
14 means an agreement, including extended warranties, to have a  
15 licensee conduct over a period of time regular inspections and  
16 other activities related to the control or eradication of wood  
17 destroying pests and organisms. Under a control service agreement  
18 a registered company shall refer to the original report and contract  
19 in a manner as to identify them clearly, and the report shall be  
20 assumed to be a true report of conditions as originally issued,  
21 except it may be modified after a control service inspection. A  
22 registered company is not required to issue a report as outlined in  
23 paragraphs (1) to (11), inclusive, of subdivision (b) after each  
24 control service inspection. If after control service inspection, no  
25 modification of the original report is made in writing, then it will  
26 be assumed that conditions are as originally reported. A control  
27 service contract shall state specifically the particular wood  
28 destroying pests or organisms and the portions of the buildings or  
29 structures covered by the contract.

30 (h) A registered company or licensee may enter into and  
31 maintain a control service agreement provided the following  
32 requirements are met:

33 (1) The control service agreement shall be in writing, signed by  
34 both parties, and shall specifically include the following:

35 (A) The wood destroying pests and organisms covered by the  
36 control service agreement.

37 (B) Any wood destroying pest or organism that is not covered  
38 must be specifically listed.

39 (C) The type and manner of treatment to be used to correct the  
40 infestations or infections.

- 1 (D) The structures or buildings, or portions thereof, covered by  
2 the agreement, including a statement specifying whether the  
3 coverage for purposes of periodic inspections is limited or full.  
4 Any exclusions from those described in the original report must  
5 be specifically listed.
- 6 (E) A reference to the original inspection report.
- 7 (F) The frequency of the inspections to be provided, the fee to  
8 be charged for each renewal, and the duration of the agreement.
- 9 (G) Whether the fee includes structural repairs.
- 10 (H) If the services provided are guaranteed, and, if so, the terms  
11 of the guarantee.
- 12 (I) A statement that all corrections of infestations or infections  
13 covered by the control service agreement shall be completed within  
14 six months of discovery, unless otherwise agreed to in writing by  
15 both parties.
- 16 (2) The original inspection report, the control service agreement,  
17 and completion report shall be maintained for three years after the  
18 cancellation of the control service agreement.
- 19 (3) Inspections made pursuant to a control service agreement  
20 shall be conducted by a Branch 3 licensee. Section 8506.1 does  
21 not modify this provision.
- 22 (4) A full inspection of the property covered by the control  
23 service agreement shall be conducted and a report filed pursuant  
24 to subdivision (b) at least once every three years from the date that  
25 the agreement was entered into, unless the consumer cancels the  
26 contract within three years from the date the agreement was entered  
27 into.
- 28 (5) Under a control service agreement, a written report shall be  
29 required for the correction of any infestation or infection unless  
30 all of the following conditions are met:
- 31 (A) The infestation or infection has been previously reported.
- 32 (B) The infestation or infection is covered by the control service  
33 agreement.
- 34 (C) There is no additional charge for correcting the infestation  
35 or infection.
- 36 (D) Correction of the infestation or infection takes place within  
37 45 days of its discovery.
- 38 (E) Correction of the infestation or infection does not include  
39 fumigation.



1 (6) All notice requirements pursuant to Section 8538 shall apply  
2 to all pesticide treatments conducted under control service  
3 agreements.

4 (i) All work recommended by a registered company, where an  
5 estimate or bid for making repairs was given with the original  
6 inspection report, or thereafter, shall be recorded on this report or  
7 a separate work agreement and shall specify a price for each  
8 recommendation. This information shall be provided to the person  
9 requesting the inspection, and shall be retained by the registered  
10 company with the inspection report copy for three years.

11 ~~SEC. 99.~~

12 *SEC. 97.* Section 10050 of the Business and Professions Code  
13 is amended to read:

14 10050. (a) (1) There is in the Business, Consumer Services,  
15 and Housing Agency a Department of Real Estate, the chief officer  
16 of which department is named the Real Estate Commissioner.

17 (2) Notwithstanding any other law, the powers and duties of the  
18 department, as set forth in this part and Chapter 1 (commencing  
19 with Section 11000) of Part 2, shall be subject to review by the  
20 appropriate policy committees of the Legislature. The review shall  
21 be performed as if this part and that chapter were scheduled to be  
22 repealed as of January 1, 2022.

23 (b) It shall be the principal responsibility of the commissioner  
24 to enforce all laws in this part and Chapter 1 (commencing with  
25 Section 11000) of Part 2 in a manner that achieves the maximum  
26 protection for the buyers of real property and those persons dealing  
27 with real estate licensees.

28 (c) Wherever the term “commissioner” is used in this division,  
29 it means the Real Estate Commissioner.

30 (d) This section shall become operative on July 1, 2018.

31 ~~SEC. 100.~~

32 *SEC. 98.* Section 11301 of the Business and Professions Code  
33 is amended to read:

34 11301. (a) (1) There is hereby created within the Department  
35 of Consumer Affairs a Bureau of Real Estate Appraisers to  
36 administer and enforce this part.

37 (2) Notwithstanding any other law, the powers and duties of the  
38 bureau, as set forth in this part, shall be subject to review by the  
39 appropriate policy committees of the Legislature. The review shall

1 be performed as if this part were scheduled to be repealed as of  
2 January 1, 2022.

3 (b) Whenever the term “Office of Real Estate Appraisers”  
4 appears in any other law, it means the “Bureau of Real Estate  
5 Appraisers.”

6 ~~SEC. 101.~~

7 *SEC. 99.* Section 16100 of the Business and Professions Code  
8 is amended to read:

9 16100. (a) The board of supervisors may in the exercise of its  
10 police powers, and for the purpose of regulation, as herein  
11 provided, and not otherwise, license any kind of business not  
12 prohibited by law, transacted and carried on within the limits of  
13 its jurisdiction, including all shows, exhibitions, and lawful games,  
14 and may fix the rate of the license fee and provide for its collection  
15 by suit or otherwise.

16 (b) No license fee levied pursuant to subdivision (a) that is  
17 measured by the licensee’s income or gross receipts, whether levied  
18 by a charter or general law county, shall apply to any nonprofit  
19 organization that is exempted from taxes by Chapter 4  
20 (commencing with Section 23701) of Part 11 of Division 2 of the  
21 Revenue and Taxation Code or Subchapter F (commencing with  
22 Section 501) of Chapter 1 of Subtitle A of the Internal Revenue  
23 Code of 1986, or the successor of either, or to any minister,  
24 clergyman, Christian Science practitioner, rabbi, or priest of any  
25 religious organization that has been granted an exemption from  
26 federal income tax by the United States Commissioner of Internal  
27 Revenue as an organization described in Section 501(c)(3) of the  
28 Internal Revenue Code or a successor to that section.

29 (c) Before a county issues a business license to a person to  
30 conduct business as a contractor, as defined by Section 7026, the  
31 county shall verify that the person is licensed by the Contractors  
32 State License Board.

33 ~~SEC. 102.~~

34 *SEC. 100.* Section 19164 of the Business and Professions Code  
35 is amended to read:

36 19164. The bureau may, by regulation, establish insulation  
37 material standards governing the quality of all insulation material  
38 sold or installed within this state, including those properties that  
39 affect the safety and thermal performance of insulation material  
40 during application and in the use intended. The standards shall

1 specify the initial performance of the insulation material and the  
2 performance expected during the design life of the insulation  
3 material. Until the bureau has adopted these regulations, the  
4 regulations of the State Energy Resources Conservation and  
5 Development Commission in effect on the effective date of this  
6 section relating to those standards shall remain in full force and  
7 effect. However, wherever those regulations specify that the  
8 commission shall perform an act, the bureau instead shall perform  
9 the act.

10 Prior to establishing the standards and procedures required by  
11 this chapter, the bureau shall conduct at least two public hearings,  
12 and shall invite the State Energy Resources Conservation and  
13 Development Commission, the State Fire Marshal, manufacturers,  
14 distributors, and licensed installers of insulation materials, and  
15 appropriate members of the public to participate in the hearings.  
16 Immediately upon adoption of the standards and procedures, the  
17 bureau shall provide a copy of the standards to the State Energy  
18 Resources Conservation and Development Commission, and the  
19 Contractors State License Board. Within 30 days after receipt of  
20 the bureau's standards, the Contractors State License Board shall  
21 notify all state licensed contractors who install insulation of the  
22 standards.

23 Insulation standards adopted by the bureau, pursuant to this  
24 section, and by the State Energy Resources Conservation and  
25 Development Commission, pursuant to Section 25402 of the Public  
26 Resources Code, which are building standards, as defined in  
27 Section 25488.5 of the Public Resources Code, shall be submitted  
28 to the California Building Standards Commission for approval  
29 pursuant to, and are governed by, the California Building Standards  
30 Law (Part 2.5 (commencing with Section 18901) of Division 13  
31 of the Health and Safety Code). The building standards adopted  
32 by the bureau and published in the California Building Standards  
33 Code shall comply with, and be enforced as provided in, this  
34 section.

35 ~~SEC. 103.~~

36 *SEC. 101.* Section 1670.8.5 is added to the Civil Code, to read:

37 1670.8.5. (a) A contract or proposed contract for the provision  
38 of a consumer service by a licensee regulated by a licensing board  
39 shall not include a provision limiting the consumer's ability to file

1 a complaint with that board or to participate in the board's  
2 investigation into the licensee.

3 (b) Any waiver of the provisions of this section is contrary to  
4 public policy, and is void and unenforceable.

5 (c) For purposes of this section, the following terms apply:

6 (1) "Consumer service" means any service that is obtained for  
7 use primarily for personal, family, or household purposes.

8 (2) "Licensing board" means any entity described in Section  
9 101 of the Business and Professions Code, the State Bar of  
10 California, the Department of Real Estate, or any other state agency  
11 that issues a license, certificate, or registration authorizing a person  
12 to engage in a business or profession.

13 (d) Violation of this section by a licensee shall constitute  
14 unprofessional conduct subject to discipline by the licensee's  
15 licensing board.

16 ~~SEC. 104.~~

17 *SEC. 102.* Section 94950 of the Education Code is amended  
18 to read:

19 94950. This chapter shall remain in effect only until January  
20 1, 2022, and as of that date is repealed.

21 ~~SEC. 105.~~

22 *SEC. 103.* No reimbursement is required by this act pursuant  
23 to Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the penalty  
27 for a crime or infraction, within the meaning of Section 17556 of  
28 the Government Code, or changes the definition of a crime within  
29 the meaning of Section 6 of Article XIII B of the California  
30 Constitution.

## **VIII. Enforcement**

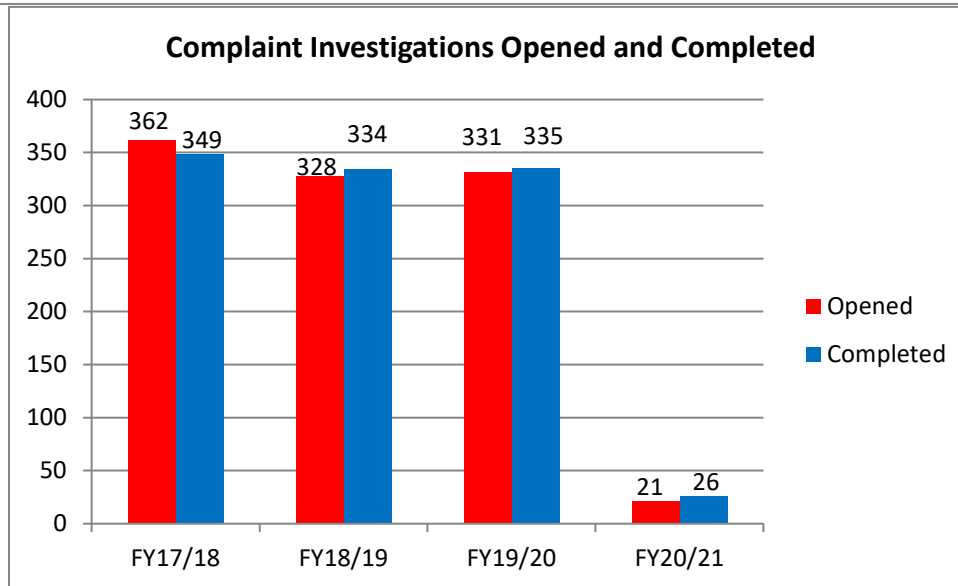
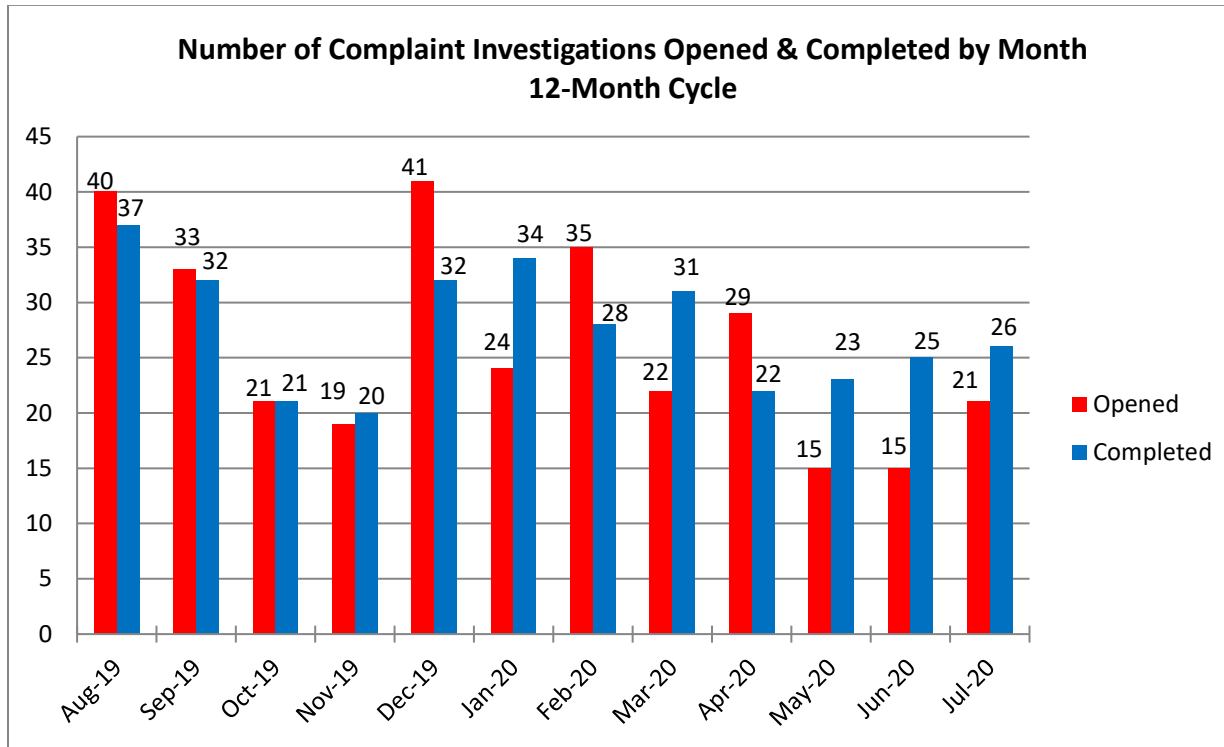
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### A. Enforcement Statistical Reports

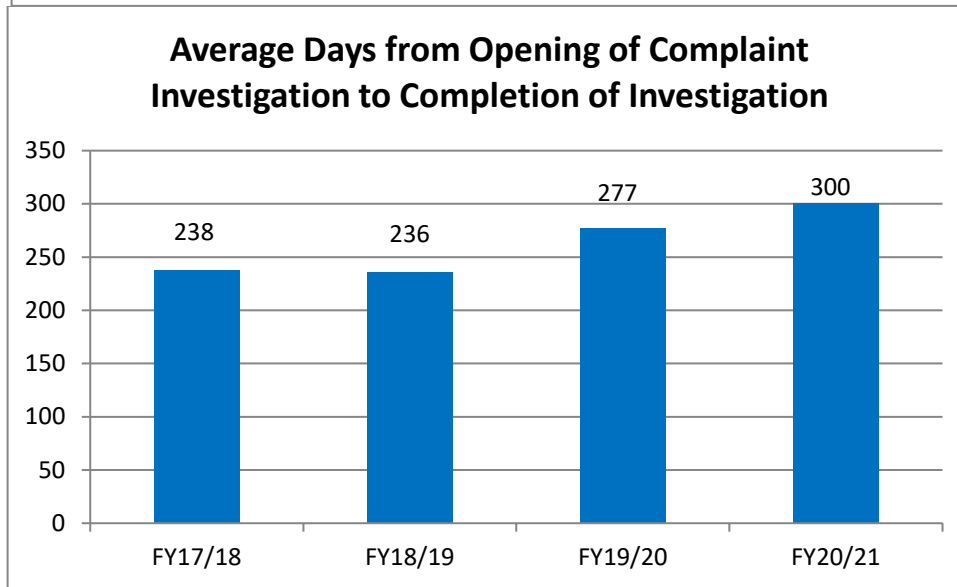
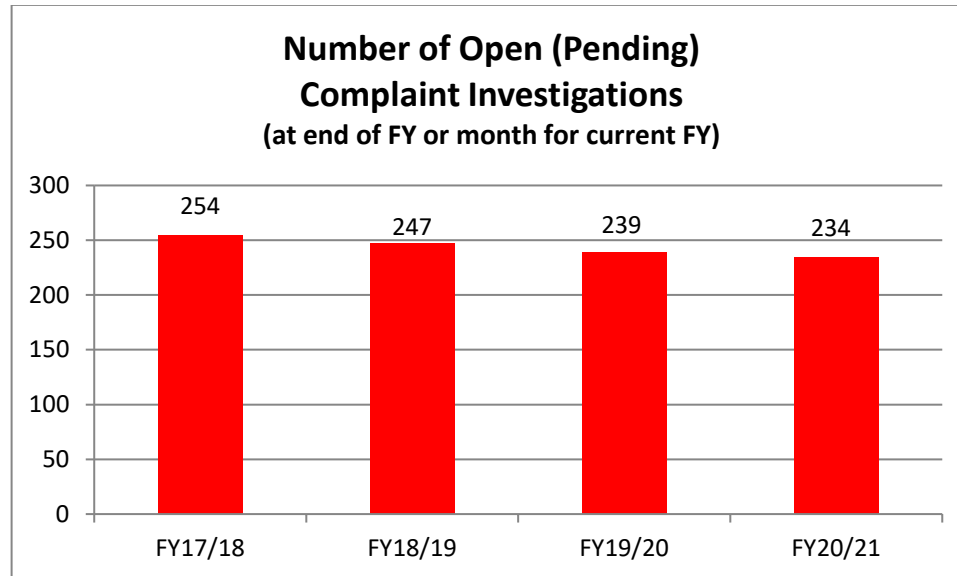
#### 1. Fiscal Year 2019/20 Update



# Complaint Investigation Phase

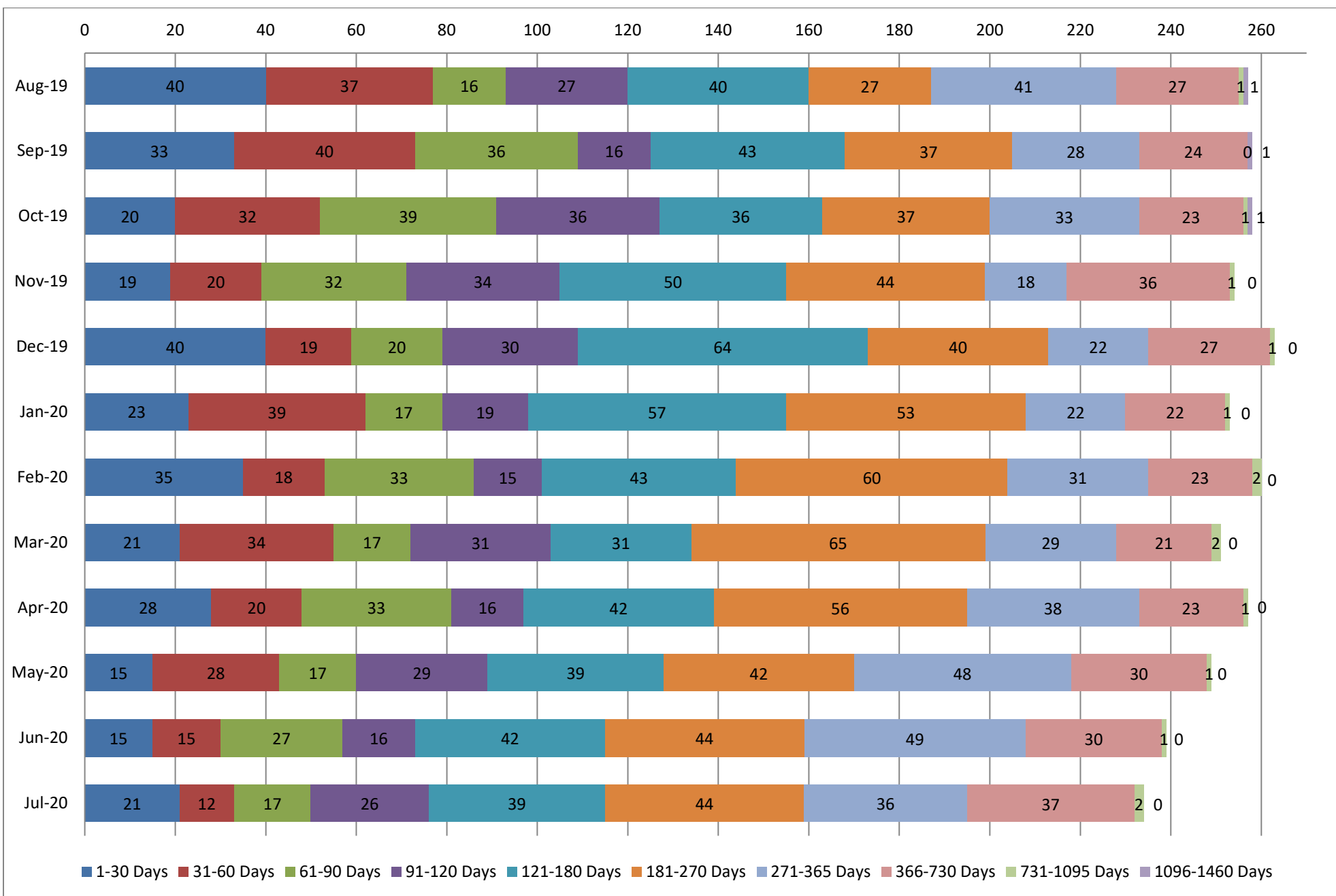


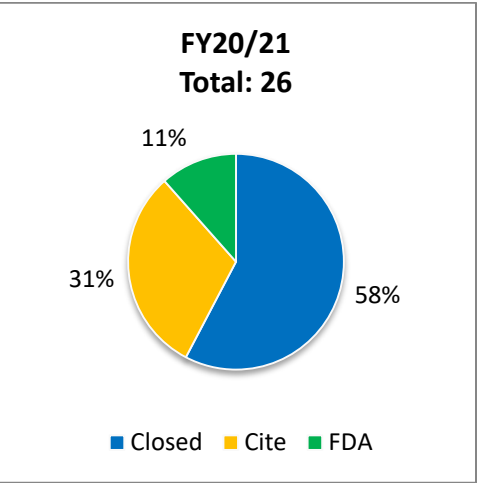
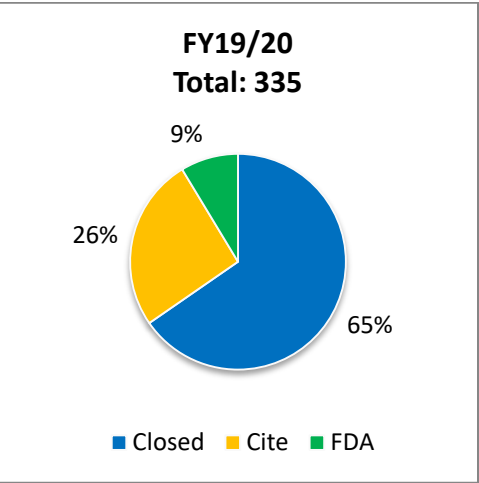
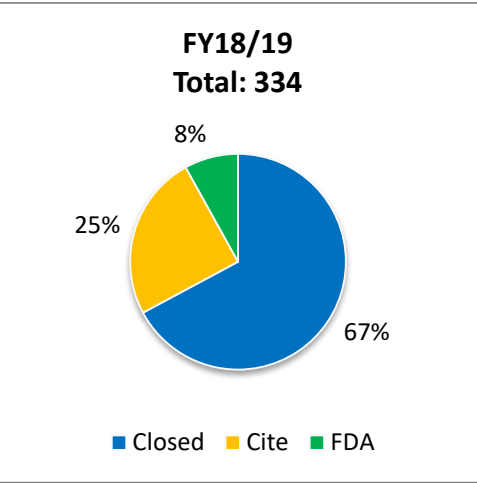
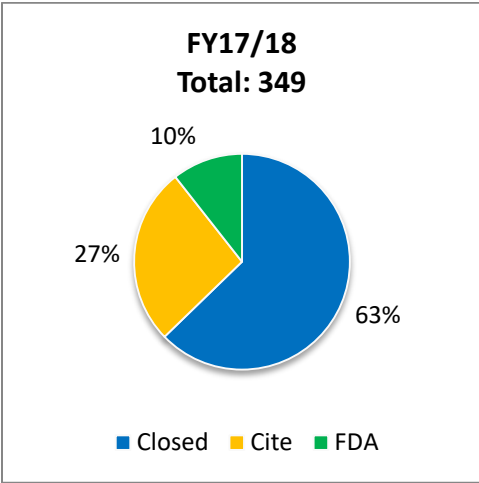
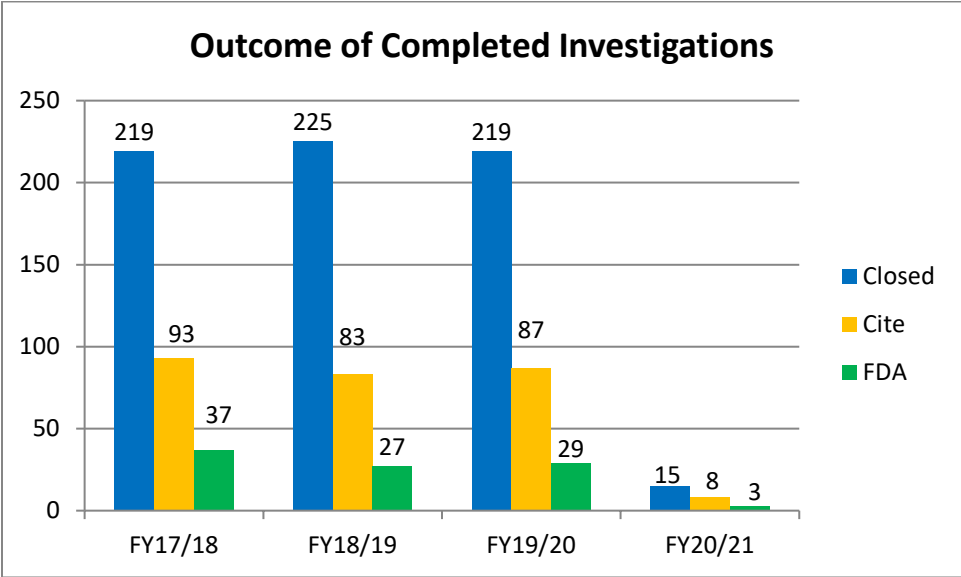
NOTE: FY20/21 statistics are through July 31, 2020



**NOTE: FY20/21 statistics are through July 31, 2020**







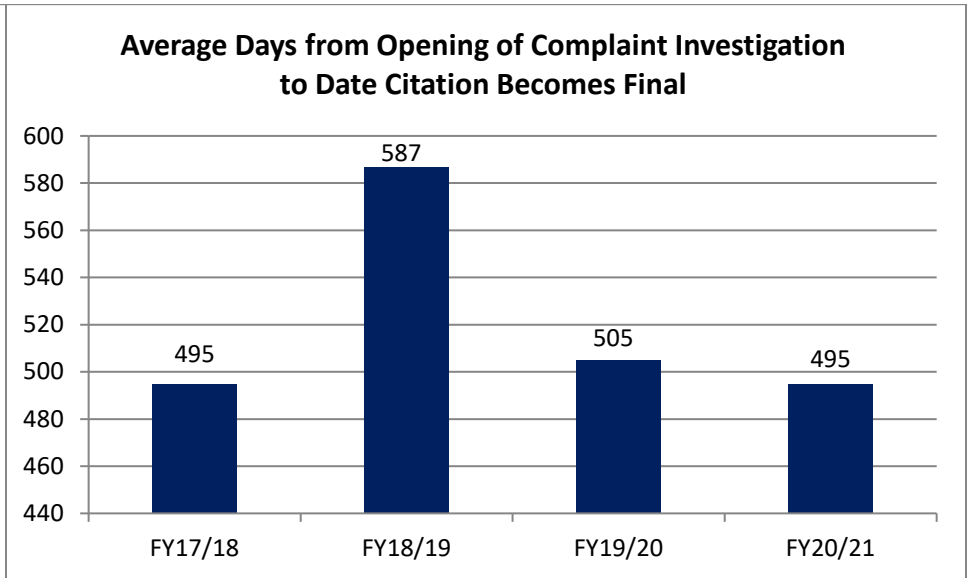
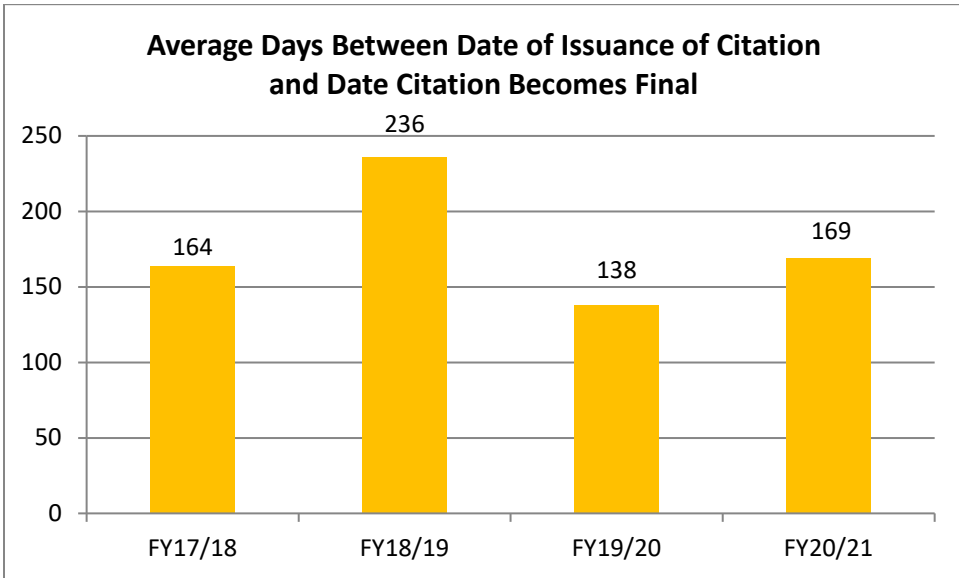
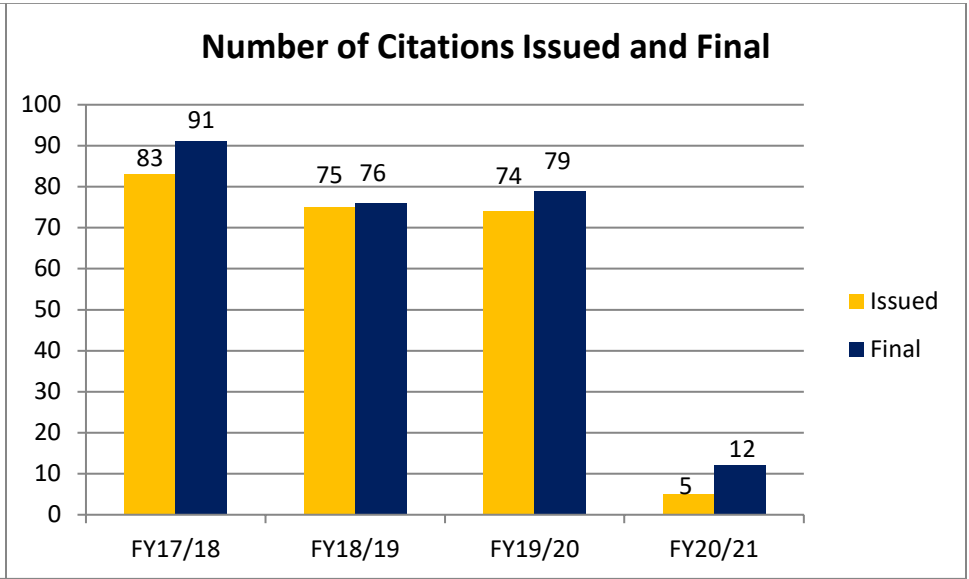
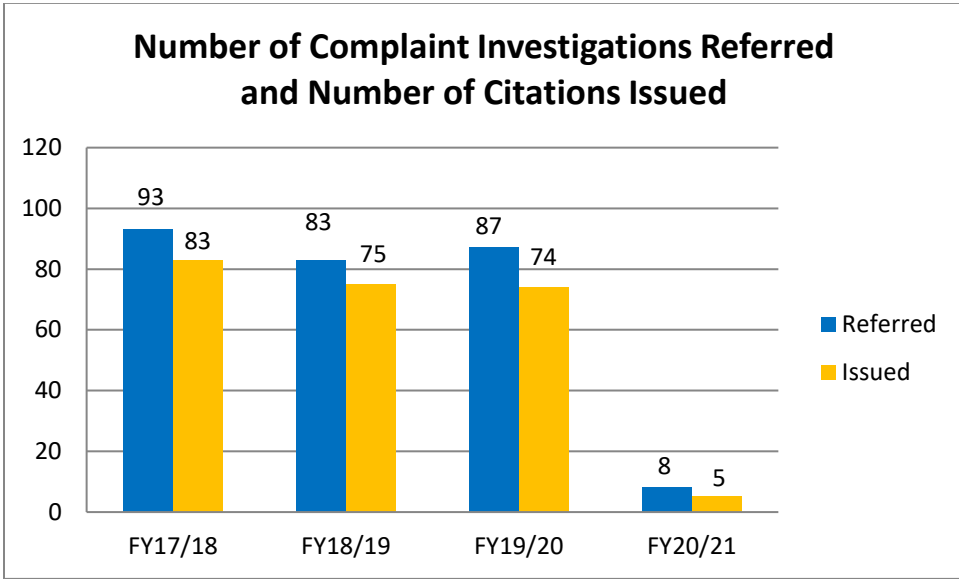
**NOTE: FY20/21 statistics are through July 31, 2020**

Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

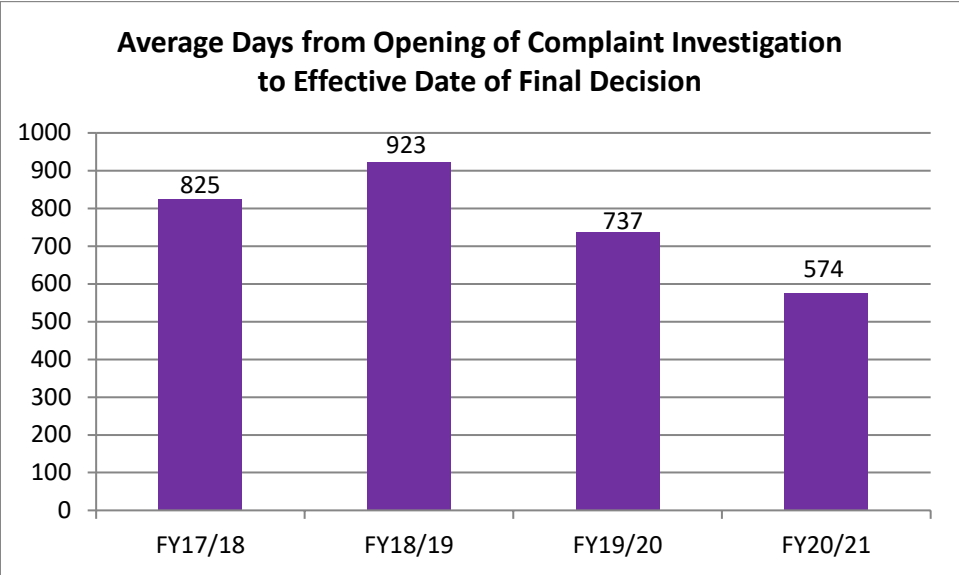
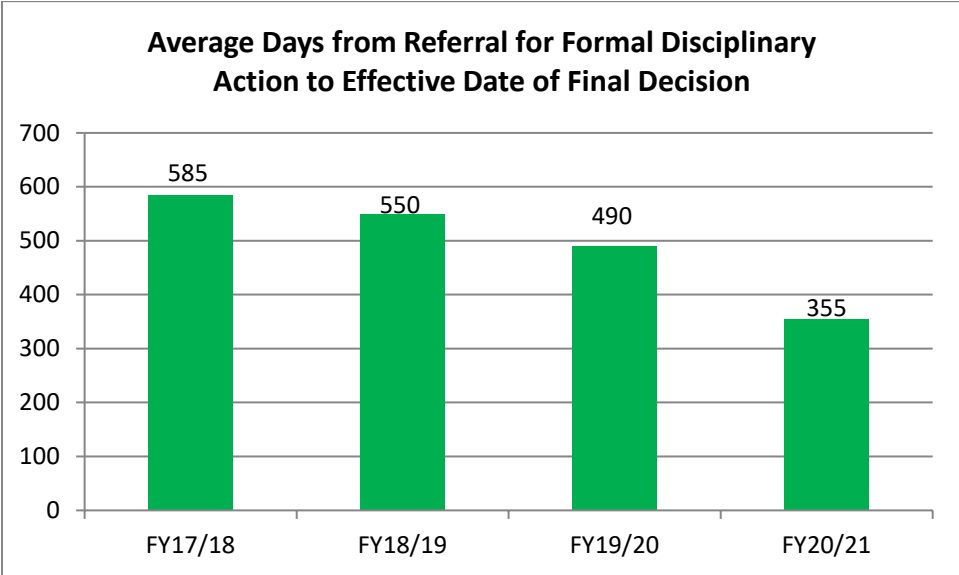
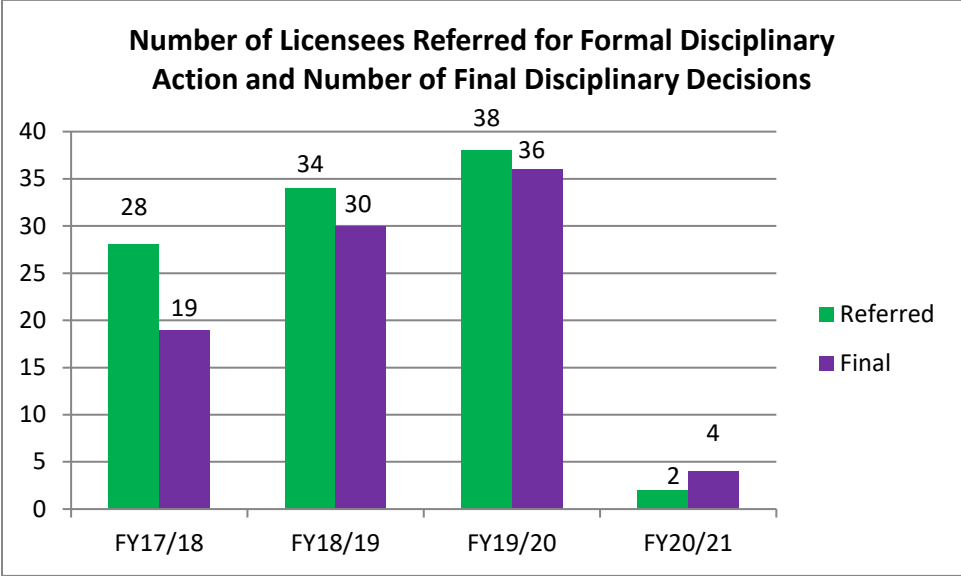
Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

# Citations (Informal Enforcement Actions)



NOTE: FY20/21 statistics are through July 31, 2020



NOTE: FY20/21 statistics are through July 31, 2020

**Number of Complaint Investigations Opened & Completed by Month  
12-Month Cycle**

Month	Complaint Investigations Opened	Complaint Investigations Completed
August 2019	40	37
September 2019	33	32
October 2019	21	21
November 2019	19	20
December 2019	41	32
January 2020	24	34
February 2020	35	28
March 2020	22	31
April 2020	29	22
May 2020	15	23
June 2020	15	25
July 2020	21	26

**Complaint Investigations Opened and Completed  
Total by Fiscal Year**

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2017/18	362	349
2018/19	328	334
2019/20	331	335
2020/21	21	26

Current Fiscal Year through July 31, 2020

**Number of Open (Pending) Complaint Investigations  
(at end of FY or month for current FY)**

Fiscal Year	Number of Open (Pending) Complaint Investigations
2017/18	254
2018/19	247
2019/20	239
2020/21	234

Current Fiscal Year through July 31, 2020

## Complaint Investigation Phase

### Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

Fiscal Year	Average Days
2017/18	238
2018/19	236
2019/20	277
2020/21	300

Current Fiscal Year through July 31, 2020

### Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2017/18	219	63%	93	27%	37	10%
2018/19	225	67%	83	25%	27	8%
2019/20	219	65%	87	29%	29	9%
2020/21	15	58%	8	31%	3	11%

Current Fiscal Year through July 31, 2020

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

**Aging of Open (Pending) Complaint Investigation Cases  
12-Month Cycle**

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
August 2019	40	37	16	27	40	27	41	27	1	1
September 2019	33	40	36	16	43	37	28	24	0	1
October 2019	20	32	39	36	36	37	33	23	1	1
November 2019	19	20	32	34	50	44	18	36	1	0
December 2019	40	19	20	30	64	40	22	27	1	0
January 2020	23	39	17	19	57	53	22	22	1	0
February 2020	35	18	33	15	43	60	31	23	2	0
March 2020	21	34	17	31	31	65	29	21	2	0
April 2020	28	20	33	16	42	56	38	23	1	0
May 2020	15	28	17	29	39	42	48	30	1	0
June 2020	15	15	27	16	42	44	49	30	1	0
July 2020	21	12	17	26	39	44	36	37	2	0

**Number of Complaint Investigations Referred and Number of Citations Issued**

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2017/18	93	83
2018/19	83	75
2019/20	87	74
2020/21	8	5

Current Fiscal Year through July 31, 2020

**Number of Citations Issued and Final**

Fiscal Year	Issued	Final
2017/18	83	91
2018/19	75	76
2019/20	74	79
2020/21	5	12

Current Fiscal Year through July 31, 2020

**Average Days Between Date of Issuance of Citation and Date Citation Becomes Final**

Fiscal Year	Number of Days
2017/18	164
2018/19	236
2019/20	138
2020/21	169

Current Fiscal Year through July 31, 2020

**Average Days from Opening of Complaint Investigation to Date Citation Becomes Final**

Fiscal Year	Number of Days
2017/18	495
2018/19	587
2019/20	505
2020/21	495

Current Fiscal Year through July 31, 2020



**Number of Licensees Referred for Formal Disciplinary Action  
and Number of Final Disciplinary Decisions**

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2017/18	28	19
2018/19	34	30
2019/20	38	35
2020/21	2	4

Current Fiscal Year through July 31, 2020

**Average Days from Referral for Formal Disciplinary Action  
to Effective Date of Final Decision**

Fiscal Year	Number of Days
2017/18	585
2018/19	550
2019/20	490
2020/21	355

Current Fiscal Year through July 31, 2020

**Average Days from Opening of Complaint Investigation  
to Effective Date of Final Decision**

Fiscal Year	Number of Days
2017/18	825
2018/19	923
2019/20	737
2020/21	574

Current Fiscal Year through July 31, 2020



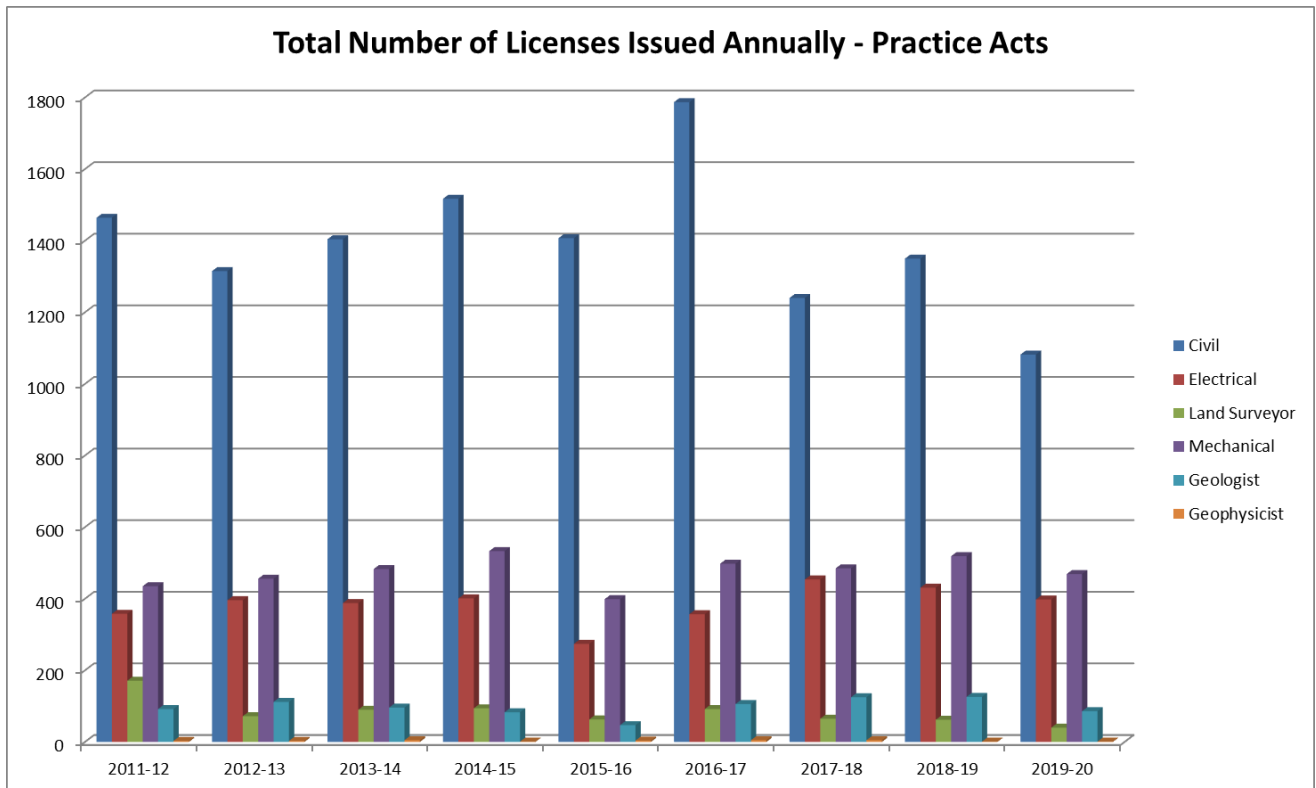
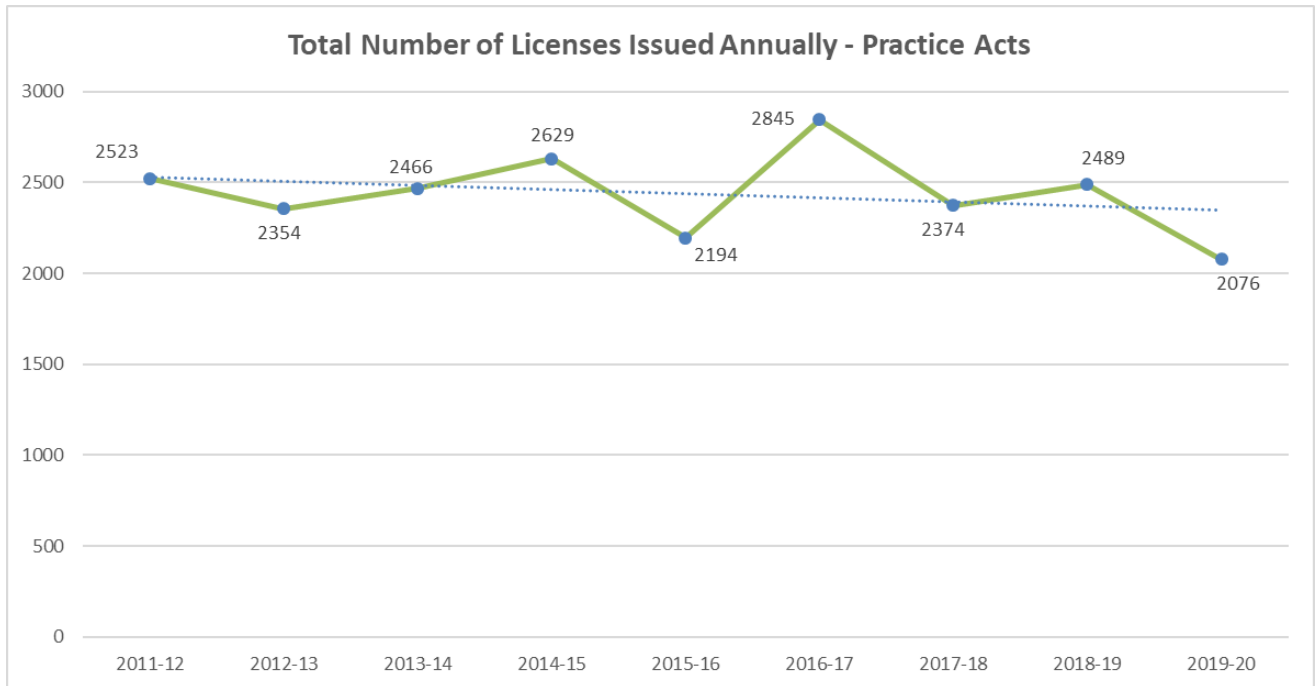
**IX. Exams/Licensing**

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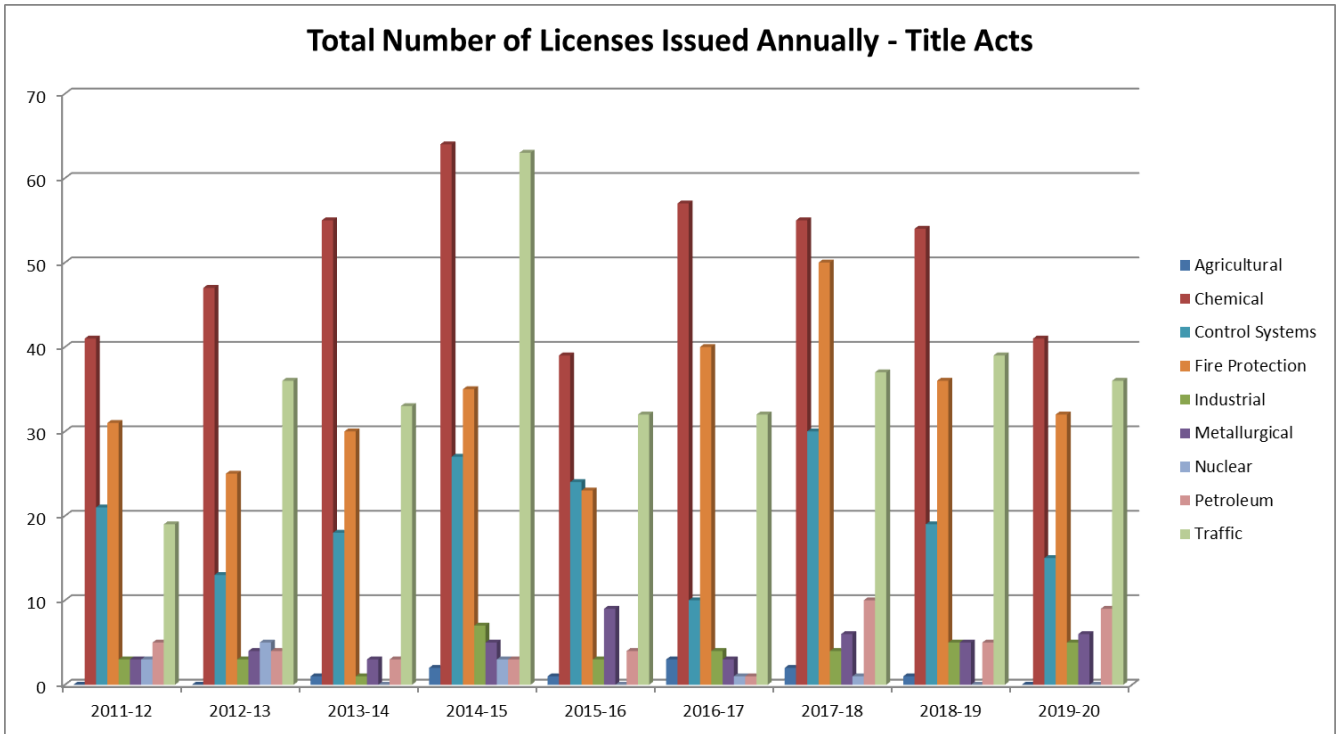
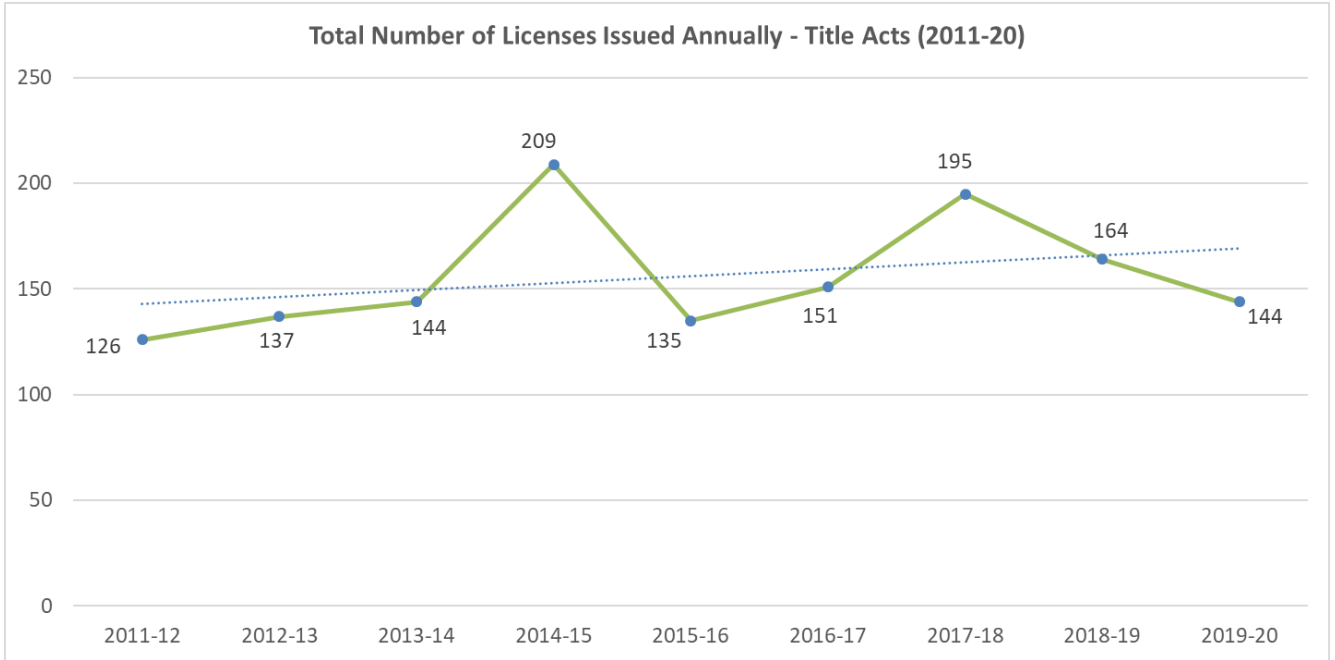
- A. Update on 2020 California State Examinations
- B. 2019-20 Application and Licensing Update



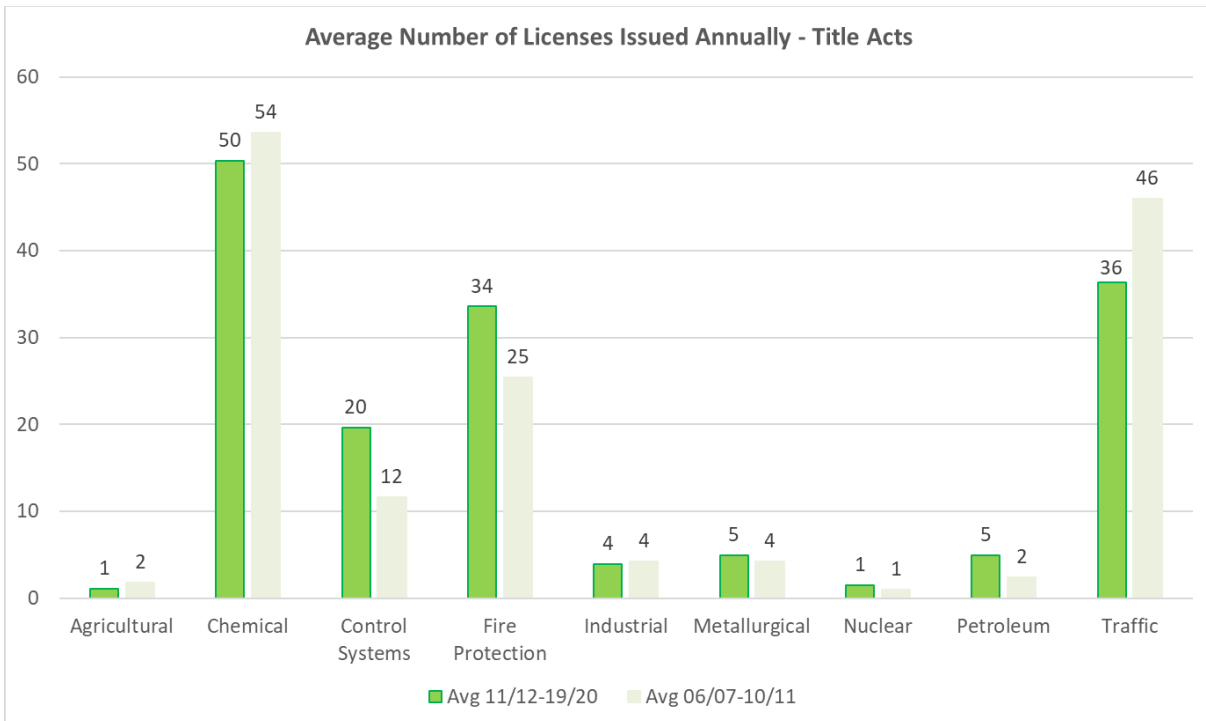
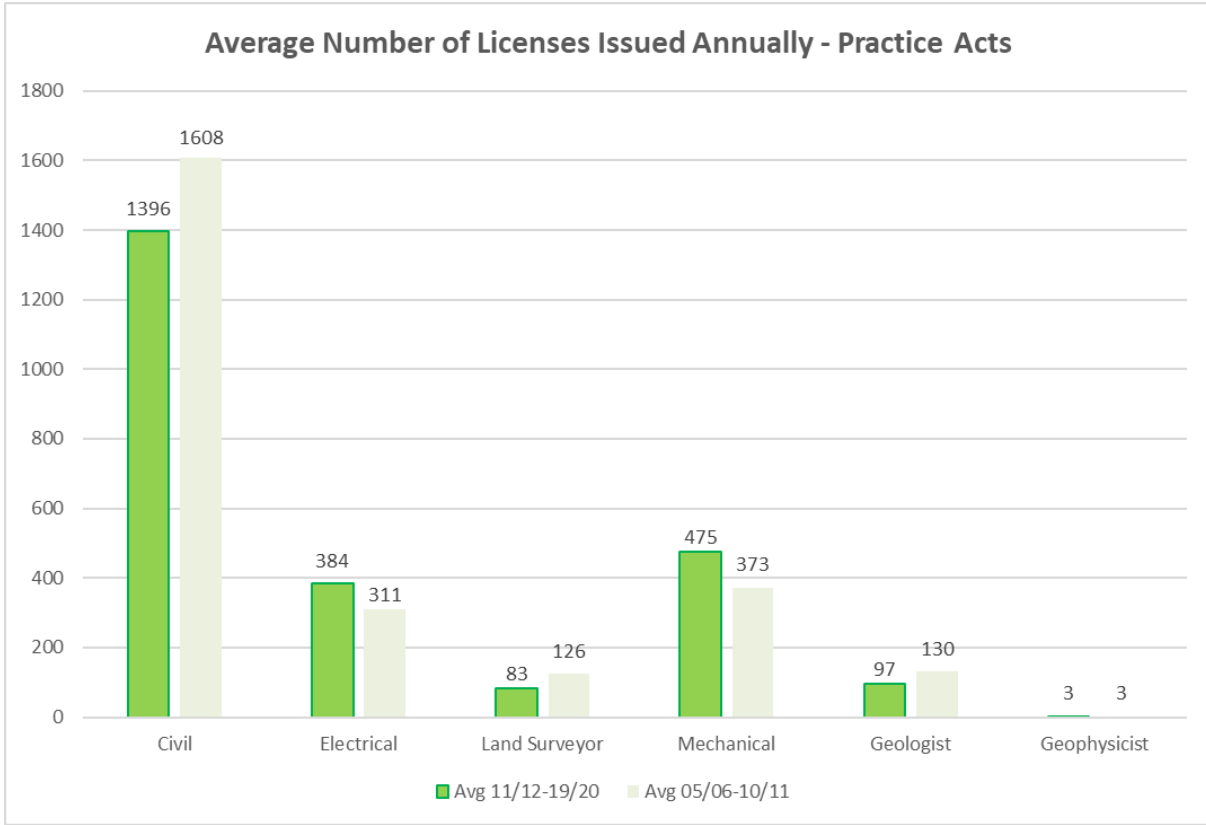
### Annual Licenses (Practice Acts)



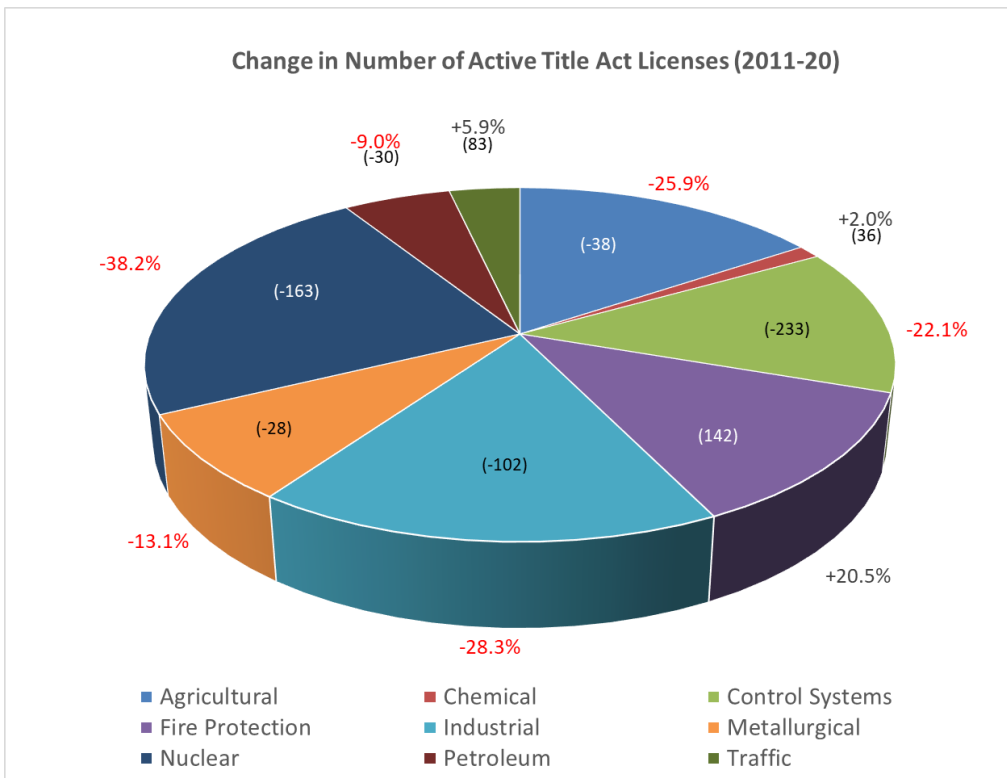
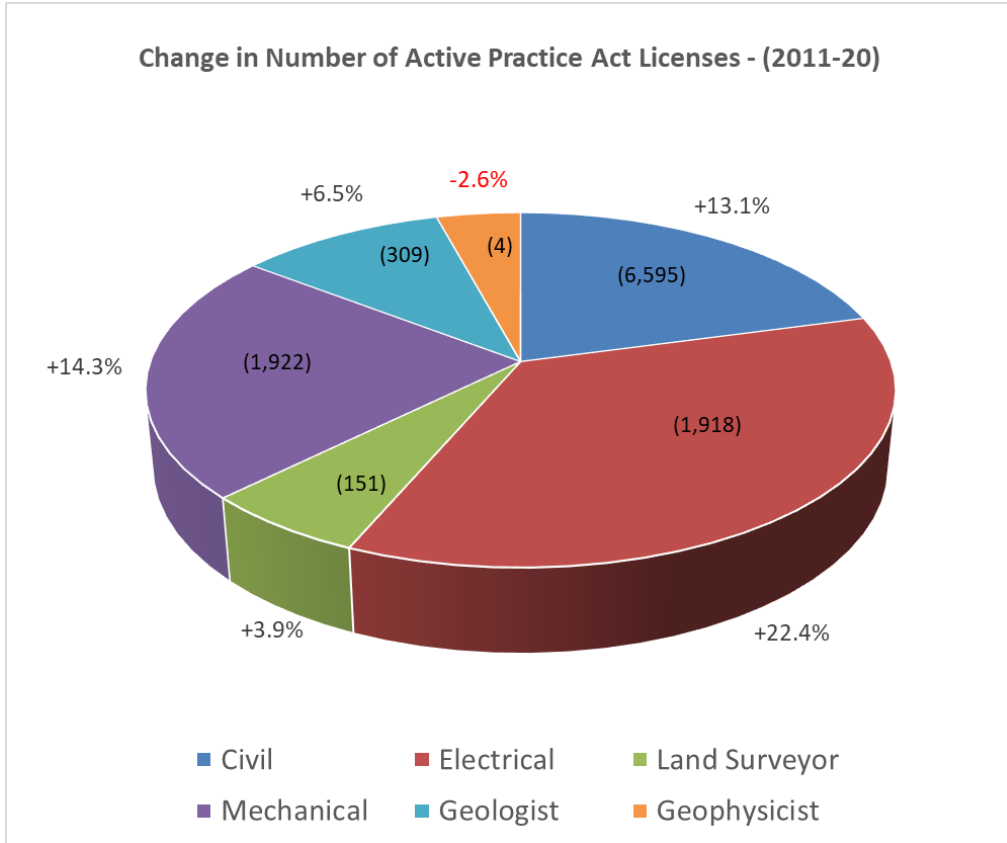
## Annual Licenses (Title Acts)



**Average Number of Licenses Issued Annually (Fiscal Year)**

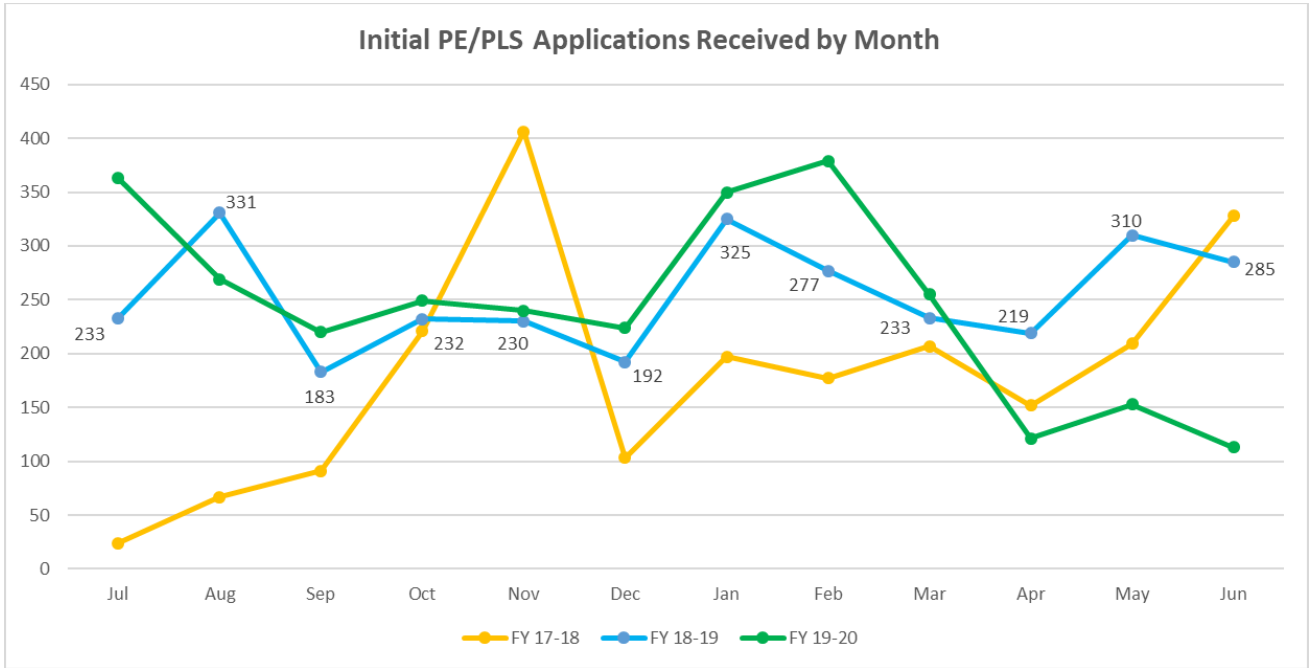


### Active Licenses (Fiscal Year)

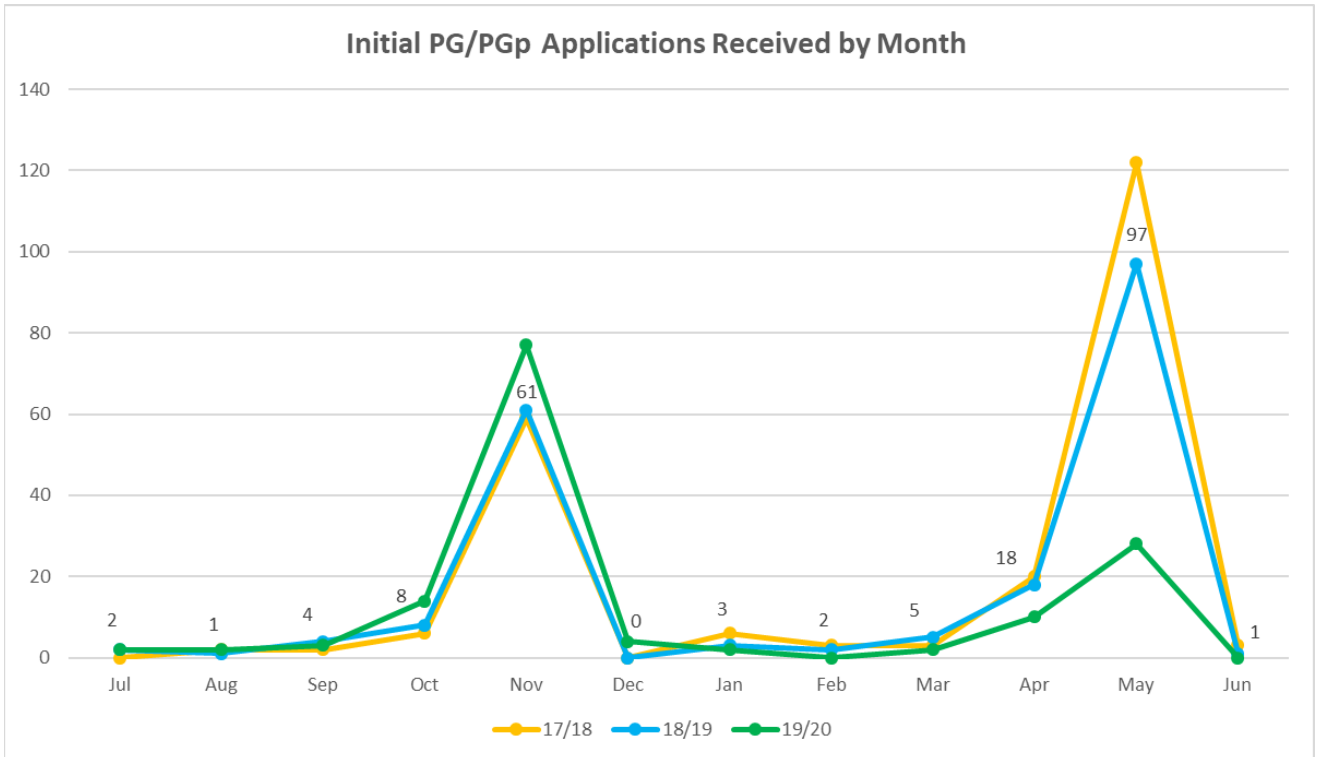


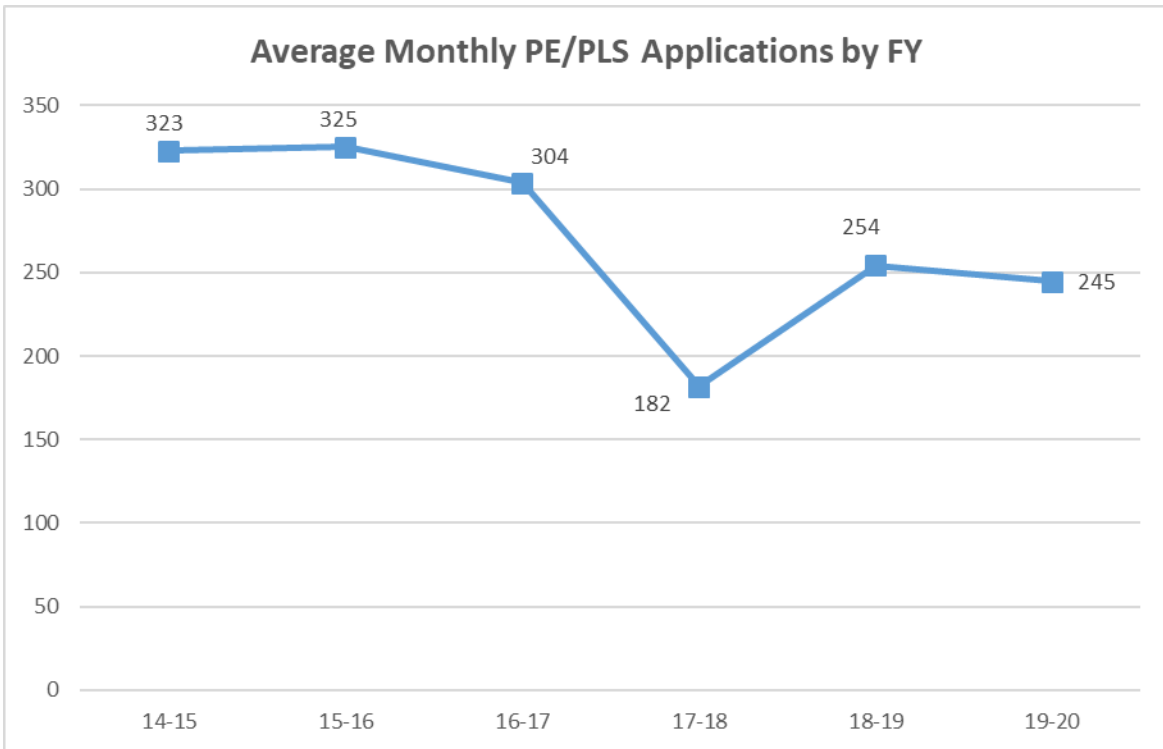
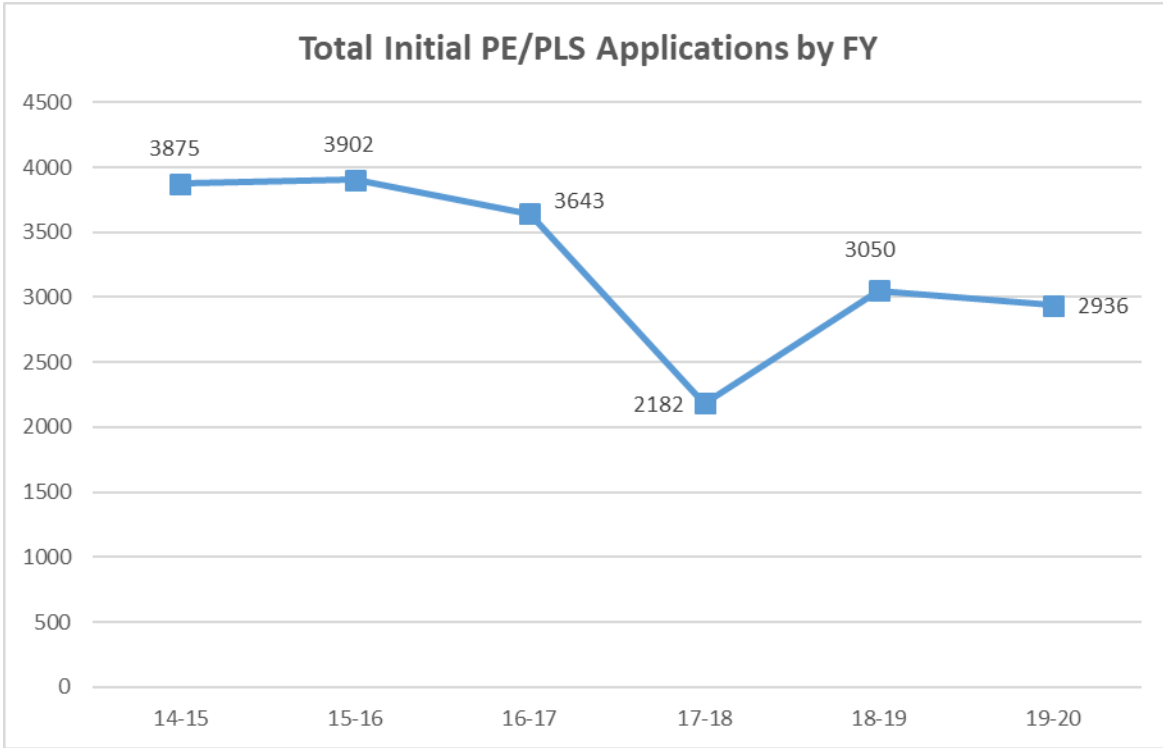


## Initial Applications Engineers and Surveyors

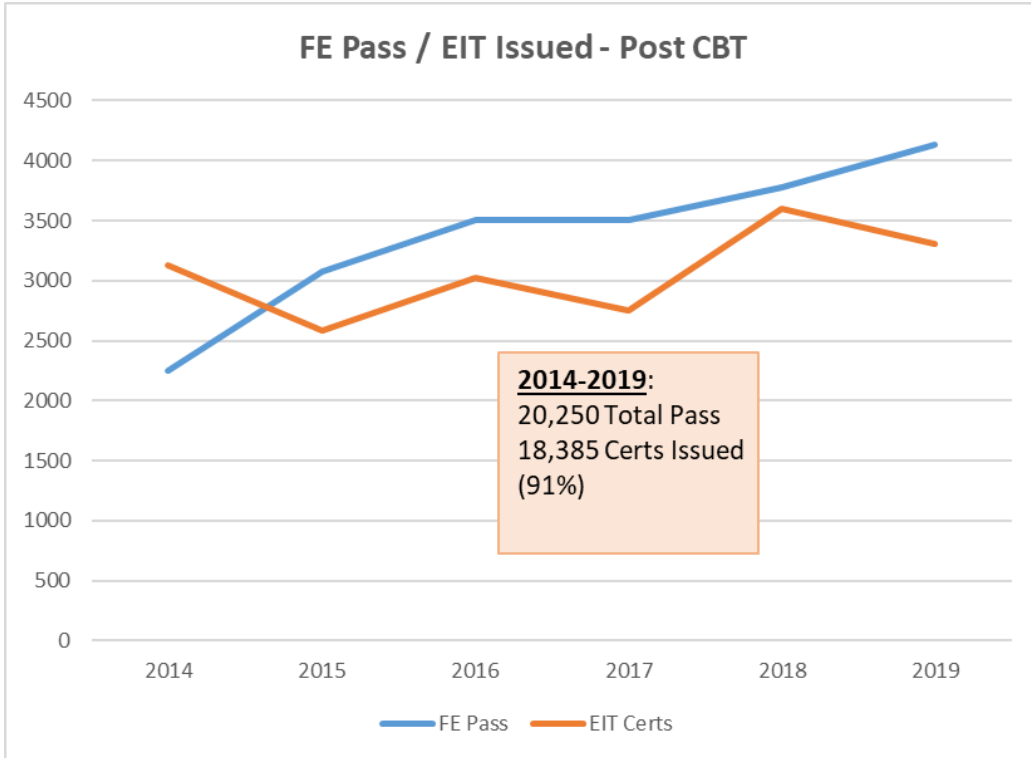


## Geologists and Geophysicists

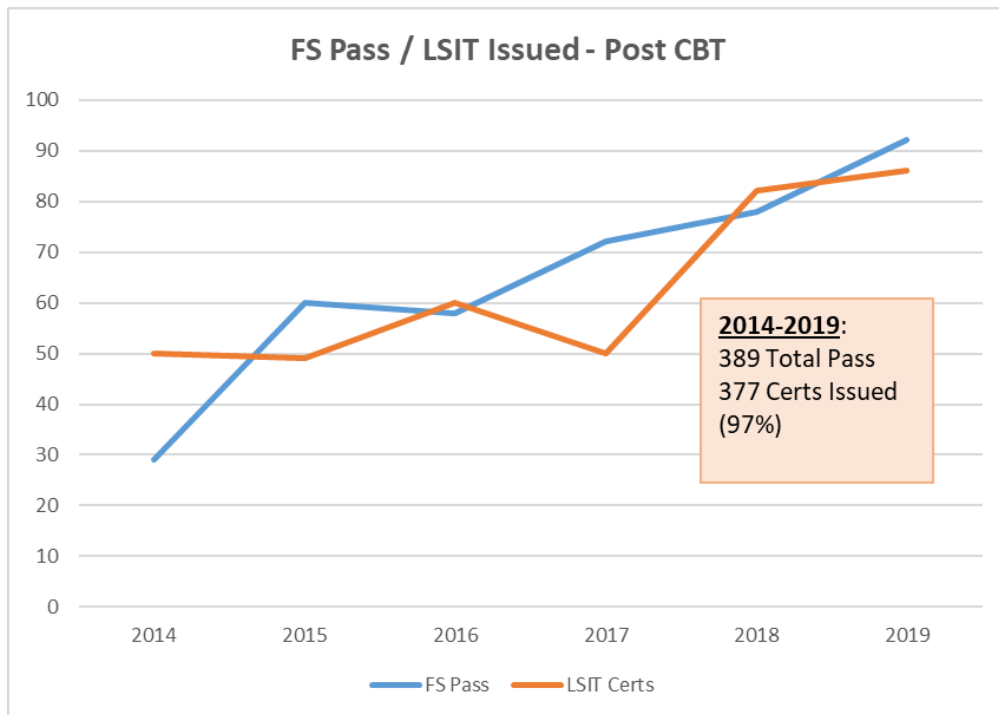




### Engineer in Training



### Land Surveyor in Training





## **X. Executive Officer's Report**

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- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
  - 1. Fall 2020 and Winter 2021 Board Observer Opportunities
- E. Association of State Boards of Geology (ASBOG)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
  - 1. Nomination of NCEES Emeritus Member
  - 2. Annual Meeting Update
- G. Update on Outreach Efforts



## Rulemaking Overview

### 1. Fees and Certificates (404, 410, 3005, and 3010)

- Board staff finalizing rulemaking file for submittal to DCA to begin final review process.
  - Board approved final language and responses to comments on June 25, 2020.
  - Additional 15-Day public comment period ended on June 19, 2020.
  - Submitted for final review by DCA/Agency on February 26, 2020.
  - 15-Day public comment period ended February 2, 2020.
  - Board approved modified language for 15-day public comment period on January 16, 2020.
  - 45-Day public comment period ended on January 14, 2020.
  - DCA/Agency approved for filing with OAL for publication on November 14, 2019.
  - Submitted for initial (pre-notice) review by DCA Legal on May 30, 2019.
  - Board directed staff to pursue rulemaking proposal on November 1, 2018.

### 2. Repeal Professional Engineer and Land Surveyor Appeals (443 and 444)

- Submitted for initial (pre-notice) review by DCA Legal on September 5, 2019.
  - Board directed staff to pursue rulemaking proposal on March 1, 2013.

### 3. Substantial Relationship Criteria and Criteria for Rehabilitation (416, 418, 3060, and 3061)

- Board staff finalizing rulemaking file for submittal to DCA to begin final review process.
  - Board approved final language and responses to comments on June 25, 2020.
  - 15-Day public comment period ended on May 13, 2020.
  - 45-Day public comment period ended on April 27, 2020.
  - Board approved modified language for 15-day public comment period on March 12, 2020.
  - DCA/Agency approved for filing with OAL for publication on March 2, 2020.
  - Submitted for initial (pre-notice) review by DCA Legal on June 11, 2019.
  - Board directed staff to pursue rulemaking proposal on February 21, 2019.

### 4. Definition of Traffic Engineering (404)

- Board directed staff to pursue rulemaking proposal on March 8, 2018.

### 5. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (3003 and 3003.1)

- Board directed staff to pursue rulemaking proposal on September 6, 2018.

**Note:** Documents related to any rulemaking file listed as “noticed” can be obtained from the Board’s website at [http://www.bpelsg.ca.gov/about\\_us/rulemaking.shtml](http://www.bpelsg.ca.gov/about_us/rulemaking.shtml).

## PROJECT STATUS REPORT

<b>Reporting period:</b>	6/12/2020 – 8/10/2020	<b>Project title:</b>	Business Modernization Cohort 1
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### EXECUTIVE SUMMARY

<b>Narrative Summary of Status</b>	<b>Schedule:</b>	<b>GREEN</b>	<b>Budget:</b>	<b>GREEN</b>	<b>Issues:</b>	<b>GREEN</b>
<p>Minimum Viable Product (MVP) Product increments of work are currently underway. BPELSG's MVP is Engineer-In-Training and Land Surveyor-In-Training application submission. Online Complaint Submission has also been developed for MVP. Both processes are customer facing. The project remains on target for budget projections. Training and User Acceptance Testing (UAT) phase commenced on July 23 and is scheduled to end on August 21 with an anticipated Go Live date in early September.</p>						

### PROJECT MILESTONE STATUS REVIEW

<b>Project Milestones</b>	<b>Status</b>	<b>Completion Date</b>	<b>Issues Exist (Yes/No)</b>
Project Planning Complete – Project Start	Complete	1/13/2020	No
Onboard Systems Integrator	Complete	1/31/2020	No
Sprint Planning & Development	In Progress	7/10/2020	No
User Acceptance Testing (UAT)	In Process	8/21/2020	No
MVP Product Increment 1 - Dates may adjust depending on final project schedule baseline	In Progress	Sept. 2020	No






# QUARTERLY OUTREACH REPORT (Q2)

## SOCIAL MEDIA: April–June 2020

TOP 5 FACEBOOK POSTS	DATE	IEWS
PLS Exam cancelled	April 3	792
Prometric closure extended through May 31	April 22	682
Pandemic update on Board testing	May 15	611
Resume testing for state exams at Prometric test centers on July 1	June 24	515
Proposing modifications to the text of Title 16, California Code of Regulations	June 5	486

TOP 5 TWEETS	DATE	IEWS
Prometric has announced that the temporary closure of its test centers in the U.S. has been extended to May 1	April 10	986
California state civil engineer exam extension	April 22	858
Prometric's temporary closure of its test centers has been extended through May 31	April 22	820
Complete the Census online	April 8	776
Census reminder	April 17	592

 WEB PAGE VIEWS	IEWS
License lookup	259,959
Board home page	159,509
Applicant information	89,579
License renewal	81,496
License information	74,828



## OUTREACH EVENTS: April–June 2020

### KEY

**ASCE** American Society of Civil Engineers  
**APWA** American Public Works Association  
**CalGeo** California Geotechnical Engineering Association  
**SWE** Society of Women Engineers  
**YMF** Young Members Forum

### APRIL

**April 24:** *California State University, San Bernardino*  
 Webinar on GIT and P.G. license qualifications by  
 Laurie Racca, P.G.

### MAY

**May 5:** *University of California, Riverside*  
 License Zoom presentation to senior design class by  
 Mike Donelson, P.E.

**May 6:** *University of California, Los Angeles*  
 ASCE YMF Zoom presentation by Natalie King, P.E.

**May 18 :** *Geological Society of America (GSA)*  
 Cordilleran Section (Western North America professional  
 society) webinar (GIT and P.G. license qualifications) by  
 Laurie Racca, P.G.

*California, Davis*  
 ntation by Natalie King, P.E.





# PRINTED MATERIALS: April–June 2020 Quarterly Publication [www.bpelsg.ca.gov/pubs/bulletin.latest.pdf](http://www.bpelsg.ca.gov/pubs/bulletin.latest.pdf)

VOLUME 7 | NUMBER 2

SUMMER 2020

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

# BULLETIN


Please visit [www.bpelsg.ca.gov](http://www.bpelsg.ca.gov) for any COVID-19-related communications.

**Features**

- 2 Board News: Remembering Bob Stockton
- 3 Enforcement Unit Reports and Information

**In Every Issue**

- 1 Message from the Executive Officer
- 2 Board Members
- 5 Legislation and Regulation News and Updates
- 5 In Memoriam
- 6 Get to Know Our Licensees
- 8 Outreach Events
- 10 Enforcement Actions
- 13 National Association News
- 14 Contact Us
- 16 Board Calendar



### Message from the Executive Officer

Richard B. Moore, PLS

Where do I start? I realize there are literally thousands if not millions of people sharing a similar sentiment right now in an attempt to describe the impact from events that have transpired in the world since the Board's last *Bulletin* was published in early January 2020. Simply put, the Board has tried to maintain some semblance of normal operations throughout these events. While the office has been closed to public access for safety and to comply with social distancing requirements, applications are still being received, accepted, and reviewed; licenses are still being issued where allowable; and complaints are still being received and investigated. I would like to thank the Board's staff, and those at Department of Consumer Affairs (DCA) who have assisted the Board with ensuring our operational responsibilities are being met throughout the unprecedented last several months. There were many bumps and hurdles toward establishing effective teleworking and shift arrangements, some of which are still being fine-tuned along the way, but for the most part, operations continued thanks to the efforts by those individuals.

One of the areas that affected licensing applicants the most was related to the cancellation of all national and state licensing examinations. The Board maintained constant communication with national and contract examination vendors in an effort to adjust as conditions changed, even when those changes occurred on a daily and even hourly basis. By the time this issue of the *Bulletin* is published, appointments for state exams are happening again, albeit in compliance with continued social distancing measures and less than optimal capacity at testing centers; but nonetheless, examinations are being administered again. On the national scene, both NCEES and ASBOG are finalizing arrangements during the fall 2020 paper/pencil-based administrations to accommodate all the candidates whose examinations were canceled in the spring. As someone who also had to apply in the past and has sat for licensing examinations, I can certainly understand the confusion and dismay being felt by applicants being prohibited from sitting for the necessary examinations and obtaining a license. I would also like to recognize the tremendous patience and fortitude applicants have shown with the Board and staff during this crisis. We are doing everything we can to make sure you have the opportunities to complete your licensing process.

(continued on page 2)

BPELSGCA.GOV





## **XI. Technical Advisory Committees (TACs)**

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- A. Assignment of Items to TACs
- B. Appointment of TAC Members
- C. Reports from the TACs



## **XII. President's Report/Board Member Activities**

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**XIII. Approval of Meeting Minutes**

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A. Approval of the Minutes of the June 25, 2020, Board Meeting



**DRAFT**

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

Teleconference

Thursday, June 25, 2020, beginning at 9:00 a.m.

<b>Board Members Present:</b>	Fel Amistad, President; Steve Wilson, Vice President; Natalie Alavi; Alireza Asgari; Duane Friel; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Betsy Mathieson; Mohammad Qureshi; and Frank Ruffino
<b>Board Members Absent:</b>	Asha Lang
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); and Helen Geoffroy (Legal Counsel)

**I. Roll Call to Establish a Quorum**

President Amistad called the meeting to order at 9:08 AM, and a quorum was established.

**II. Moment of Silence for Robert Alan Stockton**

President Amistad observed a moment of silence for Board Member Robert Alan Stockton.

**III. Pledge of Allegiance**

Mr. Ruffino led everyone in the recitation of the Pledge of Allegiance.

**IV. Public Comment for Items Not on the Agenda**

During public comment, Alan Escarda, representing PECG, thanked the Board for the continuous flow of information regarding examinations.

**V. Consideration of Rulemaking Proposals**

A. Adoption of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 416 and 3060 (Substantial Relationship Criteria) and sections 418 and 3061 (Criteria for Rehabilitation) to Conform to Statutory Changes Made by AB 2138 (Chapter 995, Statutes of 2018)

Ms. Eissler reviewed the rulemaking proposal and introduced Alex Millington, from the DCA Legal Office Regulations Review Unit, assigned to work with the Board during the rulemaking process to address any questions.

Dr. Qureshi asked Mr. Millington to explain the process for responding to public comments. Mr. Millington explained that comments received in response to a 15-day noticed change are to be responded to in a final statement of reasons. From the prospective of the Administrative Procedure Act, the formal response to the comments received appears in documentary form. As a matter of procedure, the proposed responses are approved by the Board at a meeting. For reasons that relate to transparency and the Bagley-Keene Open Meeting Act requirements, it is not possible for substantive discussion to be had on the comments prior to a noticed public meeting. Ultimately, the body that approves or does not approve the form of the responses is the Board itself. Anything that occurs in preparing materials prior to the meeting is for the benefit of the Board members to be able to consider and by motion adopt the proposed responses. The reason for not communicating with the commenter prior to the consideration of the comments is to comply with transparency requirements, to allow for the consideration to occur in front of the body that is allowed to approve comments, and also to ensure that there are no communications that occur off the record.

<b>MOTION:</b>	Mr. King and Ms. Alavi moved to adopt the proposed responses to the comments, including the second set of comments submitted after the close of the notice period; adopt the final Rulemaking proposal; and, delegate to the Executive Officer to finalize the rulemaking file.
<b>VOTE:</b>	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	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				
Mohammad Qureshi	X				
Frank Ruffino	X				

Mr. Moore introduced the Board's new Legal Counsel Helen Geoffroy.

- B. Adoption 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)

Ms. Eissler reported that the listing of the date of July 1, 2020, as the date for the change in the renewal fees was no longer feasible and, therefore, needed to be changed to January 1, 2021. This necessitated a 15-day public comment period.

<b>MOTION:</b>	Ms. Mathieson and Vice President Wilson moved to adopt the amendments to Sections 407, 410, and 3005 and adopt Section 3010 of Divisions 5 and 29 of Title 16 of the CCR, adopt responses to comments, and delegate to the Executive Officer to finalize the rulemaking file for submission to the Department of Consumer Affairs and the Office of Administrative Law.
<b>VOTE:</b>	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	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				
Mohammad Qureshi	X				
Frank Ruffino	X				

## VI. Administration

### A. Fiscal Year 2018/19 Budget Status

Mr. Moore reported that the final updates to Fiscal Year 2018/19 were received and the end comparison between what was projected and actual resulted in an increase of \$50,000 in revenue and an increase of \$10,000 for expenditures, which means \$40,000 net increase between projections.

An updated Fi\$Cal report has not been received from Budgets. The numbers that are presented in the activity log are numbers from April. The projections have been updated from those figures plus the Board's own internal tracking system.

New computers were purchased to replace outdated equipment. The purchase timing was appropriate as laptops were purchased so staff can telework more efficiently. This shows an \$18,000 increase from the May Board meeting.

Mr. Moore noted that under the Architectural Revolving Fund (ARF) \$200,000 of the \$300,000 is expected to be expended.

Mr. King left the meeting at 10:00 a.m.

**B. Fiscal Year 2019/20 Budget Report**

Changes in the fee regulations will not go into effect July 1, 2020, as anticipated. Updates to the budget report were received June 23, 2020, and therefore, staff has not had an opportunity to review and make adjustments to the fund condition. This information should be available at the next Board meeting.

**VII. Legislation**

**A. 2020 Legislative Calendar**

Ms. Eissler reviewed the Legislative Calendar.

Ms. Eissler reported on items that required action.

**B. Discussion of Legislation for 2020**

Ms. Eissler reported on items that required action.

**AB 2028 State agencies: meetings.**

<b>MOTION:</b>	Mr. Hamilton and Ms. Irish move to take a position of watch on AB 2028, as amended June 4, 2020.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	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				
Mohammad Qureshi	X				

Frank Ruffino	X				
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**AB 2185** Professions and vocations: applicants licensed in other states: reciprocity.

<b>MOTION:</b>	Vice-President Wilson and Ms. Alavi moved to take a position of oppose unless amended on AB 2185, as amended May 13, 2020, to exempt the Board because the Board's existing statutes provide the correct balance between the need for comity/reciprocity licensure and the need to protect the health, safety, welfare, and property of the public.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	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				
Mohammad Qureshi	X				
Frank Ruffino	X				

**AB 3334** Professional Land Surveyors' Act and Professional Engineers Act.

<b>MOTION:</b>	Vice President Wilson and Dr. Qureshi moved to take a position of oppose unless amended on AB 3334, as amended May 11, 2020, and request that the term "remote sensing" and the definition of "remote sensing" be removed from subdivision (b) of Sections 6731.1 and 8726. Staff further recommends the Board delegate to Board Members Steve Wilson, PE, PLS, and Andrew Hamilton the authority to change the Board's position on the bill should it be amended to address the Board's concerns prior to the next Board meeting.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	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				
Mohammad Qureshi	X				
Frank Ruffino	X				

**SB 865** Excavations: subsurface installations.

<b>MOTION:</b>	Ms. Mathieson and Ms. Irish moved to take a position of oppose unless amended on SB 685, as amended June 2, 2020, and request that appropriate language be included to clarify the intent to capture accurate coordinates that would be relied upon to locate and mark subsurface utilities and to indicate that such work would have to be done by, or under the responsible charge of, individuals legally authorized to practice land surveying.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	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				
Mohammad Qureshi	X				
Frank Ruffino	X				

**SB 878** Department of Consumer Affairs Licensing: applications: wait times.

<b>MOTION:</b>	Ms. Mathieson and Ms. Alavi moved to take a position of support on SB 878, as amended June 18, 2020.
<b>VOTE:</b>	11-0, Motion Carried



Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	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				
Mohammad Qureshi	X				
Frank Ruffino	X				

There was no discussion or action on the following items.

**AB 1263** Contracts: consumer services: consumer complaints.

**AB 1616** Department of Consumer Affairs: boards: expunged convictions.

**AB 2113** Refugees, asylees, and immigrants: professional licensing.

**AB 2549** Department of Consumer Affairs: temporary licenses.

**AB 2631** License fees: military partners and spouses.

**SB 865** Excavations: subsurface installations.

**SB 1057** Land.

## IX. Exams/Licensing

### A. Update on 2020 California State Examinations

Mr. Kereszt has been in contact with Prometric on a daily basis in an effort to resume State exams July 1, 2020.

The Board applied and has been designated as an essential client by Prometric. This will provide candidates with more flexibility as they will now be able to schedule into any available opening at any test center. This is important for the candidates in terms of having them schedule. Staff will follow up on trying to remind them to schedule for the exams just to make sure that everybody knows that they have that opportunity.

Exams have been canceled, rescheduled, and postponed, and Mr. Kereszt thanked the candidates for being patient during these unprecedented times. Staff is actively trying to respond to candidates' questions and concerns the same day.

### B. Discussion on Alternate Ways to Administer State Examinations

Mr. Kereszt has been researching different exam administration methods should something like this happen again. One method is remote proctoring. Remote proctoring provides the exam candidate an opportunity to take the

exam at a remote location such as their home using their own computer. Prometric would organize the exam and ensure that the area that they are taking the exam is secure and there would be up to three proctors involved in any one candidate's exam administration. While Prometric has their security methods in place, Mr. Kereszt expressed his hesitation to move forward with this form of exam administration and is concerned with the security and integrity of the exams. More data will need to be collected as more clients are using this method now. There will probably be a better understanding of the security protocols that are involved in remote proctoring by the end of the year. It is also a possibility to have Prometric provide a presentation at a future Board meeting to address any questions or concerns about security protocols.

Mr. Moore has serious reservations about exam security with remote proctoring. He is aware that Prometric has tried to address his concerns and, while he can definitely respect and appreciate their attempt, the Board has a responsibility to the examinees to help them in their process to getting licensed but we must secure the hundreds of thousands, if not millions, of dollars that the Board has invested in exam development, concerns about exam subversion, and the impact of the integrity of the exams.

## **VIII. Enforcement**

### **A. Enforcement Statistical Reports**

#### **1. Fiscal Year 2019/20 Update**

Ms. Criswell presented the Enforcement Statistics. She had the opportunity to meet with the Division of Investigations' new Northern Area Commander, Emily Kendrick, who worked with the Board as a Student Assistant years ago. She understood concerns with delays and is committed to addressing matters.

## **X. Executive Officer's Report**

During the Executive Officer's Report, Mr. Alameida announced that he has taken an opportunity and accepted another position within DCA, specifically the Office of Information Services. He expressed his appreciation for the mentorship and respect he has received and the positivity in terms of questions and criticisms of his progress. He looks forward to this next step in his career.

### **A. Rulemaking Status Report**

Mr. Moore reviewed the Rulemaking status report. Dr. Qureshi noted that item number 4, Definition of Traffic Engineering has the incorrect date of when the Board directed staff to pursue the rulemaking proposal.

### **B. Update on Board's Business Modernization Project**

Mr. Moore reported that everything is moving along. Mr. Alameida will continue his services with the Board's Business Modernization Project. User acceptance testing (UAT) will commence the week of July 13, 2020, where users of all four programs will be testing their functionality.

C. Personnel

Mr. Moore reported that Ms. Eissler will be recruiting to hire a new Administrative Services Manager.

As part of the Governor's efforts regarding Covid-19 concerns, the Governor implemented a Contact Tracing Task Force and requested that all agencies provide staff to assist in that effort. The Board has assigned two staff members to aid in that effort.

D. ABET

Meetings are cancelled for the remainder of 2020.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore reported that communication is being maintained with ASBOG, and all indications are that the fall exams will go on as planned unless we hear otherwise. Since the member boards are each responsible for administering paper-and-pencil exams in person, our staff is continuing to work with our sites that we have previously chosen to confirm whether or not they will be available, and they are also working on back up sites in the event there is an increase in the number of examinees. Mr. Kereszt will provide more information in the coming Board meetings. At this point, everything is going according to plan provided that the pandemic and physical distancing requirements allow the Board to continue to do so.

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

The plan is to accommodate all of the examinees who were canceled in April plus the people who would normally be taking exams in October. The registration for the fall exams opened June 1, 2020, which was about 2-3 weeks earlier than normal as they wanted to try and accommodate everyone. They are also doing everything they can in the meantime to make sure they have the facilities and have the proper requirements in place to honor any physical distancing requirements.

The CBT (computer-based testing) was shut down briefly during March and April. NCEES uses Pearson VUE, and those CBT centers have slowly opened back up, with limited capacity. There are candidates scheduling and sitting for exams everyday as long as they can continue to schedule.

The Annual Meeting that was scheduled for Chicago in August was canceled. NCEES held three separate webinars, which concluded yesterday, to cover all the reports that the Board would need to finalize everything in the business session. Webinar number 1 was the CEO's and President's reports, Webinar number 2 was the Financial Reports, and Webinar number 3 was Elections and Voting. The Annual Meeting will be held in August via webinar.

During the Financial Reports, they were able to quantify the impact of the Covid-19 cancellations. Approximately, 16,000 examinees nationwide and internationally for the April pencil-and-paper exams had their exams cancelled. This accounted for \$4 million dollars of what they had projected in their in their budget. The also refunded \$1.4 million dollars in administration fees to the candidates. They are expecting that in October 2020, the volumes for the paper-and-pencil exams will be much higher due to the cancellation. They are anticipating that some revenue will be coming back that will offset some but not expecting all of it to be offset. They wanted to ensure that the candidates had the opportunity to get their money back and make a decision on how they wanted to proceed. They also expanded their pencil-and-paper exam dates to accommodate the expected volume.

NCEES also cancelled all in-person Zone meetings and exam development meetings through the end of the year.

Mr. Moore reported that due to the passing of Board Member Robert Stockton, we now only have one candidate for NCEES Treasurer out of the Northeast zone. An email was received during the morning from Steven Arndt, who is on the Maryland P.E. Board, and he is also now running for the Treasurer position. He will forward that information to the Board members.

#### G. Update on Outreach Efforts

##### 1. Discussion on Outreach Efforts During Pandemic

Mr. Moore reviewed the various strategies the Board has integrated into its outreach efforts. He noted that staff is developing traditional outreach presentations and resources through a remote presentation format.

#### H. Review of Board's Operating Procedures Related to President and Vice President Elections.

Mr. Moore reported that both Vice-President Wilson and Mr. Hamilton are ending their grace year and continue to wait for reappointments. Referring to the Board's Operating Procedures, should one or both not be reappointed to the Board, then new elections would be held. This will be an agenda item at the August Board meeting for the Board to nominate and elect a president and vice-president, if necessary.

Mr. Moore also suggested that at the at the August meeting, the first agenda item would be for the Board to choose who would serve as Temporary President for that meeting should it be necessary.

Dr. Qureshi suggested that the President reformulate the Nominating Committee and have potentially interested Board members contact them should there need to be an election in August.

President Amistad appointed Dr. Qureshi and Ms. Irish to be on the Nominating Committee to assemble potential candidates, if necessary, for the August meeting.

**XI. Technical Advisory Committees (TACs)**

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

No report given.

C. TAC Appointment

No report given.

D. Reports from the TACs

No report given.

**XII. President’s Report/Board Member Activities**

President Amistad honored Robert Stockton.

As President Amistad’s term comes to an end, he thanked the Board members and staff for making his term as Board President a success.

Mr. Ruffino advised the Board that he will not be seeking reappointment and thanked everyone for the opportunity to serve.

**XIII. Approval of Meeting Minutes**

A. Approval of the Minutes of the May 7, 2020, Board Meeting

<b>MOTION:</b>	Dr. Qureshi and Mr. Wilson moved to approve the meeting minutes as amended.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	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				
Mohammad Qureshi	X				

Frank Ruffino	X				
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**XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

Mr. Moore thanked President Amistad for his service and will present him with a plaque in recognition for his time a Board President. He also thanked Mr. Ruffino for his service to the Board.

Mr. Moore expressed his gratitude to Vice-President Wilson and Mr. Hamilton for their service should they not be reappointed. He appreciates their guidance, advice, and the working relationships created during their terms.

**XV. 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)]

**XVI. Adjournment**

The meeting adjourned at 2:48 PM

Due to technological limitations, adjournment was not broadcast. Adjournment immediately followed Closed Session, and there were no other items of business discussed.

**PUBLIC PRESENT**

Alan Escarda

**XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

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**XV. 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)]
- 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)]



## **XVI. Adjournment**

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Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.

