

**ADDENDUM TO THE MEETING MATERIALS  
FOR THE MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS, AND GEOLOGISTS  
MAY 27-28, 2021**

**VI. Legislation**

- B. Discussion of Legislation for 2021 (Possible Action)
  - 16. SB 607 Professions and vocations.

This addendum replaces Pages 143 through 183 of the previously-published meeting materials.

**SB 607 (Roth, D-Riverside)**  
**Professions and vocations.**

**Status/History:** 5/20/2021 – From Senate Committee on Appropriations: Do pass as amended. Read second time and amended. Ordered to second reading.

**Location:** 5/20/2021 – Senate Floor

**Introduced:** 2/19/2021

**Last Amended:** 5/20/2021

**Board Position:** No position

**Board Staff Analysis:** 5/24/2021

**Bill Summary:** SB 607 is a Senate Business, Professions, and Economic Development Committee omnibus bill that makes technical and substantive changes to the operations of a number of boards and bureaus within the jurisdiction of the Department of Consumer Affairs (DCA). The comments below focus on only those sections that affect the Board.

Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being 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 California under official active duty military orders. This bill would require a board to waive all fees associated with the application and initial license for an applicant who meets these expedited licensing requirements.

This bill was amended on May 20, 2021, to remove the provisions relating to public meetings.

**Affected Laws:** An act to amend Sections 115.5, 1724, 1753, 1753.55, 1753.6, 7137, 7583.22, 7583.23, 7583.24, 7583.29, and 7583.47 of, to amend, repeal, and add Sections 7071.6, 7071.8, and 7071.9 of, to add Sections 1636.5, and 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, and to amend Section 17973 of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

**Staff Comment:** SB 607 would amend Business and Professions Code section 115.5, which requires the Board to expedite the application process for military spouses, as defined, who meet certain specified criteria. The amendments would require the Board to “...waive all fees charged by the board associated with the application and initial license.”

The Board charges applicants an application fee that covers the costs of processing the application and issuing the license once the applicant meets all of the qualifying requirements for licensure. The applicants also pay separate examination fees that cover the costs of developing and maintaining the state-specific examinations. Additionally, some applicants also pay fees to the Board that are then forwarded to Department of Justice for criminal background checks or to ASBOG for the national geology examinations (so-called “pass-through” fees). It is unclear from the language used in the bill what fee(s) would be included. If it is intended to apply only to fees charged and retained by the Board (the application fees and the examination fees for state-specific

examinations), then this bill would likely have a minimal fiscal impact on the Board. On the other hand, if the intent is to apply to any fees charged, then there could be issues for the Board because of the pass-through fees the Board collects.

Board staff communicated with the Committee staff regarding the language relating to fees. Committee staff advised that the intent is that it would apply to licensing fees only and not to examination or other fees, and they are working on language to provide that clarification.

This bill, which is sponsored by the author as the Chair of the Senate Committee on Business, Professions & Economic Development, was amended on May 20, 2021, and passed the Senate Committee on Appropriations.

**Staff Recommendation:** Staff recommends that the Board take a position of “watch” on SB 607.

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE MAY 12, 2021

AMENDED IN SENATE APRIL 13, 2021

**SENATE BILL**

**No. 607**

---

---

**Introduced by Senator Roth**

February 18, 2021

---

---

An act to amend Sections 115.5, 1724, 1753, 1753.55, 1753.6, 7137, 7583.22, 7583.23, 7583.24, 7583.27, 7583.29, and 7583.47 of, to amend, repeal, and add Sections 7071.6, 7071.8, and 7071.9 of, to add Sections ~~101.8, 1636.5~~, 1636.5 and 5650.5 to, and to repeal Section 1753.4 of, the Business and Professions Code, and to amend Section 17973 of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 607, as amended, Roth. Professions and vocations.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

Existing law provides for the issuance of temporary licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another

jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being 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 California under official active duty military orders.

This bill would require a board to waive all fees associated with the application and initial license for an applicant who meets these expedited licensing requirements.

(2) Existing law, the Dental Practice Act, provides for the licensure and regulation of dentists and dental auxiliaries, including registered dental assistants in extended functions, by the Dental Board of California within the Department of Consumer Affairs. Existing law requires a person who applies to the board for a license as a registered dental assistant in extended functions on and after January 1, 2010, to successfully complete a clinical or practical examination administered by the board. Existing law authorizes a registered dental assistant in extended functions who was licensed before January 1, 2010, to perform certain additional duties only if they pass the clinical or practical examination.

This bill would delete the clinical or practical examination requirement for registered dental assistants in extended functions and make related technical amendments.

The Dental Practice Act authorizes a dentist to administer or order the administration of minimal sedation on pediatric patients under 13 years of age if the dentist possesses specified licensing credentials, including holding a pediatric minimal sedation permit, and follows certain procedures. Existing law requires a dentist who desires to administer or order the administration of minimal sedation to apply to the board, as specified, and to submit an application fee.

This bill would specify that the application fee for a pediatric minimal sedation permit cannot exceed \$1,000, and the renewal fee cannot exceed \$600.

The Dental Practice Act requires the board to approve foreign dental schools based on specified standards. The act requires a foreign dental school seeking approval to submit an application to the board, including, among other things, a finding that the educational program of the foreign dental school is equivalent to that of similar accredited institutions in the United States and adequately prepares its students for the practice of dentistry. The act requires an approved institution to submit a renewal application every 7 years and to pay a specified renewal fee. The act

prohibits the board from accepting new applications for approval of foreign dental schools by January 1, 2020, and requires foreign dental schools seeking approval after this date to complete the international consultative and accreditation process with the Commission on Dental Accreditation of the American Dental Association (CODA) or a comparable accrediting body approved by the board. The act also requires previously approved foreign dental schools to complete the CODA or comparable accreditation by January 1, 2024, to remain approved.

This bill would provide, notwithstanding this latter approval requirement, that a foreign dental school that was approved prior to January 1, 2020, through a date between January 1, 2024, and December 31, 2026, maintains that approval through that date. The bill would further provide that, upon the expiration of that board approval, the foreign dental school is required to comply with the CODA or comparable accreditation process.

(3) 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 within the Department of Consumer Affairs.

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 Department of Justice to transmit fingerprint images and related information to the Federal Bureau of Investigation for the purposes of the background check, and would require the Department of Justice to provide a state or federal response to the board. 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.

(4) Existing law, the ~~Contractors~~<sup>Contractors</sup> State License Law, provides for the licensure and regulation of contractors by the ~~Contractors~~<sup>Contractors</sup> State License Board within the Department of Consumer Affairs. Existing law authorizes the issuance of contractors' licenses to individual owners, partnerships, corporations, and limited

liability companies, and authorizes those persons and entities to qualify for a license if specified conditions are met. Existing law requires an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$15,000, as provided. Existing law requires an applicant or licensee who is not a proprietor, a general partner, or a joint licensee to additionally file or have on file with the board a qualifying individual's bond in the sum of \$12,500, unless an exception is met. Existing law additionally authorizes the board to set fees by regulation, including various application, examination scheduling, and license and registration fees, according to a prescribed schedule. Existing law requires the fees received under this law to be deposited in the Contractors License Fund, a fund that is partially continuously appropriated for the purposes of the law.

This bill, beginning January 1, 2023, would instead require an applicant or licensee to file or have on file with the board a contractor's bond in the sum of \$25,000, and would, if applicable, require a qualifying individual's bond in the sum of \$25,000.

This bill would revise and recast the board's authority to set fees by regulation and would increase various fee amounts. In connection with initial license fees and renewal fees for active and inactive licenses, the bill would differentiate between an individual owner as opposed to a partnership, corporation, limited liability company, or joint venture, and would authorize higher fees for the latter categories of licensees. The bill would additionally authorize the board to set fees for the processing and issuance of a duplicate copy of any certificate of licensure, to change the business name of a license, and for a dishonored check, as specified.

Because the increased and new fees would be deposited into the Contractors License Fund, a continuously appropriated fund, the bill would make an appropriation.

(5) Existing law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce. Existing law requires an inspection of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units by a licensed architect, licensed civil or structural engineer, a building contractor holding specified licenses, or an individual certified as a

building inspector or building official, as specified. Existing law prohibits a contractor performing the inspection from bidding on the repair work.

This bill would eliminate the prohibition against a contractor performing the inspection from bidding on the repair work. By altering the enforcement duties for local enforcement entities, the bill would impose a state-mandated local program.

(6) Existing law, the Private Security Services Act, establishes the Bureau of Security and Investigative Services within the Department of Consumer Affairs to license and regulate persons employed by any lawful business as security guards or patrolpersons. Existing law prohibits a person required to be registered as a security guard from engaging in specified conduct, including, but not limited to, carrying or using a firearm unless they possess a valid and current firearms permit.

Existing law requires the applicant for a firearms permit to complete specified requirements, including an assessment that evaluates whether the applicant possesses appropriate judgment, restraint, and self-control for the purposes of carrying and using a firearm during the course of the applicant's security guard duties. Existing law requires the results of the assessment be provided to the bureau within 30 days.

*Existing law requires the bureau to automatically revoke a firearm permit upon notification from the Department of Justice that the holder of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law. Existing law additionally requires the bureau to seek an emergency order against the holder of the firearms permit if a specified event occurs, including that the permitholder was arrested for assault or battery, or the permitholder has been determined incapable of exercising appropriate judgment, restraint, and self-control, among other events, and the bureau determines that the holder of the firearm permit presents an undue hazard to public safety that may result in substantial injury to another.*

This bill would specify that a security guard is required to complete the assessment to be issued a firearms permit prior to carrying a firearm. ~~This~~ The bill would prohibit an applicant who fails the assessment from completing another assessment within 90 days after the results are provided to the bureau.

*This bill would instead authorize the bureau to revoke a firearm permit upon notification from the Department of Justice that the holder*



*of the firearm permit is prohibited from possessing, receiving, or purchasing a firearm under state or federal law, and would instead authorize the bureau to seek an emergency order against a permitholder if a specified event occurs. The bill would remove from the list of specified events the determination that a permitholder is incapable of exercising appropriate judgment, restraint, and self-control.*

~~(7) The Bagley-Keene Open Meeting Act (Bagley-Keene Act), requires, with specified exceptions, that all meetings of a state body, as defined, be open and public, and all persons be permitted to attend any meeting of a state body, except as provided. The Bagley-Keene Act, among other things, requires a state body that elects to conduct a meeting or proceeding by teleconference to make the portion of the meeting that is required to be open to the public audible to the public at the location specified in the notice of the meeting. The Bagley-Keene Act requires a state body that elects to conduct a meeting or proceeding by teleconference to post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and requires each teleconference location to be accessible to the public. Existing law requires that when a member of a multimember state advisory body participates remotely the body provide a means by which the public may remotely hear audio of the meeting or remotely observe the meeting. Existing law requires a multimember state advisory body to end or adjourn a meeting if it discovers that a required means of remote access has failed during the meeting, and, if the meeting is to adjourn and reconvene on the same day, that law requires the body to communicate, among other things, how a member of the public may hear audio of the meeting or observe the meeting.~~

~~This bill would additionally authorize a state body that is organized within the Department of Consumer Affairs, to hold an open or closed meeting by teleconference if specified requirements are met. The bill would specify that the meeting notice and agenda is not required to disclose a member's remote location, would not require the state body to post the agenda at a remote location, and would not require the state body to designate a physical meeting location where members of the public may physically attend the meeting and participate. The bill would require the state body to provide a means by which the public may remotely hear audio of the meeting and remotely observe the meeting, and would prescribe notice requirements if a meeting is adjourned and reconvened.~~

~~(8)~~

(7) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

3     ~~101.8. (a) In addition to the authorization to hold a meeting~~  
4     ~~by teleconference pursuant to Sections 11123 and 11123.5 of the~~  
5     ~~Government Code, a state body that is organized within the~~  
6     ~~Department of Consumer Affairs, including those identified in~~  
7     ~~Section 101, may hold an open or closed meeting by teleconference~~  
8     ~~pursuant to the requirements in this section and that complies with~~  
9     ~~all other applicable requirements of Article 9 (commencing with~~  
10    ~~Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of~~  
11    ~~the Government Code, except as set forth in this section.~~

12    ~~(b) Any of the members of a state body may participate in a~~  
13    ~~teleconference meeting from one or more remote locations. If~~  
14    ~~minutes of the meeting are taken, the minutes shall include which~~  
15    ~~member or members of the state body participated from a remote~~  
16    ~~location.~~

17    ~~(c) The meeting notice and agenda shall not be required to~~  
18    ~~disclose any information regarding a member's remote location,~~  
19    ~~and remote locations are not required to be accessible to the public.~~  
20    ~~The state body shall not be required to post the agenda at a remote~~  
21    ~~location.~~

22    ~~(d) The state body shall not be required to designate a physical~~  
23    ~~meeting location where members of the public may physically~~  
24    ~~attend the meeting and participate, but if the state body designates~~  
25    ~~a physical meeting location, the notice of the meeting shall include~~  
26    ~~the physical meeting location. A member of the state body shall~~

1 not be required to participate at the designated physical meeting  
2 location. The state body shall post the agenda at the physical  
3 meeting location.

4 (e) ~~This section shall not affect the time within which the state  
5 body must provide notice of a meeting in accordance with Section  
6 11125, 11125.4, or 11125.5 of the Government Code.~~

7 (f) ~~All actions taken during a meeting by teleconference shall  
8 be by rolleall vote.~~

9 (g) ~~The state body shall provide a means by which the public  
10 may remotely hear audio of the meeting and remotely observe the  
11 meeting, if applicable, and remotely participate in the meeting.  
12 The applicable teleconference phone number or internet website,  
13 or other information indicating how the public can access the  
14 meeting remotely, shall be included in the meeting notice.~~

15 (h) ~~Upon discovering that a means of remote access required  
16 by subdivision (g) has failed during a meeting, the state body shall  
17 end or adjourn the meeting in accordance with Section 11128.5 of  
18 the Government Code. In addition to any other requirements that  
19 may apply, the state body shall provide notice of the meeting's  
20 end or adjournment on its internet website and by email to any  
21 person who has requested notice of meetings of the state body. If  
22 the meeting will be adjourned and reconvened on the same day,  
23 further notice shall be provided by an automated message on a  
24 telephone line included on the state body's agenda, or by a similar  
25 means, that will communicate when the state body intends to  
26 reconvene the meeting and how a member of the public may hear  
27 audio of the meeting or observe the meeting, as applicable.~~

28 (i) ~~For purposes of this section, the following definitions shall  
29 apply:~~

30 (1) ~~“State body” has the same meaning as in Sections 11121  
31 and 11121.1 of the Government Code.~~

32 (2) ~~“Meeting” has the same meaning as in Section 11122.5 of  
33 the Government Code.~~

34 (3) ~~“Remote location” means a location where a member of a  
35 state body participates in a teleconference meeting subject to this  
36 section, other than a physical meeting location described in  
37 subdivision (d).~~

38 (4) ~~“Teleconference” has the meaning prescribed in paragraph  
39 (2) of subdivision (b) of Section 11123 of the Government Code,  
40 and includes meetings conducted via online and internet platforms.~~

1 ~~(j) This section does not limit or affect the ability of a state body~~  
2 ~~to hold a teleconference meeting under another provision of Article~~  
3 ~~9 (commencing with Section 11120) of Chapter 1 of Part 1 of~~  
4 ~~Division 3 of Title 2 of the Government Code.~~

5 ~~(k) State bodies that meet at least two times each calendar year~~  
6 ~~pursuant to this section shall be deemed to have met the~~  
7 ~~requirements of subdivision (a) of Section 101.7.~~

8 ~~SEC. 2.~~

9 *SECTION 1.* Section 115.5 of the Business and Professions  
10 Code is amended to read:

11 115.5. (a) A board within the department shall expedite the  
12 licensure process and waive all fees charged by the board  
13 associated with the application and initial license for an applicant  
14 who meets both of the following requirements:

15 (1) Supplies evidence satisfactory to the board that the applicant  
16 is married to, or in a domestic partnership or other legal union  
17 with, an active duty member of the Armed Forces of the United  
18 States who is assigned to a duty station in this state under official  
19 active duty military orders.

20 (2) Holds a current license in another state, district, or territory  
21 of the United States in the profession or vocation for which the  
22 applicant seeks a license from the board.

23 (b) A board may adopt regulations necessary to administer this  
24 section.

25 ~~SEC. 3.~~

26 *SEC. 2.* Section 1636.5 is added to the Business and Professions  
27 Code, to read:

28 1636.5. Notwithstanding Section 1636.4, any foreign dental  
29 school whose program was approved prior to January 1, 2020,  
30 through any date between January 1, 2024, and December 31,  
31 2026, shall maintain approval through that date. Upon expiration  
32 of the approval, the foreign dental school shall be required to  
33 comply with the provisions of Section 1636.4.

34 ~~SEC. 4.~~

35 *SEC. 3.* Section 1724 of the Business and Professions Code,  
36 as added by Section 13 of Chapter 929 of the Statutes of 2018, is  
37 amended to read:

38 1724. The amount of charges and fees for dentists licensed  
39 pursuant to this chapter shall be established by the board as is  
40 necessary for the purpose of carrying out the responsibilities

1 required by this chapter as it relates to dentists, subject to the  
2 following limitations:

3 (a) The fee for an application for licensure qualifying pursuant  
4 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed  
5 one thousand five hundred dollars (\$1,500). The fee for an  
6 application for licensure qualifying pursuant to paragraph (2) of  
7 subdivision (c) of Section 1632 shall not exceed one thousand  
8 dollars (\$1,000).

9 (b) The fee for an application for licensure qualifying pursuant  
10 to Section 1634.1 shall not exceed one thousand dollars (\$1,000).

11 (c) The fee for an application for licensure qualifying pursuant  
12 to Section 1635.5 shall not exceed one thousand dollars (\$1,000).

13 (d) The fee for an initial license and for the renewal of a license  
14 is five hundred twenty-five dollars (\$525). On and after January  
15 1, 2016, the fee for an initial license shall not exceed six hundred  
16 fifty dollars (\$650), and the fee for the renewal of a license shall  
17 not exceed six hundred fifty dollars (\$650). On and after January  
18 1, 2018, the fee for an initial license shall not exceed eight hundred  
19 dollars (\$800), and the fee for the renewal of a license shall not  
20 exceed eight hundred dollars (\$800).

21 (e) The fee for an application for a special permit shall not  
22 exceed one thousand dollars (\$1,000), and the renewal fee for a  
23 special permit shall not exceed six hundred dollars (\$600).

24 (f) The delinquency fee shall be 50 percent of the renewal fee  
25 for such a license or permit in effect on the date of the renewal of  
26 the license or permit.

27 (g) The penalty for late registration of change of place of  
28 practice shall not exceed seventy-five dollars (\$75).

29 (h) The fee for an application for an additional office permit  
30 shall not exceed seven hundred fifty dollars (\$750), and the fee  
31 for the renewal of an additional office permit shall not exceed three  
32 hundred seventy-five dollars (\$375).

33 (i) The fee for issuance of a replacement pocket license,  
34 replacement wall certificate, or replacement engraved certificate  
35 shall not exceed one hundred twenty-five dollars (\$125).

36 (j) The fee for a provider of continuing education shall not  
37 exceed five hundred dollars (\$500) per year.

38 (k) The fee for application for a referral service permit and for  
39 renewal of that permit shall not exceed twenty-five dollars (\$25).

1 (l) The fee for application for an extramural facility permit and  
2 for the renewal of a permit shall not exceed twenty-five dollars  
3 (\$25).

4 (m) The fee for an application for an elective facial cosmetic  
5 surgery permit shall not exceed four thousand dollars (\$4,000),  
6 and the fee for the renewal of an elective facial cosmetic surgery  
7 permit shall not exceed eight hundred dollars (\$800).

8 (n) The fee for an application for an oral and maxillofacial  
9 surgery permit shall not exceed one thousand dollars (\$1,000), and  
10 the fee for the renewal of an oral and maxillofacial surgery permit  
11 shall not exceed one thousand two hundred dollars (\$1,200).

12 (o) The fee for an application for a general anesthesia permit  
13 shall not exceed one thousand dollars (\$1,000), and the fee for the  
14 renewal of a general anesthesia permit shall not exceed six hundred  
15 dollars (\$600).

16 (p) The fee for an onsite inspection and evaluation related to a  
17 general anesthesia or moderate sedation permit shall not exceed  
18 four thousand five hundred dollars (\$4,500).

19 (q) The fee for an application for a moderate sedation permit  
20 shall not exceed one thousand dollars (\$1,000), and the fee for the  
21 renewal of a conscious sedation permit shall not exceed six hundred  
22 dollars (\$600).

23 (r) The fee for an application for an oral conscious sedation  
24 permit shall not exceed one thousand dollars (\$1,000), and the fee  
25 for the renewal of an oral conscious sedation permit shall not  
26 exceed six hundred dollars (\$600).

27 (s) The fee for an application for a pediatric minimal sedation  
28 permit shall not exceed one thousand dollars (\$1,000), and the fee  
29 for the renewal of a pediatric minimal sedation permit shall not  
30 exceed six hundred dollars (\$600).

31 (t) The fee for a certification of licensure shall not exceed one  
32 hundred twenty-five dollars (\$125).

33 (u) The fee for an application for the law and ethics examination  
34 shall not exceed two hundred fifty dollars (\$250).

35 (v) This section shall become operative on January 1, 2022.

36 ~~SEC. 5.~~

37 *SEC. 4.* Section 1753 of the Business and Professions Code is  
38 amended to read:

39 1753. (a) On and after January 1, 2010, the board may license  
40 as a registered dental assistant in extended functions a person who

- 1 submits written evidence, satisfactory to the board, of all of the  
2 following eligibility requirements:
- 3 (1) Current licensure as a registered dental assistant or  
4 completion of the requirements for licensure as a registered dental  
5 assistant.
  - 6 (2) Successful completion of a board-approved course in the  
7 application of pit and fissure sealants.
  - 8 (3) Successful completion of either of the following:
    - 9 (A) An extended functions postsecondary program approved  
10 by the board in all of the procedures specified in Section 1753.5.
    - 11 (B) An extended functions postsecondary program approved  
12 by the board to teach the duties that registered dental assistants in  
13 extended functions were allowed to perform pursuant to board  
14 regulations prior to January 1, 2010, and a course approved by the  
15 board in the procedures specified in paragraphs (1), (2), (5), and  
16 (7) to (11), inclusive, of subdivision (b) of Section 1753.5.
  - 17 (4) Passage of a written examination administered by the board.  
18 The board shall designate whether the written examination shall  
19 be administered by the board or by the board-approved extended  
20 functions program.
    - 21 (b) A registered dental assistant in extended functions may apply  
22 for an orthodontic assistant permit or a dental sedation assistant  
23 permit, or both, by providing written evidence of the following:
      - 24 (1) Successful completion of a board-approved orthodontic  
25 assistant or dental sedation assistant course, as applicable.
      - 26 (2) Passage of a written examination administered by the board  
27 that shall encompass the knowledge, skills, and abilities necessary  
28 to competently perform the duties of the particular permit.
    - 29 (c) A registered dental assistant in extended functions with  
30 permits in either orthodontic assisting or dental sedation assisting  
31 shall be referred to as an “RDAEF with orthodontic assistant  
32 permit,” or “RDAEF with dental sedation assistant permit,” as  
33 applicable. These terms shall be used for reference purposes only  
34 and do not create additional categories of licensure.
    - 35 (d) Completion of the continuing education requirements  
36 established by the board pursuant to Section 1645 by a registered  
37 dental assistant in extended functions who also holds a permit as  
38 an orthodontic assistant or dental sedation assistant shall fulfill the  
39 continuing education requirement for such permit or permits.

1 ~~SEC. 6.~~

2 *SEC. 5.* Section 1753.4 of the Business and Professions Code  
3 is repealed.

4 ~~SEC. 7.~~

5 *SEC. 6.* Section 1753.55 of the Business and Professions Code  
6 is amended to read:

7 1753.55. (a) A registered dental assistant in extended functions  
8 is authorized to perform the additional duties as set forth in  
9 subdivision (b) pursuant to the order, control, and full professional  
10 responsibility of a supervising dentist, if the licensee meets one of  
11 the following requirements:

12 (1) Is licensed on or after January 1, 2010.

13 (2) Is licensed prior to January 1, 2010, and has successfully  
14 completed a board-approved course in the additional procedures  
15 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of  
16 subdivision (b) of Section 1753.5.

17 (b) (1) Determine which radiographs to perform on a patient  
18 who has not received an initial examination by the supervising  
19 dentist for the specific purpose of the dentist making a diagnosis  
20 and treatment plan for the patient. In these circumstances, the  
21 dental assistant in extended functions shall follow protocols  
22 established by the supervising dentist. This paragraph only applies  
23 in the following settings:

24 (A) In a dental office setting.

25 (B) In public health settings, using telehealth, as defined by  
26 Section 2290.5, for the purpose of communication with the  
27 supervising dentist, including, but not limited to, schools, head  
28 start and preschool programs, and community clinics, under the  
29 general supervision of a dentist.

30 (2) Place protective restorations, which for this purpose are  
31 identified as interim therapeutic restorations, and defined as a  
32 direct provisional restoration placed to stabilize the tooth until a  
33 licensed dentist diagnoses the need for further definitive treatment.  
34 An interim therapeutic restoration consists of the removal of soft  
35 material from the tooth using only hand instrumentation, without  
36 the use of rotary instrumentation, and subsequent placement of an  
37 adhesive restorative material. Local anesthesia shall not be  
38 necessary for interim therapeutic restoration placement. Interim  
39 therapeutic restorations shall be placed only in accordance with  
40 both of the following:



1 (A) In either of the following settings:

2 (i) In a dental office setting, under the direct or general  
3 supervision of a dentist as determined by the dentist.

4 (ii) In public health settings, using telehealth, as defined by  
5 Section 2290.5, for the purpose of communication with the  
6 supervising dentist, including, but not limited to, schools, head  
7 start and preschool programs, and community clinics, under the  
8 general supervision of a dentist.

9 (B) After the diagnosis, treatment plan, and instruction to  
10 perform the procedure provided by a dentist.

11 (c) The functions described in subdivision (b) may be performed  
12 by a registered dental assistant in extended functions only after  
13 completion of a program that includes training in performing those  
14 functions, or after providing evidence, satisfactory to the board,  
15 of having completed a board-approved course in those functions.

16 (d) No later than January 1, 2018, the board shall adopt  
17 regulations to establish requirements for courses of instruction for  
18 the procedures authorized to be performed by a registered dental  
19 assistant in extended functions pursuant to this section using the  
20 competency-based training protocols established by the Health  
21 Workforce Pilot Project (HWPP) No. 172 through the Office of  
22 *Statewide* Health Planning and Development. The board shall  
23 submit to the committee proposed regulatory language for the  
24 curriculum for the Interim Therapeutic Restoration to the  
25 committee for the purpose of promulgating regulations for  
26 registered dental hygienists and registered dental hygienists in  
27 alternative practice as described in Section 1910.5. The language  
28 submitted by the board shall mirror the instructional curriculum  
29 for the registered dental assistant in extended functions. Any  
30 subsequent amendments to the regulations that are promulgated  
31 by the board for the Interim Therapeutic Restoration curriculum  
32 shall be submitted to the committee.

33 (e) The board may issue a permit to a registered dental assistant  
34 in extended functions who files a completed application, including  
35 the fee, to provide the duties specified in this section after the board  
36 has determined the registered dental assistant in extended functions  
37 has completed the coursework required in subdivision (c).

38 (f) This section shall become operative on January 1, 2018.

1 ~~SEC. 8.~~

2 *SEC. 7.* Section 1753.6 of the Business and Professions Code  
3 is amended to read:

4 1753.6. (a) Each person who holds a license as a registered  
5 dental assistant in extended functions on the operative date of this  
6 section may only perform those procedures that a registered dental  
7 assistant is allowed to perform as specified in and limited by  
8 Section 1752.4, and the procedures specified in paragraphs (1) to  
9 (6), inclusive, until the person provides evidence of having  
10 completed a board-approved course in the additional procedures  
11 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of  
12 subdivision (b) of Section 1753.5:

- 13 (1) Cord retraction of gingiva for impression procedures.
- 14 (2) Take final impressions for permanent indirect restorations.
- 15 (3) Formulate indirect patterns for endodontic post and core  
16 castings.
- 17 (4) Fit trial endodontic filling points.
- 18 (5) Apply pit and fissure sealants.
- 19 (6) Remove excess cement from subgingival tooth surfaces with  
20 a hand instrument.

21 (b) This section shall become operative on January 1, 2010.

22 ~~SEC. 9.~~

23 *SEC. 8.* Section 5650.5 is added to the Business and Professions  
24 Code, to read:

25 5650.5. (a) Pursuant to Section 144, the board has the authority  
26 to obtain and review criminal offender record information. The  
27 information obtained as a result of the fingerprinting shall be used  
28 in accordance with Section 11105 of the Penal Code to determine  
29 whether the applicant is subject to denial, suspension, or revocation  
30 of a license pursuant to Division 1.5 (commencing with Section  
31 475) or Section 5660, 5675, or 5676.

32 (b) As a condition of application for a license, each applicant  
33 shall furnish to the Department of Justice a full set of fingerprints  
34 for the purpose of conducting a criminal history record check and  
35 to undergo a state- and federal- level criminal offender record  
36 information search conducted through the Department of Justice,  
37 as follows:

- 38 (1) The board shall electronically submit to the Department of  
39 Justice fingerprint images and related information required by the  
40 Department of Justice of all landscape architect license applicants

1 for the purpose of obtaining information as to the existence and  
2 content of a record of state or federal arrests and state or federal  
3 convictions and also information as to the existence and content  
4 of a record of state or federal arrests for which the Department of  
5 Justice establishes that the person is free on bail or on their  
6 recognizance pending trial or appeal.

7 (2) When received, the Department of Justice shall transmit  
8 fingerprint images and related information received pursuant to  
9 this section, to the Federal Bureau of Investigation for the purpose  
10 of obtaining a federal criminal history records check. The  
11 Department of Justice shall review the information returned from  
12 the Federal Bureau of Investigation and compile and disseminate  
13 a response to the board.

14 (3) The Department of Justice shall provide a state or federal  
15 response to the board pursuant to subdivision (p) of Section 11105  
16 of the Penal Code.

17 (4) The board shall request from the Department of Justice  
18 subsequent notification service, as provided pursuant to Section  
19 11105.2 of the Penal Code, for persons described in paragraph (1).

20 (5) The Department of Justice shall charge the applicant a fee  
21 sufficient to cover the cost of processing the request described in  
22 this subdivision.

23 (c) The applicant shall certify, under penalty of perjury, when  
24 applying for a license whether the applicant's fingerprints have  
25 been furnished to the Department of Justice in compliance with  
26 this section.

27 (d) Failure to comply with the requirements of this section  
28 renders the application for a license incomplete, and the application  
29 shall not be considered until the applicant demonstrates compliance  
30 with all requirements of this section.

31 (e) Notwithstanding any other law, the results of any criminal  
32 offender record information request by either state or federal law  
33 enforcement authorities shall not be released by the board except  
34 in accordance with state and federal requirements.

35 (f) As used in this section, the term "applicant" shall be limited  
36 to an initial applicant who has never been registered or licensed  
37 by the board or to an applicant for a new licensure or registration  
38 category.

1 (g) As a condition of petitioning the board for reinstatement of  
2 a revoked or surrendered license, an applicant shall comply with  
3 subdivision (a).

4 ~~SEC. 10.~~

5 *SEC. 9.* Section 7071.6 of the Business and Professions Code  
6 is amended to read:

7 7071.6. (a) The board shall require as a condition precedent  
8 to the issuance, reinstatement, reactivation, renewal, or continued  
9 maintenance of a license, that the applicant or licensee file or have  
10 on file a contractor's bond in the sum of fifteen thousand dollars  
11 (\$15,000).

12 (b) Excluding the claims brought by the beneficiaries specified  
13 in subdivision (a) of Section 7071.5, the aggregate liability of a  
14 surety on claims brought against a bond required by this section  
15 shall not exceed the sum of seven thousand five hundred dollars  
16 (\$7,500). The bond proceeds in excess of seven thousand five  
17 hundred dollars (\$7,500) shall be reserved exclusively for the  
18 claims of the beneficiaries specified in subdivision (a) of Section  
19 7071.5. However, nothing in this section shall be construed so as  
20 to prevent any beneficiary specified in subdivision (a) of Section  
21 7071.5 from claiming or recovering the full measure of the bond  
22 required by this section.

23 (c) A bond shall not be required of a holder of a license that has  
24 been inactivated on the official records of the board during the  
25 period the license is inactive.

26 (d) Notwithstanding any other law, as a condition precedent to  
27 licensure, the board may require an applicant to post a contractor's  
28 bond in twice the amount required pursuant to subdivision (a) until  
29 the time that the license is renewed, under the following conditions:

30 (1) The applicant has either been convicted of a violation of  
31 Section 7028 or has been cited pursuant to Section 7028.7.

32 (2) If the applicant has been cited pursuant to Section 7028.7,  
33 the citation has been reduced to a final order of the registrar.

34 (3) The violation of Section 7028, or the basis for the citation  
35 issued pursuant to Section 7028.7, constituted a substantial injury  
36 to the public.

37 (e) (1) The board shall conduct a study to obtain information  
38 to evaluate whether the current fifteen-thousand-dollar (\$15,000)  
39 amount of the contractor bond is sufficient, or whether an increase  
40 may be necessary.

1 (2) The board shall report its findings and recommendations to  
2 the appropriate policy committees of the Legislature, in accordance  
3 with Section 9795 of the Government Code, by January 1, 2021.

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

6 ~~SEC. 11.~~

7 *SEC. 10.* Section 7071.6 is added to the Business and  
8 Professions Code, to read:

9 7071.6. (a) The board shall require as a condition precedent  
10 to the issuance, reinstatement, reactivation, renewal, or continued  
11 maintenance of a license, that the applicant or licensee file or have  
12 on file a contractor's bond in the sum of twenty-five thousand  
13 dollars (\$25,000).

14 (b) Excluding the claims brought by the beneficiaries specified  
15 in subdivision (a) of Section 7071.5, the aggregate liability of a  
16 surety on claims brought against a bond required by this section  
17 shall not exceed the sum of seven thousand five hundred dollars  
18 (\$7,500). The bond proceeds in excess of seven thousand five  
19 hundred dollars (\$7,500) shall be reserved exclusively for the  
20 claims of the beneficiaries specified in subdivision (a) of Section  
21 7071.5. However, nothing in this section shall be construed so as  
22 to prevent any beneficiary specified in subdivision (a) of Section  
23 7071.5 from claiming or recovering the full measure of the bond  
24 required by this section.

25 (c) A bond shall not be required of a holder of a license that has  
26 been inactivated on the official records of the board during the  
27 period the license is inactive.

28 (d) Notwithstanding any other law, as a condition precedent to  
29 licensure, the board may require an applicant to post a contractor's  
30 bond in twice the amount required pursuant to subdivision (a) until  
31 the time that the license is renewed, under the following conditions:

32 (1) The applicant has either been convicted of a violation of  
33 Section 7028 or has been cited pursuant to Section 7028.7.

34 (2) If the applicant has been cited pursuant to Section 7028.7,  
35 the citation has been reduced to a final order of the registrar.

36 (3) The violation of Section 7028, or the basis for the citation  
37 issued pursuant to Section 7028.7, constituted a substantial injury  
38 to the public.

39 (e) This section shall become operative on January 1, 2023.

1     ~~SEC. 12.~~

2     *SEC. 11.* Section 7071.8 of the Business and Professions Code  
3 is amended to read:

4     7071.8. (a) This section applies to an application for a license,  
5 for renewal or restoration of a license, an application to change  
6 officers or members of a corporation or a limited liability company,  
7 or for continued valid use of a license which has been disciplined,  
8 whether or not the disciplinary action has been stayed, made by  
9 any of the following persons or firms:

10     (1) A person whose license has been suspended or revoked as  
11 a result of disciplinary action, or a person who was a qualifying  
12 individual for a licensee at any time during which cause for  
13 disciplinary action occurred resulting in suspension or revocation  
14 of the licensee's license, whether or not the qualifying individual  
15 had knowledge or participated in the prohibited act or omission.

16     (2) A person who was an officer, director, manager, partner, or  
17 member of the personnel of record of a licensee at any time during  
18 which cause for disciplinary action occurred resulting in suspension  
19 or revocation of the licensee's license and who had knowledge of  
20 or participated in the act or omission which was the cause for the  
21 disciplinary action.

22     (3) A partnership, corporation, limited liability company, firm,  
23 or association of which an existing or new officer, director,  
24 manager, partner, qualifying person, or member of the personnel  
25 of record has had a license suspended or revoked as a result of  
26 disciplinary action.

27     (4) A partnership, corporation, limited liability company, firm,  
28 or association of which a member of the personnel of record,  
29 including, but not limited to, an officer, director, manager, partner,  
30 or qualifying person was, likewise, a manager, officer, director,  
31 or partner of a licensee at any time during which cause for  
32 disciplinary action occurred resulting in suspension or revocation  
33 of the license, and who had knowledge of or participated in the  
34 act or omission which was the cause for the disciplinary action.

35     (b) The board shall require as a condition precedent to the  
36 issuance, reissuance, renewal, or restoration of a license to the  
37 applicant, or to the approval of an application to change officers  
38 of a corporation or a limited liability company, or removal of  
39 suspension, or to the continued valid use of a license which has  
40 been suspended or revoked, but which suspension or revocation

1 has been stayed, that the applicant or licensee file or have on file  
2 a contractor's bond in a sum to be fixed by the registrar based upon  
3 the seriousness of the violation, but which sum shall not be less  
4 than fifteen thousand dollars (\$15,000) nor more than 10 times  
5 that amount required by Section 7071.6.

6 (c) The bond is in addition to, may not be combined with, and  
7 does not replace any other type of bond required by this chapter.  
8 The bond shall remain on file with the registrar for a period of at  
9 least two years and for any additional time that the registrar  
10 determines. The bond period shall run only while the license is  
11 current, active, and in good standing, and shall be extended until  
12 the license has been current, active, and in good standing for the  
13 required period. Each applicant or licensee shall be required to file  
14 only one disciplinary contractor's bond of the type described in  
15 this section for each application or license subject to this bond  
16 requirement.

17 (d) This section shall remain in effect only until January 1, 2023,  
18 and as of that date is repealed.

19 ~~SEC. 13.~~

20 *SEC. 12.* Section 7071.8 is added to the Business and  
21 Professions Code, to read:

22 7071.8. (a) This section applies to an application for a license,  
23 for renewal or restoration of a license, an application to change  
24 officers or members of a corporation or a limited liability company,  
25 or for continued valid use of a license which has been disciplined,  
26 whether or not the disciplinary action has been stayed, made by  
27 any of the following persons or firms:

28 (1) A person whose license has been suspended or revoked as  
29 a result of disciplinary action, or a person who was a qualifying  
30 individual for a licensee at any time during which cause for  
31 disciplinary action occurred resulting in suspension or revocation  
32 of the licensee's license, whether or not the qualifying individual  
33 had knowledge or participated in the prohibited act or omission.

34 (2) A person who was an officer, director, manager, partner, or  
35 member of the personnel of record of a licensee at any time during  
36 which cause for disciplinary action occurred resulting in suspension  
37 or revocation of the licensee's license and who had knowledge of  
38 or participated in the act or omission which was the cause for the  
39 disciplinary action.

1 (3) A partnership, corporation, limited liability company, firm,  
2 or association of which an existing or new officer, director,  
3 manager, partner, qualifying person, or member of the personnel  
4 of record has had a license suspended or revoked as a result of  
5 disciplinary action.

6 (4) A partnership, corporation, limited liability company, firm,  
7 or association of which a member of the personnel of record,  
8 including, but not limited to, an officer, director, manager, partner,  
9 or qualifying person was, likewise, a manager, officer, director,  
10 or partner of a licensee at any time during which cause for  
11 disciplinary action occurred resulting in suspension or revocation  
12 of the license, and who had knowledge of or participated in the  
13 act or omission which was the cause for the disciplinary action.

14 (b) The board shall require as a condition precedent to the  
15 issuance, reissuance, renewal, or restoration of a license to the  
16 applicant, or to the approval of an application to change officers  
17 of a corporation or a limited liability company, or removal of  
18 suspension, or to the continued valid use of a license which has  
19 been suspended or revoked, but which suspension or revocation  
20 has been stayed, that the applicant or licensee file or have on file  
21 a contractor's bond in a sum to be fixed by the registrar based upon  
22 the seriousness of the violation, but which sum shall not be less  
23 than twenty-five thousand dollars (\$25,000) nor more than 10  
24 times that amount required by Section 7071.6.

25 (c) The bond is in addition to, may not be combined with, and  
26 does not replace any other type of bond required by this chapter.  
27 The bond shall remain on file with the registrar for a period of at  
28 least two years and for any additional time that the registrar  
29 determines. The bond period shall run only while the license is  
30 current, active, and in good standing, and shall be extended until  
31 the license has been current, active, and in good standing for the  
32 required period. Each applicant or licensee shall be required to file  
33 only one disciplinary contractor's bond of the type described in  
34 this section for each application or license subject to this bond  
35 requirement.

36 (d) This section shall become operative on January 1, 2023.

37 ~~SEC. 14.~~

38 *SEC. 13.* Section 7071.9 of the Business and Professions Code  
39 is amended to read:



1 7071.9. (a) If the qualifying individual, as referred to in  
2 Sections 7068 and 7068.1, is neither the proprietor, a general  
3 partner, nor a joint licensee, the qualifying individual shall file or  
4 have on file a qualifying individual's bond as provided in Section  
5 7071.10 in the sum of twelve thousand five hundred dollars  
6 (\$12,500). This bond is in addition to, and shall not be combined  
7 with, any contractor's bond required by Sections 7071.5 to 7071.8,  
8 inclusive, and is required for the issuance, reinstatement,  
9 reactivation, or continued valid use of a license.

10 (b) Excluding the claims brought by the beneficiaries specified  
11 in paragraph (1) of subdivision (a) of Section 7071.10, the  
12 aggregate liability of a surety on claims brought against the bond  
13 required by this section shall not exceed the sum of seven thousand  
14 five hundred dollars (\$7,500). The bond proceeds in excess of  
15 seven thousand five hundred dollars (\$7,500) shall be reserved  
16 exclusively for the claims of the beneficiaries specified in  
17 paragraph (1) of subdivision (a) of Section 7071.10. However,  
18 nothing in this section shall be construed to prevent any beneficiary  
19 specified in paragraph (1) of subdivision (a) of Section 7071.10  
20 from claiming or recovering the full measure of the bond required  
21 by this section. This bond is in addition to, and shall not be  
22 combined with, any contractor's bond required by Sections 7071.5  
23 to 7071.8, inclusive, and is required for the issuance, reinstatement,  
24 reactivation, or continued valid use of a license.

25 (c) The responsible managing officer of a corporation shall not  
26 be required to file or have on file a qualifying individual's bond,  
27 if the responsible managing officer owns 10 percent or more of  
28 the voting stock of the corporation and certifies to that fact on a  
29 form prescribed by the registrar.

30 (d) The qualifying individual for a limited liability company  
31 shall not be required to file or have on file a qualifying individual's  
32 bond if the qualifying individual owns at least a 10-percent  
33 membership interest in the limited liability company and certifies  
34 to that fact on a form prescribed by the registrar.

35 (e) This section shall remain in effect only until January 1, 2023,  
36 and as of that date is repealed.

37 ~~SEC. 15.~~

38 *SEC. 14.* Section 7071.9 is added to the Business and  
39 Professions Code, to read:

1 7071.9. (a) If the qualifying individual, as referred to in  
2 Sections 7068 and 7068.1, is neither the proprietor, a general  
3 partner, nor a joint licensee, the qualifying individual shall file or  
4 have on file a qualifying individual's bond as provided in Section  
5 7071.10 in the sum of twenty-five thousand dollars (\$25,000). This  
6 bond is in addition to, and shall not be combined with, any  
7 contractor's bond required by Sections 7071.5 to 7071.8, inclusive,  
8 and is required for the issuance, reinstatement, reactivation, or  
9 continued valid use of a license.

10 (b) Excluding the claims brought by the beneficiaries specified  
11 in paragraph (1) of subdivision (a) of Section 7071.10, the  
12 aggregate liability of a surety on claims brought against the bond  
13 required by this section shall not exceed the sum of seven thousand  
14 five hundred dollars (\$7,500). The bond proceeds in excess of  
15 seven thousand five hundred dollars (\$7,500) shall be reserved  
16 exclusively for the claims of the beneficiaries specified in  
17 paragraph (1) of subdivision (a) of Section 7071.10. However,  
18 nothing in this section shall be construed to prevent any beneficiary  
19 specified in paragraph (1) of subdivision (a) of Section 7071.10  
20 from claiming or recovering the full measure of the bond required  
21 by this section. This bond is in addition to, and shall not be  
22 combined with, any contractor's bond required by Sections 7071.5  
23 to 7071.8, inclusive, and is required for the issuance, reinstatement,  
24 reactivation, or continued valid use of a license.

25 (c) The responsible managing officer of a corporation shall not  
26 be required to file or have on file a qualifying individual's bond,  
27 if the responsible managing officer owns 10 percent or more of  
28 the voting stock of the corporation and certifies to that fact on a  
29 form prescribed by the registrar.

30 (d) The qualifying individual for a limited liability company  
31 shall not be required to file or have on file a qualifying individual's  
32 bond if the qualifying individual owns at least a 10-percent  
33 membership interest in the limited liability company and certifies  
34 to that fact on a form prescribed by the registrar.

35 (e) This section shall become operative on January 1, 2023.

36 ~~SEC. 16.~~

37 *SEC. 15.* Section 7137 of the Business and Professions Code  
38 is amended to read:

39 7137. (a) The board may set fees by regulation. These fees  
40 shall be set according to the following schedule:

1 (1) Application fees shall be set as follows:

2 (A) The application fee for an original license in a single  
3 classification shall be four hundred fifty dollars (\$450) and may  
4 be increased to not more than five hundred sixty-three dollars  
5 (\$563).

6 (B) The application fee for each additional classification applied  
7 for in connection with an original license shall be one hundred  
8 fifty dollars (\$150) and may be increased to not more than one  
9 hundred eighty-eight dollars (\$188).

10 (C) The application fee for each additional classification  
11 pursuant to Section 7059 shall be two hundred thirty dollars (\$230)  
12 and may be increased to not more than two hundred eighty-eight  
13 dollars (\$288).

14 (D) The application fee to replace a responsible managing  
15 officer, responsible managing manager, responsible managing  
16 member, or responsible managing employee pursuant to Section  
17 7068.2 shall be two hundred thirty dollars (\$230) and may be  
18 increased to not more than two hundred eighty-eight dollars (\$288).

19 (E) The application fee to add personnel, other than a qualifying  
20 individual, to an existing license shall be one hundred twenty-five  
21 dollars (\$125) and may be increased to not more than one hundred  
22 fifty-seven dollars (\$157).

23 (F) The application fee for an asbestos certification examination  
24 shall be one hundred twenty-five dollars (\$125) and may be  
25 increased to not more than one hundred fifty-seven dollars (\$157).

26 (G) The application fee for a hazardous substance removal or  
27 remedial action certification examination shall be one hundred  
28 twenty-five dollars (\$125) and may be increased to not more than  
29 one hundred fifty-seven dollars (\$157).

30 (2) Examination scheduling fees shall be set as follows:

31 (A) The fee for rescheduling an examination for an applicant  
32 who has applied for an original license, additional classification,  
33 a change of responsible managing officer, responsible managing  
34 manager, responsible managing member, or responsible managing  
35 employee, or for an asbestos certification or hazardous substance  
36 removal certification, shall be one hundred dollars (\$100) and may  
37 be increased to not more than one hundred twenty-five dollars  
38 (\$125).

39 (B) The fee for scheduling or rescheduling an examination for  
40 a licensee who is required to take the examination as a condition

1 of probation shall be one hundred dollars (\$100) and may be  
2 increased to not more than one hundred twenty-five dollars (\$125).

3 (3) Initial license and registration fees shall be set as follows:

4 (A) The initial license fee for an active or inactive license for  
5 an individual owner shall be two hundred dollars (\$200) and may  
6 be increased to not more than two hundred fifty dollars (\$250).

7 (B) The initial license fee for an active or inactive license for a  
8 partnership, corporation, limited liability company, or joint venture  
9 shall be three hundred fifty dollars (\$350) and may be increased  
10 to not more than four hundred thirty-eight dollars (\$438).

11 (C) The registration fee for a home improvement salesperson  
12 shall be two hundred dollars (\$200) and may be increased to not  
13 more than two hundred fifty dollars (\$250).

14 (4) License and registration renewal fees shall be set as follows:

15 (A) The renewal fee for an active license for an individual owner  
16 shall be four hundred fifty dollars (\$450) and may be increased to  
17 not more than five hundred sixty-three dollars (\$563).

18 (B) The renewal fee for an inactive license for an individual  
19 owner shall be three hundred dollars (\$300) and may be increased  
20 to not more than three hundred seventy-five dollars (\$375).

21 (C) The renewal fee for an active license for a partnership,  
22 corporation, limited liability company, or joint venture shall be  
23 seven hundred dollars (\$700) and may be increased to not more  
24 than eight hundred seventy-five dollars (\$875).

25 (D) The renewal fee for an inactive license for a partnership,  
26 corporation, limited liability company, or joint venture shall be  
27 five hundred dollars (\$500) and may be increased to not more than  
28 six hundred twenty-five dollars (\$625).

29 (E) The renewal fee for a home improvement salesperson  
30 registration shall be two hundred dollars (\$200) and may be  
31 increased to not more than two hundred fifty dollars (\$250).

32 (5) The delinquency fee is an amount equal to 50 percent of the  
33 renewal fee, if the license is renewed after its expiration.

34 (6) Miscellaneous fees shall be set as follows:

35 (A) In addition to any other fees charged to C-10 contractors,  
36 the board shall charge a fee of twenty dollars (\$20), to be assessed  
37 with the renewal fee for an active license, which shall be used by  
38 the board to enforce provisions of the Labor Code related to  
39 electrician certification.

1 (B) 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 (C) The fee for the processing and issuance of a duplicate copy  
12 of any certificate of licensure or other form evidencing licensure  
13 or renewal of licensure pursuant to Section 122 shall be twenty-five  
14 dollars (\$25).

15 (D) The fee to change the business name of a license as it is  
16 recorded under this chapter shall be one hundred dollars (\$100)  
17 and may be increased to not more than one hundred twenty-five  
18 dollars (\$125).

19 (E) The service charge for a dishonored check authorized by  
20 Section 6157 of the Government Code shall be twenty-five dollars  
21 (\$25) for each check.

22 (b) The board shall, by regulation, establish criteria for the  
23 approval of expedited processing of applications. Approved  
24 expedited processing of applications for licensure or registration,  
25 as required by other provisions of law, shall not be subject to this  
26 subdivision.

27 ~~SEC. 17.~~

28 *SEC. 16.* Section 7583.22 of the Business and Professions Code  
29 is amended to read:

30 7583.22. (a) A licensee, qualified manager of a licensee, or  
31 security guard who, in the course of their employment, may be  
32 required to carry a firearm shall, prior to carrying a firearm, do  
33 both of the following:

34 (1) Complete a course of training in the carrying and use of  
35 firearms.

36 (2) Receive a firearms qualification card or be otherwise  
37 qualified to carry a firearm as provided in Section 7583.12.

38 (b) A security guard who, in the course of their employment,  
39 may be required to carry a firearm, shall, prior to carrying a firearm,  
40 be found capable of exercising appropriate judgment, restraint,

1 and self-control for the purposes of carrying and using a firearm  
2 during the course of their duties, pursuant to Section 7583.47.

3 (c) A licensee shall not permit an employee to carry or use a  
4 loaded or unloaded firearm, whether or not it is serviceable or  
5 operative, unless the employee possesses a valid and current  
6 firearms qualification card issued by the bureau or is so otherwise  
7 qualified to carry a firearm as provided in Section 7583.12.

8 (d) A pocket card issued by the bureau pursuant to Section  
9 7582.13 may also serve as a firearms qualification card if so  
10 indicated on the face of the card.

11 (e) Paragraph (1) of subdivision (a) shall not apply to a peace  
12 officer as defined in Chapter 4.5 (commencing with Section 830)  
13 of Title 3 of Part 2 of the Penal Code, who has successfully  
14 completed a course of study in the use of firearms or to a federal  
15 qualified law enforcement officer, as defined in Section 926B of  
16 Title 18 of the United States Code, who has successfully completed  
17 a course of study in the use of firearms.

18 ~~SEC. 18.~~

19 *SEC. 17.* Section 7583.23 of the Business and Professions Code  
20 is amended to read:

21 7583.23. The bureau shall issue a firearms permit when all of  
22 the following conditions are satisfied:

23 (a) The applicant is a licensee, a qualified manager of a licensee,  
24 or a registered security guard subject to the following:

25 (1) The firearms permit may only be associated with the  
26 following:

27 (A) A sole owner of a sole ownership licensee, pursuant to  
28 Section 7582.7 or 7525.1.

29 (B) A partner of a partnership licensee, pursuant to Section  
30 7582.7 or 7525.1.

31 (C) A qualified manager of a licensee, pursuant to Section 7536  
32 or 7582.22.

33 (D) A security guard registrant.

34 (2) If the firearms permit is associated with a security guard  
35 registration, they are subject to the provisions of Section 7583.47,  
36 regardless of any other license possessed or associated with the  
37 firearms permit.

38 (b) A certified firearms training instructor has certified that the  
39 applicant has successfully completed a written examination

1 prepared by the bureau and training course in the carrying and use  
2 of firearms approved by the bureau.

3 (c) The applicant has filed with the bureau a classifiable  
4 fingerprint card, a completed application for a firearms permit on  
5 a form prescribed by the director, dated and signed by the applicant,  
6 certifying under penalty of perjury that the information in the  
7 application is true and correct. In lieu of a classifiable fingerprint  
8 card, the applicant may submit fingerprints into an electronic  
9 fingerprinting system administered by the Department of Justice.  
10 An applicant who submits their fingerprints by electronic means  
11 shall have their fingerprints entered into the system through a  
12 terminal operated by a law enforcement agency or other facility  
13 authorized by the Department of Justice to conduct electronic  
14 fingerprinting. The terminal operator may charge a fee sufficient  
15 to reimburse it for the costs incurred in providing this service.

16 (d) The applicant is at least 21 years of age and the bureau has  
17 determined, after investigation, that the carrying and use of a  
18 firearm by the applicant, in the course of their duties, presents no  
19 apparent threat to the public safety, or that the carrying and use of  
20 a firearm by the applicant is not in violation of the Penal Code.

21 (e) The applicant has produced evidence to the firearm training  
22 facility that the applicant is a citizen of the United States or has  
23 permanent legal alien status in the United States. Evidence of  
24 citizenship or permanent legal alien status shall be deemed  
25 sufficient by the bureau to ensure compliance with federal laws  
26 prohibiting possession of firearms by persons unlawfully in the  
27 United States and may include, but not be limited to, United States  
28 Department of Justice, Immigration and Naturalization Service  
29 Form I-151 or I-551, Alien Registration Receipt Card,  
30 naturalization documents, or birth certificates evidencing lawful  
31 residence or status in the United States.

32 (f) The application is accompanied by the application fees  
33 prescribed in this chapter.

34 (g) The applicant is a registered security guard and they have  
35 been found capable of exercising appropriate judgment, restraint,  
36 and self-control, for the purposes of carrying and using a firearm  
37 during the course of their duties, pursuant to Section 7583.47.

38 ~~SEC. 19.~~

39 *SEC. 18.* Section 7583.24 of the Business and Professions Code  
40 is amended to read:

1 7583.24. (a) The bureau shall not issue a firearm permit if the  
2 applicant is prohibited from possessing, receiving, owning, or  
3 purchasing a firearm pursuant to state or federal law.

4 (b) Before issuing an initial firearm permit the bureau shall  
5 provide the Department of Justice with the name, address, social  
6 security number, and fingerprints of the applicant.

7 (c) The Department of Justice shall inform the bureau, within  
8 60 days from receipt of the information specified in subdivision  
9 (b), of the applicant's eligibility to possess, receive, purchase, or  
10 own a firearm pursuant to state and federal law.

11 (d) An applicant who has been denied a firearm permit based  
12 upon subdivision (a) may reapply for the permit after the  
13 prohibition expires. The bureau shall treat this application as an  
14 initial application and shall follow the required screening process  
15 as specified in this section.

16 *SEC. 19. Section 7583.27 of the Business and Professions Code*  
17 *is amended to read:*

18 7583.27. (a) A firearm permit ~~shall be automatically~~ *may be*  
19 revoked if at any time the Department of Justice notifies the bureau  
20 that the holder of the firearm permit is prohibited from possessing,  
21 receiving, or purchasing a firearm pursuant to state or federal law.  
22 Following the automatic revocation, an administrative hearing  
23 shall be provided upon written request to the bureau in accordance  
24 with Chapter 5 (commencing with Section 11500) of Part 1 of  
25 Division 3 of Title 2 of the Government Code.

26 (b) The bureau ~~shall~~ *may* seek an emergency order pursuant to  
27 Article 13 (commencing with Section 11460.10) of Chapter 4.5  
28 of Part 1 of Division 3 of Title 2 of the Government Code against  
29 the holder of the firearms permit if, after the bureau's investigation  
30 relating to any of the following events, the bureau determines that  
31 the holder of the firearms permit presents an undue hazard to public  
32 safety that may result in substantial injury to another:

33 (1) Receipt of subsequent arrest information of an arrest for any  
34 of the following:

35 (A) Assault.

36 (B) Battery.

37 (C) Any use of force or violence on any person committed by  
38 the permitholder.

39 (2) A report from a bureau-approved firearms training facility  
40 or instructor made pursuant to Section 7585.18.



1 (3) A report from the permitholder's employer or former  
2 employer that the permitholder may be a threat to public safety.

3 (4) A complaint filed by any member of the public that the  
4 permitholder may be a threat to public safety.

5 ~~(5) If the permitholder has been determined incapable of~~  
6 ~~exercising appropriate judgment, restraint, and self-control pursuant~~  
7 ~~to the assessment required under Section 7583.47 for a permit~~  
8 ~~associated with a security guard registration.~~

9 SEC. 20. Section 7583.29 of the Business and Professions  
10 Code is amended to read:

11 7583.29. (a) If a firearms permit is denied, the denial of the  
12 permit shall be in writing and shall describe the basis for the denial.  
13 The denial shall inform the applicant that if the applicant desires  
14 a review by a disciplinary review committee to contest the denial,  
15 the review shall be requested of the director within 30 days  
16 following notice of the issuance of the denial. A review or hearing  
17 shall be held pursuant to Section 7581.3. However, no review or  
18 hearing shall be granted to an individual who is otherwise  
19 prohibited by law from carrying a firearm.

20 ~~(b) Appeals of denials pursuant to this section shall be in~~  
21 ~~accordance with Chapter 5 (commencing with Section 11500) of~~  
22 ~~Part 1 of Division 3 of Title 2 of the Government Code.~~

23 SEC. 21. Section 7583.47 of the Business and Professions  
24 Code is amended to read:

25 7583.47. (a) As used in this section, "assessment" means the  
26 application of a testing instrument identified by the bureau that  
27 evaluates whether an applicant for a firearms permit who is a  
28 registered security guard, at the time of the assessment, possesses  
29 appropriate judgment, restraint, and self-control for the purposes  
30 of carrying and using a firearm during the course of their security  
31 guard duties.

32 (b) The applicant shall complete the assessment, as specified  
33 in this section.

34 (c) (1) The bureau shall implement a process to administer the  
35 assessment specified in this section. The establishment of the  
36 assessment and the process for administering the assessment shall  
37 not be subject to the requirements of Chapter 3.5 (commencing  
38 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
39 Government Code.

1 (2) The bureau shall consult with a California licensed  
2 psychologist, psychologists, or other persons with subject matter  
3 expertise, whose minimum duties shall include, but are not limited  
4 to, assisting the bureau with all of the following:

5 (A) Establishing criteria for a contract with a vendor to  
6 administer the assessment.

7 (B) Identifying minimum standards for the assessment.

8 (C) Evaluating currently available assessments.

9 (D) Providing consultative services on the bids received by the  
10 bureau from third-party vendors seeking to administer and interpret  
11 the assessment, to ensure both of the following:

12 (i) Compliance with the applicable standards of care for the  
13 administration and interpretation of such assessments.

14 (ii) The assessment will be administered in accordance with the  
15 assessment manufacturer's requirements.

16 (3) The bureau shall contract with a third-party vendor to  
17 administer the assessment. All third-party vendors seeking to  
18 administer the assessment must meet the minimum standards  
19 established by the bureau, its consultants, and the assessment  
20 manufacturer's requirements for administering the assessment.  
21 Considerations for the third-party vendor contract shall include,  
22 but are not limited to, all of the following:

23 (A) Cost to the applicant to complete the assessment.

24 (B) Geographic accessibility statewide of the assessment to  
25 applicants.

26 (C) Assessment compliance with the established minimum  
27 standards for the assessment and assessment process.

28 (D) Ensuring an assessment carried out on an applicant complies  
29 with the applicable professional standards of care for such  
30 assessments, as well as the assessment manufacturer's requirements  
31 for administering the assessment.

32 ~~(d) Upon the bureau's verification that the applicant has satisfied~~  
33 ~~subdivisions (a) to (f), inclusive, of Section 7583.23 and upon the~~  
34 ~~applicant's clearance of a background check by the Department~~  
35 ~~of Justice and the Federal Bureau of Investigation to possess a~~  
36 ~~firearm, the bureau shall notify the applicant that the applicant is~~  
37 ~~to contact the bureau's vendor to complete the assessment. The~~  
38 ~~applicant, or the applicant's designee or employer if the employer~~  
39 ~~voluntarily chooses, shall bear the cost of the assessment.~~

1 (e) Within 30 days of administering an applicant's assessment,  
2 the vendor shall directly provide the bureau, on a form and in a  
3 manner prescribed by the bureau, the applicant's assessment results.  
4 If the results of the applicant's assessment indicate that the  
5 applicant is incapable of exercising appropriate judgment, restraint,  
6 and self-control for the purposes of carrying and using a firearm  
7 during the course of the applicant's duties, at the point in time of  
8 the evaluation, the bureau shall not issue a firearms permit. If the  
9 applicant fails the assessment, the applicant may complete another  
10 assessment no earlier than 90 days after the results of the previous  
11 assessment are provided to the bureau.

12 (f) The application shall be deemed incomplete until the bureau  
13 receives the ~~applicant's results of the applicant's assessment.~~  
14 *assessment and the results indicate that the applicant is capable*  
15 *of exercising appropriate judgment, restraint, and self-control for*  
16 *the purposes of carrying and using a firearm during the course of*  
17 *the applicant's duties.*

18 (g) *Notwithstanding any other law, an applicant who fails the*  
19 *assessment shall not be entitled to an administrative hearing or*  
20 *an appeal subject to Chapter 5 (commencing with Section 11500)*  
21 *of Part 1 of Division 3 of Title 2 of the Government Code. However,*  
22 *such an applicant who is denied a firearms permit may request*  
23 *review of the denial pursuant to Section 7583.29.*

24 ~~(g)~~

25 (h) The bureau may prescribe, adopt, and enforce emergency  
26 regulations, and promulgate regulations to implement this section.  
27 Any emergency regulation prescribed, adopted, or enforced  
28 pursuant to this section shall be adopted in accordance with Chapter  
29 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
30 Title 2 of the Government Code, and for purposes of that chapter,  
31 including Section 11349.6 of the Government Code, the adoption  
32 of the regulation is an emergency and shall be considered by the  
33 Office of Administrative Law as necessary for the immediate  
34 preservation of the public peace, health and safety, and general  
35 welfare.

36 ~~(h)~~

37 (i) The assessment required pursuant to this section shall be  
38 subject to review by the appropriate policy committees of the  
39 Legislature. The review shall be performed as if this section was  
40 scheduled to be repealed as of January 1, 2025.

1 SEC. 22. Section 17973 of the Health and Safety Code is  
2 amended to read:

3 17973. (a) Exterior elevated elements that include load-bearing  
4 components in all buildings containing three or more multifamily  
5 dwelling units shall be inspected. The inspection shall be performed  
6 by a licensed architect; licensed civil or structural engineer; a  
7 building contractor holding any or all of the “A,” “B,” or “C-5”  
8 license classifications issued by the ~~Contractors~~<sup>Contractors</sup> State  
9 License Board, with a minimum of five years’ experience, as a  
10 holder of the aforementioned classifications or licenses, in  
11 constructing multistory wood frame buildings; or an individual  
12 certified as a building inspector or building official from a  
13 recognized state, national, or international association, as  
14 determined by the local jurisdiction. These individuals shall not  
15 be employed by the local jurisdiction while performing these  
16 inspections. The purpose of the inspection is to determine that  
17 exterior elevated elements and their associated waterproofing  
18 elements are in a generally safe condition, adequate working order,  
19 and free from any hazardous condition caused by fungus,  
20 deterioration, decay, or improper alteration to the extent that the  
21 life, limb, health, property, safety, or welfare of the public or the  
22 occupants is not endangered. The person or business performing  
23 the inspection shall be hired by the owner of the building.

24 (b) For purposes of this section, the following terms have the  
25 following definitions:

26 (1) “Associated waterproofing elements” include flashings,  
27 membranes, coatings, and sealants that protect the load-bearing  
28 components of exterior elevated elements from exposure to water  
29 and the elements.

30 (2) “Exterior elevated element” means the following types of  
31 structures, including their supports and railings: balconies, decks,  
32 porches, stairways, walkways, and entry structures that extend  
33 beyond exterior walls of the building and which have a walking  
34 surface that is elevated more than six feet above ground level, are  
35 designed for human occupancy or use, and rely in whole or in  
36 substantial part on wood or wood-based products for structural  
37 support or stability of the exterior elevated element.

38 (3) “Load-bearing components” are those components that  
39 extend beyond the exterior walls of the building to deliver structural  
40 loads from the exterior elevated element to the building.

1 (c) The inspection required by this section shall at a minimum  
2 include:

3 (1) Identification of each type of exterior elevated element that,  
4 if found to be defective, decayed, or deteriorated to the extent that  
5 it does not meet its load requirements, would, in the opinion of the  
6 inspector, constitute a threat to the health or safety of the occupants.

7 (2) Assessment of the load-bearing components and associated  
8 waterproofing elements of the exterior elevated elements identified  
9 in paragraph (1) using methods allowing for evaluation of their  
10 performance by direct visual examination or comparable means  
11 of evaluating their performance. For purposes of this section, a  
12 sample of at least 15 percent of each type of exterior elevated  
13 element shall be inspected.

14 (3) The evaluation and assessment shall address each of the  
15 following as of the date of the evaluation:

16 (A) The current condition of the exterior elevated elements.

17 (B) Expectations of future performance and projected service  
18 life.

19 (C) Recommendations of any further inspection necessary.

20 (4) A written report of the evaluation stamped or signed by the  
21 inspector presented to the owner of the building or the owner's  
22 designated agent within 45 days of completion of the inspection.  
23 The report shall include photographs, any test results, and narrative  
24 sufficient to establish a baseline of the condition of the components  
25 inspected that can be compared to the results of subsequent  
26 inspections. In addition to the evaluation required by this section,  
27 the report shall advise which, if any, exterior elevated element  
28 poses an immediate threat to the safety of the occupants, and  
29 whether preventing occupant access or conducting emergency  
30 repairs, including shoring, are necessary.

31 (d) The inspection shall be completed by January 1, 2025, and  
32 by January 1 every six years thereafter. The inspector conducting  
33 the inspection shall produce an initial report pursuant to paragraph  
34 (4) of subdivision (c) and, if requested by the owner, a final report  
35 indicating that any required repairs have been completed. A copy  
36 of any report that recommends immediate repairs, advises that any  
37 building assembly poses an immediate threat to the safety of the  
38 occupants, or that preventing occupant access or emergency repairs,  
39 including shoring, are necessary, shall be provided by the inspector  
40 to the owner of the building and to the local enforcement agency

1 within 15 days of completion of the report. Subsequent inspection  
2 reports shall incorporate copies of prior inspection reports,  
3 including the locations of the exterior elevated elements inspected.  
4 Local enforcement agencies may determine whether any additional  
5 information is to be provided in the report and may require a copy  
6 of the initial or final reports, or both, be submitted to the local  
7 jurisdiction. Copies of all inspection reports shall be maintained  
8 in the building owner's permanent records for not less than two  
9 inspection cycles, and shall be disclosed and delivered to the buyer  
10 at the time of any subsequent sale of the building.

11 (e) The inspection of buildings for which a building permit  
12 application has been submitted on or after January 1, 2019, shall  
13 occur no later than six years following issuance of a certificate of  
14 occupancy from the local jurisdiction and shall otherwise comply  
15 with the provisions of this section.

16 (f) If the property was inspected within three years prior to  
17 January 1, 2019, by an inspector as described in subdivision (a)  
18 and a report of that inspector was issued stating that the exterior  
19 elevated elements and associated waterproofing elements are in  
20 proper working condition and do not pose a threat to the health  
21 and safety of the public, no new inspection pursuant to this section  
22 shall be required until January 1, 2025.

23 (g) An exterior elevated element found by the inspector that is  
24 in need of repair or replacement shall be corrected by the owner  
25 of the building. All necessary permits for repair or replacement  
26 shall be obtained from the local jurisdiction. All repair and  
27 replacement work shall be performed by a qualified and licensed  
28 contractor in compliance with all of the following:

29 (1) The recommendations of a licensed professional described  
30 in subdivision (a).

31 (2) Any applicable manufacturer's specifications.

32 (3) The California Building Standards Code, consistent with  
33 subdivision (d) of Section 17922 of the Health and Safety Code.

34 (4) All local jurisdictional requirements.

35 (h) (1) An exterior elevated element that the inspector advises  
36 poses an immediate threat to the safety of the occupants, or finds  
37 preventing occupant access or emergency repairs, including  
38 shoring, or both, are necessary, shall be considered an emergency  
39 condition and the owner of the building shall perform required  
40 preventive measures immediately. Immediately preventing

1 occupant access to the exterior elevated element until emergency  
2 repairs can be completed constitutes compliance with this  
3 paragraph. Repairs of emergency conditions shall comply with the  
4 requirements of subdivision (g), be inspected by the inspector, and  
5 reported to the local enforcement agency.

6 (2) The owner of the building requiring corrective work to an  
7 exterior elevated element that, in the opinion of the inspector, does  
8 not pose an immediate threat to the safety of the occupants, shall  
9 apply for a permit within 120 days of receipt of the inspection  
10 report. Once the permit is approved, the owner of the building  
11 shall have 120 days to make the repairs unless an extension of time  
12 is granted by the local enforcement agency.

13 (i) (1) The owner of the building shall be responsible for  
14 complying with the requirements of this section.

15 (2) If the owner of the building does not comply with the repair  
16 requirements within 180 days, the inspector shall notify the local  
17 enforcement agency and the owner of the building. If within 30  
18 days of the date of the notice the repairs are not completed, the  
19 owner of the building shall be assessed a civil penalty based on  
20 the fee schedule set by the local authority of not less than one  
21 hundred dollars (\$100) nor more than five hundred dollars (\$500)  
22 per day until the repairs are completed, unless an extension of time  
23 is granted by the local enforcement agency.

24 (3) In the event that a civil penalty is assessed pursuant to this  
25 section, a building safety lien may be recorded in the county  
26 recorder's office by the local jurisdiction in the county in which  
27 the parcel of land is located and from the date of recording shall  
28 have the force, effect, and priority of a judgment lien.

29 (j) (1) A building safety lien authorized by this section shall  
30 specify the amount of the lien, the name of the agency on whose  
31 behalf the lien is imposed, the street address, the legal description  
32 and assessor's parcel number of the parcel on which the lien is  
33 imposed, and the name and address of the recorded owner of the  
34 building.

35 (2) In the event that the lien is discharged, released, or satisfied,  
36 either through payment or foreclosure, notice of the discharge  
37 containing the information specified in paragraph (1) shall be  
38 recorded by the governmental agency. A safety lien and the release  
39 of the lien shall be indexed in the grantor-grantee index.

1 (3) A building safety lien may be foreclosed by an action  
2 brought by the appropriate local jurisdiction for a money judgment.

3 (4) Notwithstanding any other law, the county recorder may  
4 impose a fee on the city to reimburse the costs of processing and  
5 recording the lien and providing notice to the owner of the building.  
6 A city may recover from the owner of the building any costs  
7 incurred regarding the processing and recording of the lien and  
8 providing notice to the owner of the building as part of its  
9 foreclosure action to enforce the lien.

10 (k) The continued and ongoing maintenance of exterior elevated  
11 elements in a safe and functional condition in compliance with  
12 these provisions shall be the responsibility of the owner of the  
13 building.

14 (l) Local enforcement agencies shall have the ability to recover  
15 enforcement costs associated with the requirements of this section.

16 (m) For any building subject to the provisions of this section  
17 that is proposed for conversion to condominiums to be sold to the  
18 public after January 1, 2019, the inspection required by this section  
19 shall be conducted prior to the first close of escrow of a separate  
20 interest in the project and shall include the inspector's  
21 recommendations for repair or replacement of any exterior elevated  
22 element found to be defective, decayed, or deteriorated to the extent  
23 that it does not meet its load requirements, and would, in the  
24 opinion of the inspector, constitute a threat to the health or safety  
25 of the occupants. The inspection report and written confirmation  
26 by the inspector that any repairs or replacements recommended  
27 by the inspector have been completed shall be submitted to the  
28 Department of Real Estate by the proponent of the conversion and  
29 shall be a condition to the issuance of the final public report. A  
30 complete copy of the inspection report and written confirmation  
31 by the inspector that any repairs or replacements recommended  
32 by the inspector have been completed shall be included with the  
33 written statement of defects required by Section 1134 of the Civil  
34 Code, and provided to the local jurisdiction in which the project  
35 is located. The inspection, report, and confirmation of completed  
36 repairs shall be a condition of the issuance of a final inspection or  
37 certificate of occupancy by the local jurisdiction.

38 (n) This section shall not apply to a common interest  
39 development, as defined in Section 4100 of the Civil Code.



1 (o) The governing body of any city, county, or city and county,  
2 may enact ordinances or laws imposing requirements greater than  
3 those imposed by this section.

4 SEC. 23. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution for certain  
6 costs that may be incurred by a local agency or school district  
7 because, in that regard, this act creates a new crime or infraction,  
8 eliminates a crime or infraction, or changes the penalty for a crime  
9 or infraction, within the meaning of Section 17556 of the  
10 Government Code, or changes the definition of a crime within the  
11 meaning of Section 6 of Article XIII B of the California  
12 Constitution.

13 However, if the Commission on State Mandates determines that  
14 this act contains other costs mandated by the state, reimbursement  
15 to local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.