



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

Board for Professional Engineers,  
Land Surveyors, and Geologists

Friday, July 23, 2021, beginning at 9:00 a.m.



Teleconference Public Board Meeting



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BOARD MEETING

JULY 23, 2021

TELECONFERENCE

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President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Wilfredo Sanchez

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1. <u>Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists</u> , Sacramento Superior Court Case No. 34-2020-80003553	
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Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.	

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

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## II. Pledge of Allegiance

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

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



#### **IV. Administration**

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##### A. Fiscal Year 2020/21 Budget Report



**GUIDE TO READING THE FINANCIAL STATEMENT**

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

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

**Percentage Change**  
Provides a percentage reference on the difference between FM1 Projections and Updated Projections

**Difference**  
Provides a \$ difference between FM1 Projections and Updated Projections

	<b>FY 19-20 4/12 Activity Log</b>	<b>FY 19-20 FM 1 Projections</b>	<b>FY 19-20 FM 1 Projections</b>	<b>% Change</b>	<b>\$ Difference</b>
<b>Revenue</b>					
Applications/Licensing Fees	1,196,248	1,646,000	1,646,000	0%	0
Renewal fees	6,116,355	6,891,000	6,891,000	0%	0
Delinquent fees	48,633	88,000	88,000	0%	0
Other & Reimbursements	68,720	140,000	140,000	0%	0
Interest	74,492	163,000	163,000	0%	0
<b>Total Revenue:</b>	<b>7,504,448</b>	<b>8,928,000</b>	<b>8,928,000</b>	<b>0%</b>	<b>0</b>
<b>Expense</b>					
<b>Personnel Services:</b>					
Salary & Wages (Staff)	1,956,776	2,924,425	2,924,425	19%	-13,000
Temp Help	88,479	123,785	123,700	275%	-22,000
Statutory Exempt (EO)	89,056	135,526	135,000	-43%	19,000
Board Member Per Diem	6,100	10,000	10,000	-50%	25,000
Overtime/Flex Elect/Lump Sum	725	0	900	6%	-1,000
Staff Benefits	1,172,709	1,713,980	1,760,538	-17%	10,000
<b>Total Personnel Services</b>	<b>3,313,845</b>	<b>4,907,716</b>	<b>4,954,563</b>	<b>19%</b>	<b>-13,000</b>
<b>Operating Expense and Equipment:</b>					
General Expense	51,411	67,000	80,000	19%	-13,000
Printing	25,056	8,000	30,000	275%	-22,000
Communication	15,592	44,000	25,000	-43%	19,000
Postage	0	50,000	25,000	-50%	25,000
Insurance	103	16,000	17,000	6%	-1,000
Travel In-State	35,346	60,000	50,000	-17%	10,000

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

**Updated Projections**  
Identifies amounts for revenue and expenditure projected at the time the Financial Statement was prepared

		FY 20-21 FM 11 6/17 Activity Log	FY 20-21 FM 1 Projections	FY 20-21 Updated Projections	% Change	\$ Difference
<b>Revenue</b>						
1	Applications/Licensing Fees	1,417,516	1,508,000	1,769,666	17%	(261,666)
2, 13	Renewal fees	6,645,820	7,849,383	6,645,820	-4%	1,203,563
3	Delinquent fees	106,574	108,000	119,130	10%	(11,130)
	Other & Reimbursements	193,634	127,000	195,332	54%	(68,332)
4	Interest	27,980	160,000	28,000	-83%	132,000
<b>Total Revenue:</b>		<b>8,391,524</b>	<b>9,752,383</b>	<b>8,757,948</b>	<b>-10%</b>	<b>994,435</b>
<b>Expense</b>						
<b>Personnel Services:</b>						
5	Salary & Wages (Staff)	2,521,754	2,698,000	2,758,754	2%	(60,754)
	Temp Help	100,760	124,444	111,500	-10%	12,944
	Statutory Exempt (EO)	114,858	122,463	125,323	2%	(2,860)
	Board Member Per Diem	5,900	10,000	8,400	-16%	1,600
	Overtime/Flex Elect/Lump Sum	4,181	700	4,181	497%	(3,481)
	Staff Benefits	1,515,557	1,618,800	1,655,557	2%	(36,757)
<b>Total Personnel Services</b>		<b>4,263,010</b>	<b>4,574,407</b>	<b>4,663,715</b>	<b>2%</b>	<b>(89,308)</b>
<b>Operating Expense and Equipment:</b>						
	General Expense	54,545	80,000	66,500	-17%	13,500
6	Printing	44,218	27,000	25,000	-7%	2,000
	Communication	18,180	25,000	20,000	-20%	5,000
	Postage	25,058	50,000	26,500	-47%	23,500
	Insurance	93	150	93	-38%	57
	Travel In State	543	60,000	600	-99%	59,400
	Travel, Out-of-State	0	800	0	-100%	800
	Training	0	250	0	-100%	250
7	Facilities Operations	722,242	360,000	760,000	111%	(400,000)
8	C & P Services - Interdept.	681,585	670,000	747,158	12%	(77,158)
9	C & P Services - External	2,231,022	1,930,000	2,261,021	17%	(331,021)
10	DCA Pro Rata	1,562,916	1,748,000	1,748,000	0%	0
	DOI - Investigations	0	0	0	0%	0
11	Interagency Services	16,102	25,000	16,102	-36%	8,898
	Consolidated Data Center	14,167	22,000	15,000	-32%	7,000
	Information Technology	110,587	32,000	115,000	259%	(83,000)
	Equipment	24,385	143,000	27,283	-81%	115,717
12	Other Items of Expense (ARF Deposit)	0	300,000	0	-100%	300,000
<b>Total OE&amp;E</b>		<b>5,505,643</b>	<b>5,473,200</b>	<b>5,828,257</b>	<b>6%</b>	<b>(355,057)</b>
<b>Total Expense:</b>		<b>9,768,653</b>	<b>10,047,607</b>	<b>10,491,972</b>	<b>4%</b>	<b>(444,365)</b>
<b>Total Revenue:</b>		8,391,524	9,752,383	8,757,948		
<b>Total Expense:</b>		9,768,653	10,047,607	10,491,972		
<b>Difference:</b>		(1,377,129)	(295,224)	(1,734,024)		

## Financial Statement Notes

- 1 Applications/Licensing Fees** - The total amount collected for Applications and Licensing Fees is \$1,417,516 according to the June 17, 2021 Activity Log.
- 2 Renewal fees** - Renewal fees are not collected equally throughout the year. On average, the Board collects 75% of its renewal fees revenue in the first half of the fiscal year. Renewal fees collected during FM 11 and FM 12 may be treated as Revenue in Advance (RIA) and accrued to and reported in FY 2021-22. RIA for 2019-2020 of \$1,553,268 was recorded in October 2021. RIA for 2020-21 is expected to exceed \$2.5m and the increase may be attributed to increase in renewal fees effective January 1, 2021.
- 3 Delinquent fees** - Approximately 90% of delinquent fee revenue is collected in the second half of the fiscal year.
- 4 Interest** - Includes income from surplus money investments earned on money in the Board's fund. The state treasury manages this money and the Board earns income based on the current interest rate.
- 5 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements. The Board has the following vacancies: 1.0 SSA/AGPA, and 1.0 OT.
- 6 Printing** - \$25,000 in contract encumbrances in QBIRT reports (EDD mailers such as Pamphlets, Leaflets, and Brochures). Board staff is working with DCA Budgets to identify contracts.
- 7 Facilities Operations** - Includes Facilities maintenance, Facilities operations, Janitorial Services, Rent and Leases, Exam Rental Sites, Security, COVID-19 Sanitation, and tenant improvements with DGS in a support planning role from the ARF Deposit.
- 8 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 9 C&P Services External** - Includes all external contracts (examination development, exam site rental, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).
- 10 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 11 Interagency Services** - DCA Pro Rata shows up in this line throughout the year because of accountings inability to charge accruals for department distributed pro rata until the previous fiscal year closes.
- 12 Other Items of Expense (ARF Deposit)** - The Board has created an architectural revolving fund (ARF) to support tenant improvements throughout the office and majority of the costs will be new modular furniture procurement that has been moved over to Facilities Operations.
- 13 Renewal Fees - FY 20-21 FM1 Projections** - Renewal Fees for FM1 were created using a full Fiscal Year of fee increases with the anticipation of them beginning July 2020. Fee increases started in January 2021 therefore, projections have been updated to reflect the old fees collected from July-December 2020 and the new fees collected from January-July 2021.

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

## Analysis of Fund Condition

(Dollars in Thousands)

### Governor's Budget 2020-21

	PY 2019-20	CY 2020-21	Governor's Budget BY 2021-22	BY+1 2022-23
<b>BEGINNING BALANCE</b>	\$ 6,907	\$ 4,844	\$ 2,266	\$ 2,010
Prior Year Adjustment	\$ 300	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 7,207	\$ 4,844	\$ 2,266	\$ 2,010
<b>REVENUES AND TRANSFERS</b>				
Revenues:				
4121200 Delinquent Fees	\$ 70	\$ 119	\$ 116	\$ 117
4127400 Renewal Fees	\$ 6,833	\$ 6,646	\$ 10,376	\$ 10,480
4129200 Other Regulatory Fees	\$ 86	\$ 172	\$ 107	\$ 108
4129400 Other Regulatory Licenses and Permits	\$ 1,434	\$ 1,769	\$ 1,937	\$ 1,956
4150500 Interest Income from Interfund Loans	\$ -	\$ -	\$ -	\$ -
4163000 Investment Income - Surplus Money Investments	\$ 126	\$ 28	\$ 259	\$ 19
4171400 Escheat - Unclaimed Checks, Warrants, Bonds, and Coupons	\$ 22	\$ 22	\$ 22	\$ 22
4172500 Miscellaneous Revenue	\$ 1	\$ 1	\$ 1	\$ 1
4173500 Settlements and Judgments - Other	\$ -	\$ 1	\$ -	\$ -
Totals, Revenues	\$ 8,572	\$ 8,758	\$ 12,818	\$ 12,703
Totals, Revenues and Transfers	\$ 8,572	\$ 8,758	\$ 12,818	\$ 12,703
Totals, Resources	\$ 15,779	\$ 13,602	\$ 15,084	\$ 14,713
<b>EXPENDITURES</b>				
Disbursements:				
1110 Program Expenditures (State Operations)	\$ -	\$ -	\$ -	\$ -
1111 Department of Consumer Affairs (State Operations)	\$ 9,908	\$ 10,492	\$ 12,209	\$ 12,575
8880 Financial Information System for CA (State Operations)	\$ -1	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 819	\$ 635	\$ 656	\$ 656
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 10,935	\$ 11,336	\$ 13,074	\$ 13,440
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 4,844	\$ 2,266	\$ 2,010	\$ 1,273
<b>Months in Reserve</b>	5.1	2.1	1.8	1.1



## V. Legislation

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A. 2021 Legislative Calendar

B. Discussion of Legislation for 2021 (**Possible Action**)

1. AB 107 Licensure: veterans and military spouses.
2. AB 225 Department of Consumer Affairs: boards: veterans: military spouses: licenses.
3. AB 646 Department of Consumer Affairs: boards: expunged convictions.
4. AB 1273 Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer.
5. AB 1291 State bodies: open meetings.
6. SB 414 Land.
7. SB 607 Professions and vocations.
8. SB 826 Business and professions.



**DEADLINES**

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

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

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

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

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

- [Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).
- [Jan. 10](#) Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- [Jan. 11](#) Legislature **reconvenes** (J.R. 51(a)(1)).
- [Jan. 18](#) Martin Luther King, Jr. Day.
- [Jan. 22](#) Last day to submit **bill requests** to the Office of Legislative Counsel.

- [Feb. 15](#) Presidents' Day
- [Feb. 19](#) Last day for bills to be **introduced** (J.R. 61(a)(1)), (J.R. 54(a)).

- [Mar. 25](#) **Spring Recess** begins upon adjournment of this day's session (J.R. 51(a)(2)).
- [Mar. 31](#) Cesar Chavez Day.

- [Apr. 5](#) Legislature reconvenes from **Spring Recess** (J.R. 51(a)(2)).
- [Apr. 30](#) Last day for **policy committees** to hear and report to Fiscal Committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

- [May 7](#) Last day for **policy committees** to hear and report to the Floor **non-fiscal** bills introduced in their house (J.R. 61(a)(3)).
- [May 14](#) Last day for **policy committees** to meet prior to June 7 (J.R. 61(a)(4)).
- [May 21](#) Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (a)(5)). Last day for **fiscal committees** to meet prior to June 7 (J.R. 61 (a)(6)).
- [May 31](#) Memorial Day.

\* Holiday schedule subject to final approval by Rules Committee

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

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

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

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

**June 1-4 Floor Session Only.** No committee, other than Conference or Rules, may meet for any purpose (J.R. 61(a)(7)).

**June 4** Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

**June 7** Committee meetings may resume (J.R. 61(a)(9)).

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

**July 2** Independence Day observed.

**July 14** Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).

**July 16** **Summer Recess** begins upon adjournment of this day's session, provided Budget Bill has been passed (J.R. 51(a)(3)).

**Aug. 16** Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).

**Aug. 27** Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(a)(11)).

**Aug. 30-Sept. 10** **Floor Session only.** No committees, other than conference committees and Rules Committee, may meet for any purpose (J.R. 61(a)(12)).

**Sept. 3** Last day to **amend** bills on the Floor (J.R. 61(a)(13)).

**Sept. 6** Labor Day.

**Sept. 10** Last day for **each house to pass bills** (J.R. 61(a)(14)). **Interim Study Recess** begins at end of this day's session (J.R. 51(a)(4)).

## IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

### 2021

Oct. 10

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

### 2022

Jan. 1

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

Jan. 3

Legislature reconvenes (J.R. 51 (a)(4)).

**AB 107 (Salas, D-Bakersfield; Coauthors: Bauer-Kahan, D-Orinda; Gallagher, R-Yuba City; Muratsuchi, D-Torrance; Smith, R-Apple Valley)  
Licensure: veterans and military spouses.**

**Status:** 6/30/2021 – Passed Senate Committee on Business, Professions and Economic Development. Referred to Senate Committee on Military and Veterans Affairs.

**Location:** 7/12/2021 – Senate Military and Veterans Affairs Committee

**Introduced:** 12/16/2020

**Last Amended:** 6/21/2021

**Board Position:** Oppose Unless Amended (as of 5/27/2021)

**Board Staff Analysis:** 7/12/2021

**Bill Summary:** (1) Under existing law, the Department of Consumer Affairs (department), under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

This bill would expand the requirement to issue temporary licenses to practice a profession or vocation to any license issued by any board within the department, except as provided. The bill would require a board to issue a temporary license within 30 days of receiving the required documentation if the results of a criminal background check do not show grounds for denial. The bill would require, if necessary to implement the bill's provisions, a board to submit to the department for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would make conforming changes.

(2) Existing law requires the Department of Veterans Affairs to develop a transition assistance program for veterans who have been discharged from the Armed Forces of the United States designed to assist them in successfully transitioning from military to civilian life in California. Existing law requires the program to include, among other topics, higher education benefits, vocational training assistance, small business resources and information, and housing information. Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, among other things, ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated. Existing law establishes the Commission on Teacher Credentialing to establish professional standards, assessments, and examinations for entry and advancement in the education profession. Existing law makes it unlawful for a person to engage in the business of, act in the capacity of, advertise as, or assume to act as a real estate broker or real estate salesperson without first obtaining a real estate license from the Department of Real Estate. Under existing law, the State Department of Public Health is responsible for issuing licenses for the operation of health facilities, clinics, and other facilities, as specified.

This bill would require the Department of Consumer Affairs, the Commission on Teacher Credentialing, the Department of Real Estate, and the State Department of Public Health to each place a prominently displayed military licensure icon or hyperlink on the home page of its internet website that is linked to information about each occupational board or program for licensure or certification that it administers along with additional information relating to the professional licensure of veterans, service members, and their spouses, as specified. The bill requires the Department of Veterans Affairs to have a prominently displayed military licensure icon or hyperlink at an appropriate location on its internet website that links to those websites. The bill would require an annual report to the Legislature containing specified information relating to the professional licensure of veterans, service members, and their spouses.

This bill was amended on April 20, 2021, to remove the requirements requiring the various departments to include links on their websites, as described in (2) above. The amendments would add a new section to the Business and Professions Code requiring the departments to submit annual statistical reports to the Legislature.

**Affected Laws:** An act to amend Sections 115.6, 2946, and 5132 of, and to add Section 115.8 to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

**Staff Comment:** Current law requires the applicant to submit certain documentation in applying for a temporary license under Section 115.6. That documentation, as specified in subdivision (c), includes verification that the applicant is married to an active duty member of the military who is assigned to a duty station in California under official active duty military orders; an application with an affidavit from the applicant attesting that they meet the requirements for a temporary license in the same area and scope of practice as they are licensed in another state and written verification from their original jurisdiction of licensure indicating they are licensed in good standing; and, if requested, a full set of fingerprints for the purpose of conducting a criminal background check. This bill would require a temporary license to be issued within 30 days after receiving the documentation required in subdivision (c) of Section 115.6 if the results of a criminal background check do not show grounds for denial of the license.

Current law also requires applicants for licenses issued by this Board to pass the state-specific licensure examinations; this requirement is contained in a separate subdivision from subdivision (c). Based on the language proposed to be added to Section 115.6 requiring that a temporary license be issued within 30 days of receiving the documentation required by subdivision (c) if the criminal background check does not provide grounds for denial, it is unclear whether the temporary license would have to be issued before the applicant passes the required examinations. Board staff believes this should be clarified by adding language to make it clear that the applicant must pass the examinations prior to the issuance of the temporary license.

At its May 27, 2021, meeting, the Board took an “Oppose Unless Amended” position on AB 107, as April 20, 2021, and requested that clarifying language be added to make it clear that the applicant must pass the required state examinations prior to the issuance of the temporary license. The Board’s requested changes were not made when the bill was amended on June 21, 2021.

Board staff conveyed the concerns to the author and spoke with the author’s staff regarding the clarification requested by the Board. The author is considering making amendments to address the Board’s concerns. However, due to the timing, amendments will likely not be in print prior to the Board meeting on July 23, 2021. Staff will provide further updates at that meeting.

This bill, which is sponsored by the author, is similar to two bills (AB 2549 and AB 3045) from the 2020 legislative session. Those bills did not move forward last year due to the need to prioritize bills because

of the COVID-19 pandemic. Other bills introduced this session also propose to make various changes to the laws pertaining to licensure for military spouses.

This bill has been referred to the Senate Committee on Military and Veterans Affairs and is scheduled to be heard on July 14, 2021.

**Staff Recommendation:** Staff will provide a recommendation at the July 23, 2021, meeting.

AMENDED IN SENATE JUNE 21, 2021  
AMENDED IN ASSEMBLY APRIL 20, 2021  
AMENDED IN ASSEMBLY MARCH 24, 2021  
AMENDED IN ASSEMBLY FEBRUARY 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 107**

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**Introduced by Assembly Member Salas**  
**(~~Coauthor: Assembly Member Smith~~)**  
**(Coauthors: Assembly Members Bauer-Kahan, Gallagher, Muratsuchi,**  
**and Smith)**  
(Coauthor: Senator Dodd)

December 16, 2020

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An act to amend Sections ~~115.6~~ 115.6, 2946, and 5132 of, and to add Section 115.8 to, the Business and Professions Code, relating to licensure, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 107, as amended, Salas. Licensure: veterans and military spouses. Under existing law, the Department of Consumer Affairs (department), under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires a board within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory



to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant submits an application to the board that includes a signed affidavit attesting to the fact that the applicant meets all of the requirements for a temporary license and that the information submitted in the application is accurate, to the best of the applicant's knowledge. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated. Existing law authorizes a board to adopt regulations necessary to administer these provisions.

This bill would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board within the department, except as provided. *The bill would require an applicant for a temporary license to provide to the board documentation that the applicant has passed a California law and ethics examination if otherwise required by the board for the profession or vocation for which the applicant seeks licensure.* The bill would require a board to issue a temporary license within 30 days of receiving the required documentation if the results of a criminal background check do not show grounds for denial. The bill would specifically direct revenues from fees for temporary licenses issued by the California Board of Accountancy to be credited to the Accountancy Fund, a continuously appropriated fund. The bill would require, if necessary to implement the bill's provisions, a board to submit to the department for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year or is able to receive an expedited license by endorsement with no additional requirements superseding those for a temporary license, as described above. The bill would make conforming changes. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By

establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

Existing law provides that these temporary licenses shall expire 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first.

This bill would instead provide that these temporary licenses shall expire 12 months after issuance, upon issuance of a standard license, upon issuance of a license by endorsement, or upon issuance of an expedited license, whichever occurs first.

This bill would also require an annual report to the Legislature containing specified information relating to the professional licensure of veterans, ~~service members~~, *servicemembers*, and their spouses.

*Existing law, the Psychology Licensing Law, provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law authorizes a psychologist certified or licensed in another state or Canadian province who has applied to the board for licensure to provide activities and services of a psychological nature without a valid license for a period not to exceed 180 days from the time of submitting their application or from the commencement of residency in the state, whichever occurs first, subject to specified conditions and requirements.*

*This bill would also authorize a psychologist certified or licensed in another state or Canadian province who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States and who has applied to the board for licensure to perform activities and services of a psychological nature without a valid license for a period not to exceed 12 months.*

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

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

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

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

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:

1 115.6. (a) (1) Except as provided in subdivision (i), a board  
2 within the department shall, after appropriate investigation, issue  
3 a temporary license to practice a profession or vocation to an  
4 applicant who meets the requirements set forth in ~~subdivision (e).~~  
5 *subdivisions (c) and (d).*

6 (2) Revenues from fees for temporary licenses issued by the  
7 California Board of Accountancy shall be credited to the  
8 Accountancy Fund in accordance with Section 5132.

9 (b) The board may conduct an investigation of an applicant for  
10 purposes of denying or revoking a temporary license issued  
11 pursuant to this section. This investigation may include a criminal  
12 background check.

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

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

20 (2) The applicant shall hold a current, active, and unrestricted  
21 license that confers upon the applicant the authority to practice,  
22 in another state, district, or territory of the United States, the  
23 profession or vocation for which the applicant seeks a temporary  
24 license from the board.

25 (3) The applicant shall submit an application to the board that  
26 shall include a signed affidavit attesting to the fact that the  
27 applicant meets all of the requirements for the temporary license,  
28 and that the information submitted in the application is accurate,  
29 to the best of the applicant's knowledge. The application shall also  
30 include written verification from the applicant's original licensing  
31 jurisdiction stating that the applicant's license is in good standing  
32 in that jurisdiction.

33 (4) The applicant shall not have committed an act in any  
34 jurisdiction that would have constituted grounds for denial,  
35 suspension, or revocation of the license under this code at the time  
36 the act was committed. A violation of this paragraph may be  
37 grounds for the denial or revocation of a temporary license issued  
38 by the board.

39 (5) The applicant shall not have been disciplined by a licensing  
40 entity in another jurisdiction and shall not be the subject of an

1 unresolved complaint, review procedure, or disciplinary proceeding  
2 conducted by a licensing entity in another jurisdiction.

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

6 (d) *The applicant shall pass a California law and ethics*  
7 *examination if otherwise required by the board for the profession*  
8 *or vocation for which the applicant seeks licensure.*

9 ~~(d)~~

10 (e) A board shall issue a temporary license pursuant to this  
11 section within 30 days ~~following receipt of the~~ *of receiving*  
12 *documentation that the applicant has met the requirements*  
13 *specified in subdivision (e) subdivisions (c) and (d)* if the results  
14 of the criminal background check do not show grounds for denial.

15 ~~(e)~~

16 (f) A temporary license issued pursuant to this section may be  
17 immediately terminated upon a finding that the temporary  
18 licenseholder failed to meet any of the requirements described in  
19 subdivision (c) *or (d)* or provided substantively inaccurate  
20 information that would affect the person's eligibility for temporary  
21 licensure. Upon termination of the temporary license, the board  
22 shall issue a notice of termination that shall require the temporary  
23 licenseholder to immediately cease the practice of the licensed  
24 profession upon receipt.

25 ~~(f)~~

26 (g) An applicant seeking a temporary license as a civil engineer,  
27 geotechnical engineer, structural engineer, land surveyor,  
28 professional geologist, professional geophysicist, certified  
29 engineering geologist, or certified hydrogeologist pursuant to this  
30 section shall successfully pass the appropriate California-specific  
31 examination or examinations required for licensure in those  
32 respective professions by the Board for Professional Engineers,  
33 Land Surveyors, and Geologists.

34 ~~(g)~~

35 (h) A temporary license issued pursuant to this section shall  
36 expire 12 months after issuance, upon issuance of a standard  
37 license, upon issuance of a license by endorsement, or upon  
38 issuance of an expedited license pursuant to Section 115.5,  
39 whichever occurs first.

40 ~~(h)~~

1 (i) A board shall submit to the department for approval, if  
2 necessary to implement this section, draft regulations necessary  
3 to administer this section by June 15, 2022. These regulations shall  
4 be adopted pursuant to the Administrative Procedure Act (Chapter  
5 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
6 Title 2 of the Government Code).

7 (†)

8 (j) (A) This section shall not apply to a board that has a process  
9 in place by which an out-of-state licensed applicant in good  
10 standing who is married to, or in a domestic partnership or other  
11 legal union with, an active duty member of the Armed ~~Forced~~  
12 *Forces* of the United States is able to receive expedited, temporary  
13 authorization to practice while meeting state-specific requirements  
14 for a period of at least one year or is able to receive an expedited  
15 license by endorsement with no additional requirements  
16 superseding those described in ~~subdivision (e)~~. *subdivisions (c)*  
17 *and (d)*.

18 (B) This section shall apply only to the extent that it does not  
19 amend an initiative or violate constitutional requirements.

20 SEC. 2. Section 115.8 is added to the Business and Professions  
21 Code, to read:

22 115.8. The Department of Consumer Affairs, the Commission  
23 on Teacher Credentialing, the Department of Real Estate, and the  
24 State Department of Public Health shall compile information on  
25 military, veteran, and spouse licensure into an annual report for  
26 the Legislature, which shall be submitted in conformance with  
27 Section 9795 of the Government Code. The report shall include  
28 all of the following:

29 (a) The number of applications for a temporary license submitted  
30 by active duty ~~service members~~, *servicemembers*, veterans, or  
31 military spouses per calendar year, pursuant to Section 115.6.

32 (b) The number of applications for expedited licenses submitted  
33 by veterans and active duty spouses pursuant to Sections 115.4  
34 and 115.5.

35 (c) The number of licenses issued and denied per calendar year  
36 pursuant to Sections 115.4, 115.5, and 115.6.

37 (d) The number of licenses issued pursuant to Section 115.6  
38 that were suspended or revoked per calendar year.

39 (e) The number of applications for waived renewal fees received  
40 and granted pursuant to Section 114.3 per calendar year.

1 (f) The average length of time between application and issuance  
2 of licenses pursuant to Sections 115.4, 115.5, and 115.6 per board  
3 and occupation.

4 *SEC. 3. Section 2946 of the Business and Professions Code is*  
5 *amended to read:*

6 2946. (a) The board shall grant a license to any person who  
7 passes the board's supplemental licensing examination and, at the  
8 time of application, has been licensed for at least five years by a  
9 psychology licensing authority in another state or Canadian  
10 province if the requirements for obtaining a certificate or license  
11 in that state or province were substantially equivalent to the  
12 requirements of this chapter.

13 ~~A~~

14 (b) A psychologist certified or licensed in another state or  
15 province and who has made application to the board for a license  
16 in this state may perform activities and services of a psychological  
17 nature without a valid license for a period not to exceed 180  
18 calendar days from the time of submitting ~~his or her~~ *their*  
19 application or from the commencement of residency in this state,  
20 whichever first occurs.

21 (c) *A psychologist certified or licensed in another state or*  
22 *province who is married to, or in a domestic partnership or other*  
23 *legal union with, an active duty member of the Armed Forces of*  
24 *the United States and who has made application to the board for*  
25 *a license in this state may perform activities and services of a*  
26 *psychological nature without a valid license for a period not to*  
27 *exceed twelve months from the time of submitting their application*  
28 *or from the commencement of residency in this state, whichever*  
29 *first occurs.*

30 ~~The~~

31 (d) The board at its discretion may waive the ~~examinations;~~  
32 *examinations* when in the judgment of the board the applicant has  
33 already demonstrated competence in areas covered by the  
34 examinations. The board at its discretion may waive the  
35 examinations for diplomates of the American Board of Professional  
36 Psychology.

37 ~~SEC. 3.~~

38 *SEC. 4. Section 5132 of the Business and Professions Code is*  
39 *amended to read:*

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

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

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

17 ~~SEC. 4.~~

18 *SEC. 5.* No reimbursement is required by this act pursuant to  
 19 Section 6 of Article XIII B of the California Constitution because  
 20 the only costs that may be incurred by a local agency or school  
 21 district will be incurred because this act creates a new crime or  
 22 infraction, eliminates a crime or infraction, or changes the penalty  
 23 for a crime or infraction, within the meaning of Section 17556 of  
 24 the Government Code, or changes the definition of a crime within  
 25 the meaning of Section 6 of Article XIII B of the California  
 26 Constitution.

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**AB 225 (Gray, D-Merced; Gallagher, R-Yuba City; and Patterson, R-Fresno;  
Coauthor: Senator Dodd, D-Napa)  
Department of Consumer Affairs: boards: veterans: military spouses: licenses.**

**Status:** 6/30/2021 – In Senate Committee on Business, Professions and Economic Development; hearing postponed by the Committee.

**Location:** 5/12/2021 – Senate Business, Professions and Economic Development Committee

**Introduced:** 1/11/2021

**Last Amended:** 6/28/2021

**Board Position:** Watch (as of 5/27/2021)

**Board Staff Analysis:** 7/12/2021

**Bill Summary:** This bill, as introduced, would amend Section 115.6 and add Section 115.7 of the Business and Professions Code. Existing Section 115.6 requires that certain board within the Department of Consumer Affairs issue a temporary license for certain license types if the applicant meets the requirements specified in the section. Existing law provides that the temporary license expires 12 months after it is issued, or upon issuance of a permanent license, or upon denial of a license. This bill would change the 12-month time period to 30 months. This bill would also add Section 115.7, which would apply to boards not listed in Section 115.6. This bill was amended on April 20, 2021, to remove the addition of Section 115.7 to the Business and Professions Code and to expand the eligibility for a temporary license under Section 115.6 to an applicant who is a veteran of the Armed Forces of the United States within six months of separation from active duty under other-than-dishonorable conditions and to an applicant who is an active duty member of the Armed Forces of the United State with official orders for separation within 90 days under other-than-dishonorable conditions. The amendments would also change the expiration time period to 18 months, rather than the originally-proposed 30 months. The bill was amended on May 24, 2021, to change the expiration time period to 12 months, which is what is provided in existing law. The bill was again amended on June 28, 2021, to change the period of time for veterans to apply to be within 60 months of separation or 120 months if they were a resident of California prior to entering military service.

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

**Staff Comment:** Currently, Section 115.6 applies to only military spouses, as defined. AB 225, as amended June 28, 2021, would expand the law to include members of the military themselves if they are veterans within 60 months (5 years) of their discharge from active duty or 120 months (10 years) of their discharge if they were California residents prior to their military service or if they are on active duty with separation orders within 90 days. Although the Board currently receives few applications from military spouses, it is not possible to estimate the number that may be received from military members themselves.

This bill, which is sponsored by the author, has been referred to the Senate Committee on Business, Professions and Economic Development. It was set for hearing on June 30, 2021, but the hearing was postponed by the Committee, and a new hearing date has not been scheduled. Other bills introduced this session also propose to make various changes to the laws pertaining to licensure for military spouses.

**Staff Recommendation:** Staff recommends that the Board take a position of “watch” on AB 225, as amended June 28, 2021.



AMENDED IN SENATE JUNE 28, 2021

AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY APRIL 20, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 225**

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**Introduced by Assembly Members Gray, Gallagher, and Patterson**  
*(Coauthor: Senator Dodd)*

January 11, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

AB 225, as amended, Gray. Department of Consumer Affairs: boards: veterans: military spouses: licenses.

Under existing law, the Department of Consumer Affairs, under the control of the Director of Consumer Affairs, is comprised of various boards that license and regulate various professions and vocations. Existing law requires an applicant seeking a license from a board within the department to meet specified requirements and to pay certain licensing fees. Existing law requires specified boards within the department to issue, after appropriate investigation, certain types of temporary licenses to an applicant if the applicant meets specified requirements, including that the applicant supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders and the applicant holds a current,

active, and unrestricted license that confers upon the applicant the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which the applicant seeks a temporary license from the board. Existing law requires these temporary licenses to expire 12 months after issuance. Under existing law, some of the funds within the jurisdiction of a board consist of revenue from fees that are continuously appropriated.

This bill would expand the eligibility for a temporary license to an applicant who meets the specified criteria and who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within ~~6 months~~ *60 months* of separation from active duty under ~~other than dishonorable~~ *other than dishonorable* conditions, ~~and an applicant who supplies evidence satisfactory to the board that the applicant is a veteran of the Armed Forces of the United States within 120 months of separation from active duty under other than dishonorable conditions and a resident of California prior to entering into military service, or an active duty member of the Armed Forces of the United States with official orders for separation within 90 days under~~ *other than dishonorable other than dishonorable* conditions. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill's expansion of the requirement to issue temporary licenses would result in revenues from fees for certain licenses being deposited into continuously appropriated funds. By establishing a new source of revenue for those continuously appropriated funds, the bill would make an appropriation.

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

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

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

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

- 1 SECTION 1. Section 115.6 of the Business and Professions
- 2 Code is amended to read:
- 3 115.6. (a) A board within the department shall, after
- 4 appropriate investigation, issue the following eligible temporary

1 licenses to an applicant if the applicant meets the requirements set  
2 forth in subdivision (c):  
3 (1) Registered nurse license by the Board of Registered Nursing.  
4 (2) Vocational nurse license issued by the Board of Vocational  
5 Nursing and Psychiatric Technicians of the State of California.  
6 (3) Psychiatric technician license issued by the Board of  
7 Vocational Nursing and Psychiatric Technicians of the State of  
8 California.  
9 (4) Speech-language pathologist license issued by the  
10 Speech-Language Pathology and Audiology and Hearing Aid  
11 Dispensers Board.  
12 (5) Audiologist license issued by the Speech-Language  
13 Pathology and Audiology and Hearing Aid Dispensers Board.  
14 (6) Veterinarian license issued by the Veterinary Medical Board.  
15 (7) All licenses issued by the Board for Professional Engineers,  
16 Land Surveyors, and Geologists.  
17 (8) All licenses issued by the Medical Board of California.  
18 (9) All licenses issued by the Podiatric Medical Board of  
19 California.  
20 (b) The board may conduct an investigation of an applicant for  
21 purposes of denying or revoking a temporary license issued  
22 pursuant to this section. This investigation may include a criminal  
23 background check.  
24 (c) An applicant seeking a temporary license pursuant to this  
25 section shall meet the following requirements:  
26 (1) The applicant shall supply evidence satisfactory to the board  
27 that the applicant is one of the following:  
28 (A) Married to, or in a domestic partnership or other legal union  
29 with, an active duty member of the Armed Forces of the United  
30 States who is assigned to a duty station in this state under official  
31 active duty military orders.  
32 (B) A veteran of the Armed Forces of the United States within  
33 ~~six~~ 60 months of separation from active duty under  
34 ~~other than dishonorable~~ *other than dishonorable* conditions.  
35 (C) *A veteran of the Armed Forces of the United States within*  
36 *120 months of separation from active duty under other than*  
37 *dishonorable conditions and a resident of California prior to*  
38 *entering into military service.*  
39 (E)

1 (D) An active duty member of the Armed Forces of the United  
2 States with official orders for separation within 90 days under  
3 ~~other than dishonorable~~ *other than dishonorable* conditions.

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

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

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

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

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

30 (d) A board may adopt regulations necessary to administer this  
31 section.

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

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

9 (g) A temporary license issued pursuant to this section shall  
10 expire 12 months after issuance, upon issuance of a standard  
11 license, a license by endorsement, or an expedited license pursuant  
12 to Section 115.5, whichever occurs first.

13 SEC. 2. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution because  
15 the only costs that may be incurred by a local agency or school  
16 district will be incurred because this act creates a new crime or  
17 infraction, eliminates a crime or infraction, or changes the penalty  
18 for a crime or infraction, within the meaning of Section 17556 of  
19 the Government Code, or changes the definition of a crime within  
20 the meaning of Section 6 of Article XIII B of the California  
21 Constitution.

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**AB 646 (Low, D-Campbell; Coauthor: Senator Roth, D-Riverside)**  
**Department of Consumer Affairs: boards: expunged convictions.**

**Status/History:** 5/20/2021 –Referred to Assembly Appropriations Committee suspense file; hearing postponed by the Committee.

**Location:** 5/20/2021 – Assembly Appropriations Committee

**Introduced:** 2/12/2021

**Last Amended:** 4/14/2021

**Board Position:** Watch (as of 5/27/2021)

**Board Staff Analysis:** 7/12/2021

**Bill Summary:** Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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

This bill was amended on April 14, 2021, to allow boards to charge a fee to the person in an amount not to exceed the reasonable costs to administer the bill's provisions.

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

**Staff Comment:** This bill would require the Board to make changes to the information posted on its website regarding disciplinary actions taken. Specifically, if the Board had revoked a license based on a criminal conviction and if the Board received notification that an expungement order was granted pursuant to Penal Code section 1203.4, then the Board must do one of two things within 90 days of receiving the expungement order. The Board must either 1) post notification of the expungement order on its website if the person reapplies for licensure or is relicensed; or, 2) remove the initial posting of the revocation and any other postings relating to the conviction from its website if the person is not currently licensed and does not reapply for licensure.

The bill, as amended April 14, 2021, would allow the Board to charge a fee to the person in an amount that does not exceed the reasonable cost necessary to make the changes.

This bill, which is sponsored by the author, was referred to the Assembly Appropriations Committee suspense file. A hearing was set for hearing on May 20, 2021; however, that hearing was postponed by the Committee. As such, this bill is considered dead for this legislative session.

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

AMENDED IN ASSEMBLY APRIL 14, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 646**

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**Introduced by Assembly Members Low, Cunningham, and Gipson**  
(Coauthor: Senator Roth)

February 12, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as amended, Low. Department of Consumer Affairs: boards: expunged convictions.

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

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the



person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would authorize the board to charge a fee to the ~~person in an amount up to \$50;~~ *person*, not to exceed the cost of administering the bill's provisions. The bill would require the fee to be deposited by the board into the appropriate fund and would make the fee available only upon appropriation by the Legislature.

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

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

1 SECTION 1. Section 493.5 is added to the Business and  
2 Professions Code, to read:  
3 493.5. (a) A board within the department that has posted on  
4 its internet website that a person's license was revoked because  
5 the person was convicted of a crime, upon receiving from the  
6 person a certified copy of an expungement order granted pursuant  
7 to Section 1203.4 of the Penal Code for the underlying offense,  
8 shall, within 90 days of receiving the expungement order, unless  
9 it is otherwise prohibited by law, or by other terms or conditions,  
10 do either of the following:  
11 (1) If the person reapplies for licensure or has been relicensed,  
12 post notification of the expungement order and the date thereof on  
13 its internet website.  
14 (2) If the person is not currently licensed and does not reapply  
15 for licensure, remove the initial posting on its internet website that  
16 the person's license was revoked and information previously posted  
17 regarding arrests, charges, and convictions.  
18 (b) A board within the department may charge a fee to a person  
19 described in subdivision ~~(a) in an amount up to fifty dollars (\$50);~~  
20 *(a)*, not to exceed the reasonable cost of administering this section.

1 The fee shall be deposited by the board into the appropriate fund  
2 and shall be available only upon appropriation by the Legislature.  
3 (c) For purposes of this section, “board” means an entity listed  
4 in Section 101.  
5 (d) If any provision in this section conflicts with Section 2027,  
6 Section 2027 shall prevail.

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**AB 1273 (Rodriguez, D-Pomona)**  
**Interagency Advisory Committee on Apprenticeship:**  
**the Director of Consumer Affairs and the State Public Health Officer.**

**Status:** 6/28/2021 – Read second time and amended. Re-referred to Senate Committee on Appropriations.

**Location:** 7/12/2021 – Senate Appropriations Committee

**Introduced:** 2/19/2021

**Last Amended:** 6/28/2021

**Board Position:** No position

**Board Staff Analysis:** 7/12/2021

**Bill Summary:** This bill would add Section 314 to the Business and Professions Code, to read as follows:

- (a) The department or board shall not prohibit, or approve an accrediting program that prohibits, earn and learn programs for training in a profession licensed or certified by the board. A board shall use licensing or certification standards that authorize the use of earn and learn trainings.
- (b) As used in this section, “earn and learn” has the same meaning as defined in subdivision (q) of Section 14005 of the Unemployment Insurance Code.

The bill would add similar requirements for the Department of Public Health in the Health and Safety Code and would add the Director of the Department of Consumer Affairs as an ex officio member of the Interagency Advisory Committee on Apprenticeship.

**Affected Laws:** An act to amend Section 3071.5 of the Labor Code, to add Section 314 to the Business and Professions Code, and to add Section 131088 to the Health and Safety Code, relating to job training.

**Staff Comment:** The bill uses the phrase “earn and learn,” and indicates it has the same meaning as defined in Section 14005, subdivision (q), of the Unemployment Insurance Code. That section defines “earn and learn” as follows:

- (1) “Earn and learn” includes, but is not limited to, a program that does either of the following:
  - (A) Combines applied learning in a workplace setting with compensation allowing workers or students to gain work experience and secure a wage as they develop skills and competencies directly relevant to the occupation or career for which they are preparing.
  - (B) Brings together classroom instruction with on-the-job training to combine both formal instruction and actual paid work experience.
- (2) “Earn and learn” programs include, but are not limited to, all of the following:
  - (A) Apprenticeships.
  - (B) Preapprenticeships.
  - (C) Incumbent worker training.
  - (D) Transitional and subsidized employment, particularly for individuals with barriers to employment.
  - (E) Paid internships and externships.
  - (F) Project-based compensated learning.

The proposed new provision of law would prohibit the Board from excluding earn and learn programs as a qualifier for licensure. It would also prohibit the Board from approving an accrediting program that excludes such programs.

The Board has approved ABET as the accrediting program for engineering, surveying, and geological science degrees. However, an ABET-accredited degree is not required for licensure.

Engineer and land surveyor applicants are not required to have a degree (or any education) in order to obtain a certificate or license. Education can be used as credit towards the required number of years of experience. The number of years credited for an engineering or surveying degree depends on whether or not the degree is accredited by ABET; an ABET accredited degree counts as four years, and a non-ABET accredited degree counts as two years. Geologist and geophysicist applicants must either have a degree or a specified number of units in certain course areas.

Since the Board accepts non-ABET accredited degrees and also provides credit for completion of coursework, the Board does not prohibit earn and learn programs. Additionally, ABET accredits “cooperative education” programs, which are programs that combine academic (“classroom”) components and internships or other similar experiences.

As such, the addition of this section would not impact the Board’s operations. Therefore, staff recommends the Board take a “watch” position on AB 1273, as amended June 28, 2021.

This bill has been referred to the Senate Committee on Appropriations, but a hearing has not yet been scheduled.

**Staff Recommendation:** Staff recommends that the Board take a position of “watch” on AB 1273, as amended June 28, 2021.

AMENDED IN SENATE JUNE 28, 2021

AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1273**

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**Introduced by Assembly Member Rodriguez**

February 19, 2021

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An act to amend Section 3071.5 of the Labor Code, to add Section 314 to the Business and Professions Code, and to add Section 131088 to the Health and Safety Code, relating to job training.

LEGISLATIVE COUNSEL'S DIGEST

AB 1273, as amended, Rodriguez. Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer.

Existing law provides for apprenticeship programs within the Division of Apprenticeship Standards within the Department of Industrial Relations, sponsored by specific entities and employers, and requires the Chief of the Division of Apprenticeship Standards to perform various functions with respect to apprenticeship programs and the welfare of apprentices. Under existing law, the Director of Industrial Relations is the Administrator of Apprenticeship and is authorized to appoint assistants necessary to effectuate the purposes of state law governing apprenticeships.

Existing law establishes the Interagency Advisory Committee on Apprenticeship within the Division of Apprenticeship Standards. Existing law requires the committee to provide advice and guidance to the Administrator of Apprenticeship and the Chief of the Division of Apprenticeship Standards on apprenticeship programs, standards, and

agreements, as well as preapprenticeship, certification, and on-the-job training and retraining programs, in nonbuilding trades industries. Existing law prescribes the composition of the committee, which includes specified officials or their designees, serving as ex officio members, and 6 persons appointed by the Secretary of Labor and Workforce Development who are familiar with certain apprenticeable occupations, as specified.

Existing law establishes within the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, and is composed of various boards that license and regulate various professions and vocations. Existing law, the Consumer Affairs Act, establishes the powers and duties of the director.

Existing law establishes within the California Health and Human Services Agency the State Department of Public Health, which is under the control of the State Public Health Officer, with powers and responsibilities relating to public health, the licensing and certification of health facilities, and certain other functions.

This bill would additionally make the State Public Health Officer and the Director of Consumer Affairs ex officio members of the Interagency Advisory Committee on Apprenticeship.

Existing law requires the California Workforce Development Board, in consultation with the Division of Apprenticeship Standards, to identify opportunities for “earn and learn” job training opportunities that meet the industry’s workforce demands and that are in high-wage, high-demand jobs. Existing law defines “earn and learn” to include programs that combine applied learning in a workplace setting with compensation allowing workers or students to gain work experience and secure a wage as they develop skills and competencies directly relevant to the occupation or career for which they are preparing, and programs that bring together classroom instruction with on-the-job training to combine both formal instruction and actual paid work experience.

This bill would prohibit the Department of Consumer Affairs and its various boards from prohibiting or approving an accrediting program that prohibits earn and learn programs for training in a profession licensed or certified by the board. The bill would prohibit the State Department of Public Health from prohibiting earn and learn programs for training of personnel. The bill would require boards of the Department of Consumer Affairs and the State Department of Public

Health to use licensing or certification standards that authorize the use of earn and learn trainings.

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

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

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

2 (a) It is the intent of the Legislature and in the interest of the  
3 state and its communities, employers, employees, and consumers  
4 to ensure a robust and diversified workforce.

5 (b) It is in the interest of the state’s economic recovery to remove  
6 barriers to ensure California’s diverse workforce have equal access  
7 to educational opportunities that result in family sustaining careers  
8 in all industry and public health sectors.

9 SEC. 2. Section 314 is added to the Business and Professions  
10 Code, to read:

11 314. (a) The department or board shall not prohibit, or approve  
12 an accrediting program that prohibits, earn and learn programs for  
13 training in a profession licensed or certified by the board. A board  
14 shall use licensing or certification standards that authorize the use  
15 of earn and learn trainings.

16 (b) As used in this section, “earn and learn” has the same  
17 meaning as defined in subdivision (q) of Section 14005 of the  
18 Unemployment Insurance Code.

19 SEC. 3. Section 131088 is added to the Health and Safety Code,  
20 to read:

21 131088. (a) The department, in the licensing and certification  
22 of health ~~facilities~~ *professions* in accordance with this chapter,  
23 shall not prohibit earn and learn programs for training of personnel.  
24 The department shall use licensing and certification standards that  
25 authorize the use of earn and learn trainings.

26 (b) As used in this section, “earn and learn” has the same  
27 meaning as defined in subdivision (q) of Section 14005 of the  
28 Unemployment Insurance Code.

29 SEC. 4. Section 3071.5 of the Labor Code is amended to read:

30 3071.5. There is also in the Division of Apprenticeship  
31 Standards the Interagency Advisory Committee on Apprenticeship.  
32 The membership and duties of this committee shall be as follows:

1 (a) The following officials or their designees shall serve as ex  
2 officio members of this committee:  
3 (1) The Secretary of Labor and Workforce Development.  
4 (2) The executive director of the California Workforce  
5 Development Board.  
6 (3) The Director of Industrial Relations.  
7 (4) The executive director of the Employment Training Panel,  
8 Superintendent of Public Instruction.  
9 (5) The Chancellor of the California Community Colleges.  
10 (6) The Director of Rehabilitation.  
11 (7) The executive director of the State Council on  
12 Developmental Disabilities.  
13 (8) The State Public Health Officer.  
14 (9) The Director of Consumer Affairs.  
15 (b) The membership of this committee shall also include six  
16 persons appointed by the Secretary of Labor and Workforce  
17 Development who are familiar with apprenticeable occupations  
18 not within the jurisdiction of the council established pursuant to  
19 Section 3070. Two persons shall be representatives of employers  
20 or employer organizations, two persons shall be representatives  
21 of employee organizations, and two persons shall be public  
22 representatives who are neither employers nor affiliated with any  
23 employer or employee organization. Upon the operative date of  
24 this section, the secretary shall appoint one representative of each  
25 group appointed to two-year terms and one representative of each  
26 group to four-year terms. Thereafter, members appointed by the  
27 secretary pursuant to this subdivision shall serve for a term of four  
28 years, and any member appointed to fill a vacancy occurring before  
29 the expiration of the term of their predecessor shall be appointed  
30 for the remainder of that term. Members appointed by the secretary  
31 pursuant to this subdivision shall receive the sum of one hundred  
32 dollars (\$100) for each day of actual attendance at meetings of the  
33 committee and for each day of actual attendance at hearings by  
34 the committee or a subcommittee thereof, together with actual and  
35 necessary traveling expenses incurred in connection therewith.  
36 (c) The Secretary of Labor and Workforce Development shall  
37 designate one of the members as the committee's chair. The  
38 committee shall meet quarterly at a designated date, and special  
39 meetings may be held at the call of the chair. The committee shall  
40 provide advice and guidance to the Administrator of Apprenticeship



1 and Chief of the Division of Apprenticeship Standards on  
2 apprenticeship programs, standards, and agreements that are not  
3 within the jurisdiction of the council established pursuant to Section  
4 3070, and on the development and administration of standards  
5 governing preapprenticeship, certification, and on-the-job training  
6 and retraining programs outside the building and construction  
7 trades and firefighters.

8 (d) The committee may create subcommittees as needed to  
9 address specific industry sectors or projects and shall create a  
10 subcommittee to address apprenticeship for the disabled  
11 community.

O

**AB 1291 (Frazier, D-Fairfield)**  
**State bodies: open meetings.**

**Status/History:** 7/9/2021 – Signed by the Governor

**Location:** Chapter 63, Statutes of 2021

**Introduced:** 2/19/2021

**Board Position:** Watch (as of 5/27/2021)

**Board Staff Analysis:** 7/12/2021

**Bill Summary:** The Bagley-Keene Open Meeting Act requires that meetings of a state body be open and public and that all persons be permitted to attend, with certain exceptions. Existing law provides that, subject to certain exceptions and reasonable regulations, the state body shall provide members of the public an opportunity to directly address the state body on agenda items. Existing law authorizes the state body to limit the amount of time allotted for each member of the public to speak but specifies that members of the public who use translators shall be given twice that allotted amount of time.

This bill would also require a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology to address the state body. The bill would additionally make technical, non-substantive changes.

**Affected Laws:** An act to amend Section 11125.7 of the Government Code, relating to public meetings.

**Staff Comment:** Current law requires the Board to allow non-English speakers twice the amount of time to speak during public comment if they are using a translator and if time limits are imposed. This bill would amend the law to add the use of translating services, in addition to translators, to this requirement. The bill would also make non-substantive grammatical and formatting changes.

At its April 1, 2021, meeting, the Board took a position of “Watch” on AB 1291.

This bill, which is sponsored by the author, has been signed by the Governor and chaptered. The amendments will become effective January 1, 2022.

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

## Assembly Bill No. 1291

### CHAPTER 63

An act to amend Section 11125.7 of the Government Code, relating to public meetings.

[Approved by Governor July 9, 2021. Filed with Secretary of State July 9, 2021.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1291, Frazier. State bodies: open meetings.

The Bagley-Keene Open Meeting Act requires that meetings of a state body be open and public and that all persons be permitted to attend, with certain exceptions. Existing law provides that, subject to certain exceptions and reasonable regulations, the state body shall provide members of the public an opportunity to directly address the state body on agenda items. Existing law authorizes the state body to limit the amount of time allotted for each member of the public to speak, but specifies that members of the public who use translators shall be given twice that allotted amount of time.

This bill would also require a state body, when it limits time for public comment, to provide at least twice the allotted time to a member of the public who utilizes translating technology to address the state body. The bill would additionally make technical, nonsubstantive changes.

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

SECTION 1. Section 11125.7 of the Government Code is amended to read:

11125.7. (a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public

if no action is taken by the state body at the same meeting on matters brought before the body by members of the public.

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

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

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

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

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

(1) Closed sessions held pursuant to Section 11126.

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

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

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

**SB 414 (Jones, R-Santee)  
Land.**

**Status/History:** 7/12/2021 – Enrolled.

**Location:** 7/12/2021 – Enrolled

**Introduced:** 2/12/2021

**Last Amended:** 4/27/2021

**Board Position:** Support (as of 5/27/2021)

**Board Staff Analysis:** 7/12/2021

**Bill Summary:** Existing law, the Professional Land Surveyors’ Act, provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists, and makes it unlawful to practice land surveying without a license, except as specified. Existing law includes within the practice of land surveying cadastral surveying. Existing law also requires a record of survey filed with the county surveyor by a licensed surveyor or licensed civil engineer to include, among other information, any data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or surveyor.

This bill would define cadastral surveying for purposes of the act. It would also provide that the data required to be shown on a record of survey may be in graphic or narrative form. Additionally, the bill would make non-substantive changes relating to licensed land surveyors and civil engineers.

This bill would also amend provisions of the Government Code relating to the Subdivision Map Act, specifically Section 66452.5.

**Affected Laws:** An act to amend Sections 8726, 8764, and 8780 of the Business and Professions Code, and to amend Section 66452.5 of the Government Code, relating to land.

**Staff Comment:** Section 8726 defines land surveying. It currently contains a subdivision that indicates that a person practices land surveying if they do or offer to do “geodetic or cadastral surveying”; that subdivision also provides a definition of “geodetic surveying,” as that phrase is used in the Professional Land Surveyors’ Act. There is no specific definition of “cadastral surveying” provided. This bill would add a definition of “cadastral surveying,” as that phrase is used in the Professional Land Surveyors’ Act. This bill would also reletter and renumber the subdivisions and subparagraphs in Section 8726 and make conforming changes.

This bill proposes to add the following as the definition of “cadastral surveying:”

“Cadastral surveying means a survey that creates, marks, defines, retraces, or reestablishes the boundaries and subdivision of the public land of the United States, or any other field survey of a cadaster that is a public record, survey, or map of the extent and ownership of land.”

The Bureau of Land Management (BLM) provides the following information on its website regarding cadastral surveys:

The BLM's Cadastral Survey Program provides one of the oldest and most fundamental functions of the U.S. Government. Originating with the Land Ordinance of 1785, cadastral surveys create, define, mark, and re-establish the boundaries and subdivisions of the public lands of the United States. (The word "cadastral" is derived from cadastre, meaning a public record, survey, or map of the value, extent, and ownership of land as a basis of taxation.) These surveys provide public land managers and the public with essential information needed to correctly determine ownership rights and privileges and facilitate good land management decisions.

The proposed definition seems to be a combination of the BLM's definitions of "cadastral surveying" and "cadastre" (or "cadaster"). Additionally, there are grammatical and phrasing issues with the wording that cause confusion as to what is actually meant by the definition. This confusion would make it hard to regulate and enforce the law and to ensure that this portion of the practice of land surveying is appropriately addressed on the examination for licensure.

Section 8764 specifies what information must be shown on a Record of Survey. It currently includes a subdivision that indicates "any other data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or surveyor, as may be determined by the civil engineer or land surveyor preparing the record of survey." This bill would add the phrase "in graphic or narrative form" after "any other data" so that the provision would read "any other data, in graphic or narrative form, ...." This bill would also reletter and renumber the subdivisions and subparagraphs in Section 8764.

Since current law does not specify in what form the "any other data" referenced in Section 8764 must be shown, staff believes the law already allows for the data to be shown in graphic or narrative form. However, while likely unnecessary, this change could be viewed as providing clarification. It would be unlikely to have an effect on the Board's regulation and enforcement of the law.

Section 8780 authorizes the Board to investigate complaints against licensees and to take disciplinary action against licensees on certain grounds, as specified. One of the subdivisions states "Any negligence or incompetence in his or her practice of land surveying." This bill would separate this provision into two separate provisions: one would include negligence, and the other would include incompetence. This bill would also reletter and renumber the subdivisions and subparagraphs in Section 8780 and make grammatical changes.

Staff has heard that there are concerns with the law including both negligence and incompetence in the same subdivision, even with the word "or," because it gives some people the impression that the subject of an investigation, citation, or formal disciplinary action has committed both negligence and incompetence. Changing Section 8780 so that negligence and incompetence are in separate subdivisions would not change the Board's ability to investigate complaints or take action against licensees for either or both.

Government Code section 66452.5 is part of the Subdivision Map Act. The changes proposed to these sections do not impact the Board’s regulation of the practice of land surveying.

This bill is nearly identical to SB 1057 from the 2020 legislative session. At its May 7, 2020, meeting, the Board voted to take an “Oppose Unless Amended” position on SB 1057 and request that the definition of “cadastral surveying,” as proposed in the bill, be amended to use language that more closely matches the definition provided by the Bureau of Land Management (BLM). The language recommended by the Board is as follows:

Section 8726 of the Business and Professions Code is amended to read:

...

(6) Geodetic surveying or cadastral surveying. As used in this chapter:

...

(B) Cadastral surveying means performing a survey that creates, marks, defines, retraces, or reestablishes the boundaries and subdivisions of the public land of the United States, ~~or any other field survey of a cadaster that is a public record, survey, or map of the extent and ownership of land.~~

This language was provided to the sponsors. However, before further discussions could occur, staff was advised that the bill would not be moving forward during the 2020 legislative session due to the need to prioritize bills because of the COVID-19 pandemic.

At its April 1, 2021, meeting, the Board took a position of “oppose unless amended” on SB 414 and request that the bill be amended to use the recommended language shown above as the definition of “cadastral surveying.” The Board’s position was conveyed to the author and sponsor, who agreed to make the requested changes. SB 414 was amended on April 27, 2021, to include the language recommended by the Board. Therefore, at its May 27, 2021, meeting, the Board voted to take a position of “support” on SB 414, as amended April 27, 2021.

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

**Senate Bill No. 414**

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Passed the Senate May 6, 2021

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*Secretary of the Senate*

\_\_\_\_\_

Passed the Assembly July 8, 2021

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*Chief Clerk of the Assembly*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_

*Private Secretary of the Governor*



CHAPTER \_\_\_\_\_

An act to amend Sections 8726, 8764, and 8780 of the Business and Professions Code, and to amend Section 66452.5 of the Government Code, relating to land.

LEGISLATIVE COUNSEL'S DIGEST

SB 414, Jones. Land.

(1) Existing law, the Professional Land Surveyors' Act, provides for the licensure and regulation of land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists and makes it unlawful to practice land surveying without a license, except as specified. Existing law includes within the practice of land surveying cadastral surveying.

This bill would define cadastral surveying for purposes of the act.

Existing law requires a record of survey filed with the county surveyor by a licensed surveyor or licensed civil engineer to include, among other information, any data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or surveyor.

This bill would provide that this data may be in graphic or narrative form. The bill would make nonsubstantive changes relating to licensed land surveyors and civil engineers.

(2) The Subdivision Map Act authorizes a subdivider, or any tenant of the subject property in specified circumstances, to appeal from an action of the advisory agency relating to a tentative map to the appeal board or legislative body, as specified, and provides for the appeal from the decision of the appeal board to the legislative body. The act further authorizes any interested person adversely affected by a decision of the advisory agency or appeal board to appeal the decision with the legislative body. Existing law requires a hearing to be held after an appeal is filed pursuant to those provisions within 30 days after the request is filed by the appellant.

This bill would instead require a hearing to be held within 45 days after the request is filed and would make conforming changes.

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

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

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

(1) Locates, relocates, establishes, reestablishes, or retraces the alignment or elevation for any of the fixed works embraced within the practice of civil engineering, as described in Section 6731.

(2) Determines the configuration or contour of the earth's surface, or the position of fixed objects above, on, or below the surface of the earth by applying the principles of mathematics or photogrammetry.

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

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

(5) By the use of the principles of land surveying determines the position for any monument or reference point that marks a property line, boundary, or corner, or sets, resets, or replaces any monument or reference point.

(6) Geodetic surveying or cadastral surveying. As used in this chapter:

(A) Geodetic surveying means performing surveys, in which account is taken of the figure and size of the earth to determine or predetermine the horizontal or vertical positions of fixed objects thereon or related thereto, geodetic control points, monuments, or stations for use in the practice of land surveying or for stating the position of fixed objects, geodetic control points, monuments, or stations by California Coordinate System coordinates.

(B) Cadastral surveying means performing a survey that creates, marks, defines, retraces, or reestablishes the boundaries and subdivisions of the public land survey system of the United States.

(7) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in paragraphs (1) to (6), inclusive.

(8) Indicates, in any capacity or in any manner, by the use of the title "land surveyor" or by any other title or by any other representation that they practice or offer to practice land surveying in any of its branches.

(9) Procures or offers to procure land surveying work for themselves or others.

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

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

(12) Determines the information shown or to be shown within the description of any deed, trust deed, or other title document prepared for the purpose of describing the limit of real property in connection with any one or more of the functions described in paragraphs (1) to (6), inclusive.

(13) Creates, prepares, or modifies electronic or computerized data in the performance of the activities described in paragraphs (1), (2), (3), (4), (5), (6), (11), and (12).

(14) Renders a statement regarding the accuracy of maps or measured survey data.

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

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

SEC. 2. Section 8764 of the Business and Professions Code is amended to read:

8764. (a) The record of survey shall show the applicable provisions of the following consistent with the purpose of the survey:

(1) All monuments found, set, reset, replaced, or removed, describing their kind, size, and location, and giving other data relating thereto.

(2) Bearing or witness monuments, basis of bearings, bearing and length of lines, scale of map, and north arrow.

(3) Name and legal designation of the property in which the survey is located, and the date or time period of the survey.

(4) The relationship to those portions of adjacent tracts, streets, or senior conveyances that have common lines with the survey.

(5) Memorandum of oaths.

(6) Statements required by Section 8764.5.

(7) Any other data, in graphic or narrative form, necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or surveyor, as may be determined by the civil engineer or land surveyor preparing the record of survey.

(b) The record of survey shall also show, either graphically or by note, the reason or reasons, if any, why the mandatory filing provisions of paragraphs (1) to (5), inclusive, of subdivision (b) of Section 8762 apply.

(c) The record of survey need not consist of a survey of an entire property.

SEC. 3. Section 8780 of the Business and Professions Code is amended to read:

8780. (a) The board may, upon its own initiative or upon the receipt of a complaint, investigate the actions of any land surveyor licensed under this chapter or any civil engineer licensed under the provisions of Chapter 7 (commencing with Section 6700) who is legally authorized to practice land surveying and make findings thereon.

(b) By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or revoke the license or certificate of any land surveyor licensed under this chapter or civil engineer licensed under the provisions of Chapter 7 (commencing with Section 6700) who is legally authorized to practice land surveying on any of the following grounds:

(1) Any fraud, deceit, or misrepresentation in their practice of land surveying.

(2) Any negligence in their practice of land surveying.

(3) Any incompetence in their practice of land surveying.

(4) Any fraud or deceit in obtaining their license.

(5) Any violation of any provision of this chapter or of any other law relating to or involving the practice of land surveying.

(6) Any conviction of a crime substantially related to the qualifications, functions, and duties of a land surveyor. The record of the conviction shall be conclusive evidence thereof.

(7) Aiding or abetting any person in the violation of any provision of this chapter or any regulation adopted by the board pursuant to this chapter.

(8) A breach or violation of a contract to provide land surveying services.

(9) A violation in the course of the practice of land surveying of a rule or regulation of unprofessional conduct adopted by the board.

SEC. 4. Section 66452.5 of the Government Code is amended to read:

66452.5. (a) (1) The subdivider, or any tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, may appeal from any action of the advisory agency with respect to a tentative map to the appeal board established by local ordinance or, if none, to the legislative body.

(2) The appeal shall be filed with the clerk of the appeal board, or if there is none, with the clerk of the legislative body within 10 days after the action of the advisory agency from which the appeal is being taken.

(3) Upon the filing of an appeal, the appeal board or legislative body shall set the matter for hearing. The hearing shall be held within 45 days after the date of a request filed by the subdivider or the appellant. If there is no regular meeting of the legislative body within the next 45 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. Within 10 days following the conclusion of the hearing,

the appeal board or legislative body shall render its decision on the appeal.

(b) (1) The subdivider, any tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, or the advisory agency may appeal from the action of the appeal board to the legislative body. The appeal shall be filed in writing with the clerk of the legislative body within 10 days after the action of the appeal board from which the appeal is being taken.

(2) After the filing of an appeal, the legislative body shall set the matter for hearing. The hearing shall be held within 45 days after the date of the request filed by the subdivider or the appellant. If there is no regular meeting of the legislative body within the next 45 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. Within 10 days following the conclusion of the hearing, the legislative body shall render its decision on the appeal.

(c) (1) If there is an appeal board and it fails to act upon an appeal within the time limit specified in this chapter, the decision from which the appeal was taken shall be deemed affirmed and an appeal therefrom may thereupon be taken to the legislative body as provided in subdivision (b) of this section. If no further appeal is taken, the tentative map, insofar as it complies with applicable requirements of this division and any local ordinance, shall be deemed approved or conditionally approved as last approved or conditionally approved by the advisory agency, and it shall be the duty of the clerk of the legislative body to certify or state that approval, or if the advisory agency is one that is not authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, the advisory agency shall submit its report to the legislative body as if no appeal had been taken.

(2) If the legislative body fails to act upon an appeal within the time limit specified in this chapter, the tentative map, insofar as it complies with applicable requirements of this division and any local ordinance, shall be deemed to be approved or conditionally approved as last approved or conditionally approved, and it shall

be the duty of the clerk of the legislative body to certify or state that approval.

(d) (1) Any interested person adversely affected by a decision of the advisory agency or appeal board may file an appeal with the legislative body concerning any decision of the advisory agency or appeal board. The appeal shall be filed with the clerk of the legislative body within 10 days after the action of the advisory agency or appeal board that is the subject of the appeal. Upon the filing of the appeal, the legislative body shall set the matter for hearing. The hearing shall be held within 45 days after the date of a request filed by the subdivider or the appellant. If there is no regular meeting of the legislative body within the next 45 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. The hearing may be a public hearing for which notice shall be given in the time and manner provided.

(2) Upon conclusion of the hearing, the legislative body shall, within 10 days, declare its findings based upon the testimony and documents produced before it or before the advisory board or the appeal board. The legislative body may sustain, modify, reject, or overrule any recommendations or rulings of the advisory board or the appeal board and may make any findings that are not inconsistent with the provisions of this chapter or any local ordinance adopted pursuant to this chapter.

(e) Each decision made pursuant to this section shall be supported by findings that are consistent with the provisions of this division and any local ordinance adopted pursuant to this division.

(f) Notice of each hearing provided for in this section shall be sent by United States mail to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to the hearing. The notice requirement of this subdivision shall be deemed satisfied if the notice complies with the legal requirements for service by mail. Pursuant to Section 66451.2, fees may be collected from the subdivider or from persons appealing or filing an appeal for expenses incurred under this section.

Approved \_\_\_\_\_, 2021

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*Governor*



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

**Status/History:** 7/6/2021 – From committee with author's amendments. Read second time and amended. Re-referred to Assembly Committee on Business and Professions.

**Location:** 7/12/2021 – Assembly Business and Professions Committee

**Introduced:** 2/19/2021

**Last Amended:** 7/6/2021

**Board Position:** Watch (as of 5/27/21)

**Board Staff Analysis:** 7/12/2021

**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. As amended July 6, 2021, this bill would require a board to waive the license application fee and the initial or original license fee charged by the board for an applicant who meets these expedited licensing requirements; this provision would become effective July 1, 2022.

**Affected Laws:** An act to amend Sections 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 115.5, 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. As amended July 6, 2021, the Board would be required to waive the license application fee for any applicant applying under this provision of law. The Board does not charge an original or initial license fee.

This bill is scheduled to be heard in the Assembly Committee on Business and Professions on July 14, 2021.

**Staff Recommendation:** Staff recommends that the Board take a position of “watch” on SB 607, as amended July 6, 2021.

AMENDED IN ASSEMBLY JULY 6, 2021

AMENDED IN ASSEMBLY JUNE 17, 2021

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE MAY 12, 2021

AMENDED IN SENATE APRIL 13, 2021

**SENATE BILL**

**No. 607**

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**Introduced by Senators Min and Roth**

February 18, 2021

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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 115.5, 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.

LEGISLATIVE COUNSEL'S DIGEST

SB 607, as amended, Min. 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~~ *bill, on and after July 1, 2022*, would require a board to waive ~~all fees associated with the application and initial license the licensure application fee and the initial or original license fee~~ 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 State License Law, provides for the licensure and regulation of contractors by the Contractors 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. The bill would require an applicant who is a registered security guard

to have met the requirement of being found capable of exercising appropriate judgment, restraint, and ~~self-control~~, *self-control*, for purposes of carrying and using a firearm during the course of their duties, within the 6 months preceding the date the application is submitted to the bureau. The bill would prohibit an applicant who fails the assessment from completing another assessment any earlier than 180 days after the results of the previous assessment 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 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 115.5 of the Business and Professions~~
- 2     ~~Code is amended to read:~~
- 3     ~~115.5. (a) A board within the department shall expedite the~~
- 4     ~~licensure process and waive all fees charged by the board~~
- 5     ~~associated with the application and initial license for an applicant~~
- 6     ~~who meets both of the following requirements:~~
- 7     ~~(1) Supplies evidence satisfactory to the board that the applicant~~
- 8     ~~is married to, or in a domestic partnership or other legal union~~
- 9     ~~with, an active duty member of the Armed Forces of the United~~

1 States who is assigned to a duty station in this state under official  
2 active duty military orders.

3 ~~(2) Holds a current license in another state, district, or territory~~  
4 ~~of the United States in the profession or vocation for which the~~  
5 ~~applicant seeks a license from the board.~~

6 ~~(b) A board may adopt regulations necessary to administer this~~  
7 ~~section.~~

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

10 115.5. (a) A board within the department shall expedite the  
11 licensure process for an applicant who meets both of the following  
12 requirements:

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

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

21 (b) A board may adopt regulations necessary to administer this  
22 section.

23 (c) *This section shall remain in effect only until July 1, 2022,*  
24 *and as of that date is repealed.*

25 *SEC. 2. Section 115.5 is added to the Business and Professions*  
26 *Code, to read:*

27 115.5. (a) *A board within the department shall expedite the*  
28 *licensure process and waive the licensure application fee and the*  
29 *initial or original license fee charged by the board for an applicant*  
30 *who meets both of the following requirements:*

31 (1) *Supplies evidence satisfactory to the board that the applicant*  
32 *is married to, or in a domestic partnership or other legal union*  
33 *with, an active duty member of the Armed Forces of the United*  
34 *States who is assigned to a duty station in this state under official*  
35 *active duty military orders.*

36 (2) *Holds a current license in another state, district, or territory*  
37 *of the United States in the profession or vocation for which the*  
38 *applicant seeks a license from the board.*

39 (b) *A board may adopt regulations necessary to administer this*  
40 *section.*



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

2 ~~SEC. 2:~~

3 *SEC. 3.* Section 1636.5 is added to the Business and Professions  
4 Code, to read:

5 1636.5. Notwithstanding Section 1636.4, any foreign dental  
6 school whose program was approved prior to January 1, 2020,  
7 through any date between January 1, 2024, and December 31,  
8 2026, shall maintain approval through that date. Upon expiration  
9 of the approval, the foreign dental school shall be required to  
10 comply with the provisions of Section 1636.4.

11 ~~SEC. 3:~~

12 *SEC. 4.* Section 1724 of the Business and Professions Code,  
13 as added by Section 13 of Chapter 929 of the Statutes of 2018, is  
14 amended to read:

15 1724. The amount of charges and fees for dentists licensed  
16 pursuant to this chapter shall be established by the board as is  
17 necessary for the purpose of carrying out the responsibilities  
18 required by this chapter as it relates to dentists, subject to the  
19 following limitations:

20 (a) The fee for an application for licensure qualifying pursuant  
21 to paragraph (1) of subdivision (c) of Section 1632 shall not exceed  
22 one thousand five hundred dollars (\$1,500). The fee for an  
23 application for licensure qualifying pursuant to paragraph (2) of  
24 subdivision (c) of Section 1632 shall not exceed one thousand  
25 dollars (\$1,000).

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

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

30 (d) The fee for an initial license and for the renewal of a license  
31 is five hundred twenty-five dollars (\$525). On and after January  
32 1, 2016, the fee for an initial license shall not exceed six hundred  
33 fifty dollars (\$650), and the fee for the renewal of a license shall  
34 not exceed six hundred fifty dollars (\$650). On and after January  
35 1, 2018, the fee for an initial license shall not exceed eight hundred  
36 dollars (\$800), and the fee for the renewal of a license shall not  
37 exceed eight hundred dollars (\$800).

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

- 1 (f) The delinquency fee shall be 50 percent of the renewal fee  
2 for such a license or permit in effect on the date of the renewal of  
3 the license or permit.
- 4 (g) The penalty for late registration of change of place of  
5 practice shall not exceed seventy-five dollars (\$75).
- 6 (h) The fee for an application for an additional office permit  
7 shall not exceed seven hundred fifty dollars (\$750), and the fee  
8 for the renewal of an additional office permit shall not exceed three  
9 hundred seventy-five dollars (\$375).
- 10 (i) The fee for issuance of a replacement pocket license,  
11 replacement wall certificate, or replacement engraved certificate  
12 shall not exceed one hundred twenty-five dollars (\$125).
- 13 (j) The fee for a provider of continuing education shall not  
14 exceed five hundred dollars (\$500) per year.
- 15 (k) The fee for application for a referral service permit and for  
16 renewal of that permit shall not exceed twenty-five dollars (\$25).
- 17 (l) The fee for application for an extramural facility permit and  
18 for the renewal of a permit shall not exceed twenty-five dollars  
19 (\$25).
- 20 (m) The fee for an application for an elective facial cosmetic  
21 surgery permit shall not exceed four thousand dollars (\$4,000),  
22 and the fee for the renewal of an elective facial cosmetic surgery  
23 permit shall not exceed eight hundred dollars (\$800).
- 24 (n) The fee for an application for an oral and maxillofacial  
25 surgery permit shall not exceed one thousand dollars (\$1,000), and  
26 the fee for the renewal of an oral and maxillofacial surgery permit  
27 shall not exceed one thousand two hundred dollars (\$1,200).
- 28 (o) The fee for an application for a general anesthesia permit  
29 shall not exceed one thousand dollars (\$1,000), and the fee for the  
30 renewal of a general anesthesia permit shall not exceed six hundred  
31 dollars (\$600).
- 32 (p) The fee for an onsite inspection and evaluation related to a  
33 general anesthesia or moderate sedation permit shall not exceed  
34 four thousand five hundred dollars (\$4,500).
- 35 (q) The fee for an application for a moderate sedation permit  
36 shall not exceed one thousand dollars (\$1,000), and the fee for the  
37 renewal of a conscious sedation permit shall not exceed six hundred  
38 dollars (\$600).
- 39 (r) The fee for an application for an oral conscious sedation  
40 permit shall not exceed one thousand dollars (\$1,000), and the fee

1 for the renewal of an oral conscious sedation permit shall not  
2 exceed six hundred dollars (\$600).

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

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

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

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

12 ~~SEC. 4.~~

13 *SEC. 5.* Section 1753 of the Business and Professions Code is  
14 amended to read:

15 1753. (a) On and after January 1, 2010, the board may license  
16 as a registered dental assistant in extended functions a person who  
17 submits written evidence, satisfactory to the board, of all of the  
18 following eligibility requirements:

19 (1) Current licensure as a registered dental assistant or  
20 completion of the requirements for licensure as a registered dental  
21 assistant.

22 (2) Successful completion of a board-approved course in the  
23 application of pit and fissure sealants.

24 (3) Successful completion of either of the following:

25 (A) An extended functions postsecondary program approved  
26 by the board in all of the procedures specified in Section 1753.5.

27 (B) An extended functions postsecondary program approved  
28 by the board to teach the duties that registered dental assistants in  
29 extended functions were allowed to perform pursuant to board  
30 regulations prior to January 1, 2010, and a course approved by the  
31 board in the procedures specified in paragraphs (1), (2), (5), and  
32 (7) to (11), inclusive, of subdivision (b) of Section 1753.5.

33 (4) Passage of a written examination administered by the board.  
34 The board shall designate whether the written examination shall  
35 be administered by the board or by the board-approved extended  
36 functions program.

37 (b) A registered dental assistant in extended functions may apply  
38 for an orthodontic assistant permit or a dental sedation assistant  
39 permit, or both, by providing written evidence of the following:

1 (1) Successful completion of a board-approved orthodontic  
2 assistant or dental sedation assistant course, as applicable.

3 (2) Passage of a written examination administered by the board  
4 that shall encompass the knowledge, skills, and abilities necessary  
5 to competently perform the duties of the particular permit.

6 (c) A registered dental assistant in extended functions with  
7 permits in either orthodontic assisting or dental sedation assisting  
8 shall be referred to as an “RDAEF with orthodontic assistant  
9 permit,” or “RDAEF with dental sedation assistant permit,” as  
10 applicable. These terms shall be used for reference purposes only  
11 and do not create additional categories of licensure.

12 (d) Completion of the continuing education requirements  
13 established by the board pursuant to Section 1645 by a registered  
14 dental assistant in extended functions who also holds a permit as  
15 an orthodontic assistant or dental sedation assistant shall fulfill the  
16 continuing education requirement for such permit or permits.

17 ~~SEC. 5.~~

18 *SEC. 6.* Section 1753.4 of the Business and Professions Code  
19 is repealed.

20 ~~SEC. 6.~~

21 *SEC. 7.* Section 1753.55 of the Business and Professions Code  
22 is amended to read:

23 1753.55. (a) A registered dental assistant in extended functions  
24 is authorized to perform the additional duties as set forth in  
25 subdivision (b) pursuant to the order, control, and full professional  
26 responsibility of a supervising dentist, if the licensee meets one of  
27 the following requirements:

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

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

33 (b) (1) Determine which radiographs to perform on a patient  
34 who has not received an initial examination by the supervising  
35 dentist for the specific purpose of the dentist making a diagnosis  
36 and treatment plan for the patient. In these circumstances, the  
37 dental assistant in extended functions shall follow protocols  
38 established by the supervising dentist. This paragraph only applies  
39 in the following settings:

40 (A) In a dental office setting.

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

6 (2) Place protective restorations, which for this purpose are  
7 identified as interim therapeutic restorations, and defined as a  
8 direct provisional restoration placed to stabilize the tooth until a  
9 licensed dentist diagnoses the need for further definitive treatment.

10 An interim therapeutic restoration consists of the removal of soft  
11 material from the tooth using only hand instrumentation, without  
12 the use of rotary instrumentation, and subsequent placement of an  
13 adhesive restorative material. Local anesthesia shall not be  
14 necessary for interim therapeutic restoration placement. Interim  
15 therapeutic restorations shall be placed only in accordance with  
16 both of the following:

17 (A) In either of the following settings:

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

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

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

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

32 (d) No later than January 1, 2018, the board shall adopt  
33 regulations to establish requirements for courses of instruction for  
34 the procedures authorized to be performed by a registered dental  
35 assistant in extended functions pursuant to this section using the  
36 competency-based training protocols established by the Health  
37 Workforce Pilot Project (HWPP) No. 172 through the Office of  
38 Statewide Health Planning and Development. The board shall  
39 submit to the committee proposed regulatory language for the  
40 curriculum for the Interim Therapeutic Restoration to the

1 committee for the purpose of promulgating regulations for  
2 registered dental hygienists and registered dental hygienists in  
3 alternative practice as described in Section 1910.5. The language  
4 submitted by the board shall mirror the instructional curriculum  
5 for the registered dental assistant in extended functions. Any  
6 subsequent amendments to the regulations that are promulgated  
7 by the board for the Interim Therapeutic Restoration curriculum  
8 shall be submitted to the committee.

9 (e) The board may issue a permit to a registered dental assistant  
10 in extended functions who files a completed application, including  
11 the fee, to provide the duties specified in this section after the board  
12 has determined the registered dental assistant in extended functions  
13 has completed the coursework required in subdivision (c).

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

15 ~~SEC. 7.~~

16 *SEC. 8.* Section 1753.6 of the Business and Professions Code  
17 is amended to read:

18 1753.6. (a) Each person who holds a license as a registered  
19 dental assistant in extended functions on the operative date of this  
20 section may only perform those procedures that a registered dental  
21 assistant is allowed to perform as specified in and limited by  
22 Section 1752.4, and the procedures specified in paragraphs (1) to  
23 (6), inclusive, until the person provides evidence of having  
24 completed a board-approved course in the additional procedures  
25 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of  
26 subdivision (b) of Section 1753.5:

27 (1) Cord retraction of gingiva for impression procedures.

28 (2) Take final impressions for permanent indirect restorations.

29 (3) Formulate indirect patterns for endodontic post and core  
30 castings.

31 (4) Fit trial endodontic filling points.

32 (5) Apply pit and fissure sealants.

33 (6) Remove excess cement from subgingival tooth surfaces with  
34 a hand instrument.

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

36 ~~SEC. 8.~~

37 *SEC. 9.* Section 5650.5 is added to the Business and Professions  
38 Code, to read:

39 5650.5. (a) Pursuant to Section 144, the board has the authority  
40 to obtain and review criminal offender record information. The

1 information obtained as a result of the fingerprinting shall be used  
2 in accordance with Section 11105 of the Penal Code to determine  
3 whether the applicant is subject to denial, suspension, or revocation  
4 of a license pursuant to Division 1.5 (commencing with Section  
5 475) or Section 5660, 5675, or 5676.

6 (b) As a condition of application for a license, each applicant  
7 shall furnish to the Department of Justice a full set of fingerprints  
8 for the purpose of conducting a criminal history record check and  
9 to undergo a state- and federal- level criminal offender record  
10 information search conducted through the Department of Justice,  
11 as follows:

12 (1) The board shall electronically submit to the Department of  
13 Justice fingerprint images and related information required by the  
14 Department of Justice of all landscape architect license applicants  
15 for the purpose of obtaining information as to the existence and  
16 content of a record of state or federal arrests and state or federal  
17 convictions and also information as to the existence and content  
18 of a record of state or federal arrests for which the Department of  
19 Justice establishes that the person is free on bail or on their  
20 recognizance pending trial or appeal.

21 (2) When received, the Department of Justice shall transmit  
22 fingerprint images and related information received pursuant to  
23 this section, to the Federal Bureau of Investigation for the purpose  
24 of obtaining a federal criminal history records check. The  
25 Department of Justice shall review the information returned from  
26 the Federal Bureau of Investigation and compile and disseminate  
27 a response to the board.

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

31 (4) The board shall request from the Department of Justice  
32 subsequent notification service, as provided pursuant to Section  
33 11105.2 of the Penal Code, for persons described in paragraph (1).

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

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

1 (d) Failure to comply with the requirements of this section  
2 renders the application for a license incomplete, and the application  
3 shall not be considered until the applicant demonstrates compliance  
4 with all requirements of this section.

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

9 (f) As used in this section, the term “applicant” shall be limited  
10 to an initial applicant who has never been registered or licensed  
11 by the board or to an applicant for a new licensure or registration  
12 category.

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

16 ~~SEC. 9.~~

17 *SEC. 10.* Section 7071.6 of the Business and Professions Code  
18 is amended to read:

19 7071.6. (a) The board shall require as a condition precedent  
20 to the issuance, reinstatement, reactivation, renewal, or continued  
21 maintenance of a license, that the applicant or licensee file or have  
22 on file a contractor’s bond in the sum of fifteen thousand dollars  
23 (\$15,000).

24 (b) Excluding the claims brought by the beneficiaries specified  
25 in subdivision (a) of Section 7071.5, the aggregate liability of a  
26 surety on claims brought against a bond required by this section  
27 shall not exceed the sum of seven thousand five hundred dollars  
28 (\$7,500). The bond proceeds in excess of seven thousand five  
29 hundred dollars (\$7,500) shall be reserved exclusively for the  
30 claims of the beneficiaries specified in subdivision (a) of Section  
31 7071.5. However, nothing in this section shall be construed so as  
32 to prevent any beneficiary specified in subdivision (a) of Section  
33 7071.5 from claiming or recovering the full measure of the bond  
34 required by this section.

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

38 (d) Notwithstanding any other law, as a condition precedent to  
39 licensure, the board may require an applicant to post a contractor’s



1 bond in twice the amount required pursuant to subdivision (a) until  
2 the time that the license is renewed, under the following conditions:

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

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

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

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

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

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

19 ~~SEC. 10.~~

20 *SEC. 11.* Section 7071.6 is added to the Business and  
21 Professions Code, to read:

22 7071.6. (a) The board shall require as a condition precedent  
23 to the issuance, reinstatement, reactivation, renewal, or continued  
24 maintenance of a license, that the applicant or licensee file or have  
25 on file a contractor's bond in the sum of twenty-five thousand  
26 dollars (\$25,000).

27 (b) Excluding the claims brought by the beneficiaries specified  
28 in subdivision (a) of Section 7071.5, the aggregate liability of a  
29 surety on claims brought against a bond required by this section  
30 shall not exceed the sum of seven thousand five hundred dollars  
31 (\$7,500). The bond proceeds in excess of seven thousand five  
32 hundred dollars (\$7,500) shall be reserved exclusively for the  
33 claims of the beneficiaries specified in subdivision (a) of Section  
34 7071.5. However, nothing in this section shall be construed so as  
35 to prevent any beneficiary specified in subdivision (a) of Section  
36 7071.5 from claiming or recovering the full measure of the bond  
37 required by this section.

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

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

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

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

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

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

13 ~~SEC. 11.~~

14 *SEC. 12.* Section 7071.8 of the Business and Professions Code  
15 is amended to read:

16 7071.8. (a) This section applies to an application for a license,  
17 for renewal or restoration of a license, an application to change  
18 officers or members of a corporation or a limited liability company,  
19 or for continued valid use of a license which has been disciplined,  
20 whether or not the disciplinary action has been stayed, made by  
21 any of the following persons or firms:

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

28 (2) A person who was an officer, director, manager, partner, or  
29 member of the personnel of record of a licensee at any time during  
30 which cause for disciplinary action occurred resulting in suspension  
31 or revocation of the licensee's license and who had knowledge of  
32 or participated in the act or omission which was the cause for the  
33 disciplinary action.

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

39 (4) A partnership, corporation, limited liability company, firm,  
40 or association of which a member of the personnel of record,

1 including, but not limited to, an officer, director, manager, partner,  
2 or qualifying person was, likewise, a manager, officer, director,  
3 or partner of a licensee at any time during which cause for  
4 disciplinary action occurred resulting in suspension or revocation  
5 of the license, and who had knowledge of or participated in the  
6 act or omission which was the cause for the disciplinary action.

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

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

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

31 ~~SEC. 12.~~

32 *SEC. 13.* Section 7071.8 is added to the Business and  
33 Professions Code, to read:

34 7071.8. (a) This section applies to an application for a license,  
35 for renewal or restoration of a license, an application to change  
36 officers or members of a corporation or a limited liability company,  
37 or for continued valid use of a license which has been disciplined,  
38 whether or not the disciplinary action has been stayed, made by  
39 any of the following persons or firms:

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

7 (2) A person who was an officer, director, manager, partner, or  
8 member of the personnel of record of a licensee at any time during  
9 which cause for disciplinary action occurred resulting in suspension  
10 or revocation of the licensee's license and who had knowledge of  
11 or participated in the act or omission which was the cause for the  
12 disciplinary action.

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

18 (4) A partnership, corporation, limited liability company, firm,  
19 or association of which a member of the personnel of record,  
20 including, but not limited to, an officer, director, manager, partner,  
21 or qualifying person was, likewise, a manager, officer, director,  
22 or partner of a licensee at any time during which cause for  
23 disciplinary action occurred resulting in suspension or revocation  
24 of the license, and who had knowledge of or participated in the  
25 act or omission which was the cause for the disciplinary action.

26 (b) The board shall require as a condition precedent to the  
27 issuance, reissuance, renewal, or restoration of a license to the  
28 applicant, or to the approval of an application to change officers  
29 of a corporation or a limited liability company, or removal of  
30 suspension, or to the continued valid use of a license which has  
31 been suspended or revoked, but which suspension or revocation  
32 has been stayed, that the applicant or licensee file or have on file  
33 a contractor's bond in a sum to be fixed by the registrar based upon  
34 the seriousness of the violation, but which sum shall not be less  
35 than twenty-five thousand dollars (\$25,000) nor more than 10  
36 times that amount required by Section 7071.6.

37 (c) The bond is in addition to, may not be combined with, and  
38 does not replace any other type of bond required by this chapter.  
39 The bond shall remain on file with the registrar for a period of at  
40 least two years and for any additional time that the registrar

1 determines. The bond period shall run only while the license is  
2 current, active, and in good standing, and shall be extended until  
3 the license has been current, active, and in good standing for the  
4 required period. Each applicant or licensee shall be required to file  
5 only one disciplinary contractor's bond of the type described in  
6 this section for each application or license subject to this bond  
7 requirement.

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

9 ~~SEC. 13.~~

10 *SEC. 14.* Section 7071.9 of the Business and Professions Code  
11 is amended to read:

12 7071.9. (a) If the qualifying individual, as referred to in  
13 Sections 7068 and 7068.1, is neither the proprietor, a general  
14 partner, nor a joint licensee, the qualifying individual shall file or  
15 have on file a qualifying individual's bond as provided in Section  
16 7071.10 in the sum of twelve thousand five hundred dollars  
17 (\$12,500). This bond is in addition to, and shall not be combined  
18 with, any contractor's bond required by Sections 7071.5 to 7071.8,  
19 inclusive, and is required for the issuance, reinstatement,  
20 reactivation, or continued valid use of a license.

21 (b) Excluding the claims brought by the beneficiaries specified  
22 in paragraph (1) of subdivision (a) of Section 7071.10, the  
23 aggregate liability of a surety on claims brought against the bond  
24 required by this section shall not exceed the sum of seven thousand  
25 five hundred dollars (\$7,500). The bond proceeds in excess of  
26 seven thousand five hundred dollars (\$7,500) shall be reserved  
27 exclusively for the claims of the beneficiaries specified in  
28 paragraph (1) of subdivision (a) of Section 7071.10. However,  
29 nothing in this section shall be construed to prevent any beneficiary  
30 specified in paragraph (1) of subdivision (a) of Section 7071.10  
31 from claiming or recovering the full measure of the bond required  
32 by this section. This bond is in addition to, and shall not be  
33 combined with, any contractor's bond required by Sections 7071.5  
34 to 7071.8, inclusive, and is required for the issuance, reinstatement,  
35 reactivation, or continued valid use of a license.

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

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

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

8 ~~SEC. 14.~~

9 *SEC. 15.* Section 7071.9 is added to the Business and  
10 Professions Code, to read:

11 7071.9. (a) If the qualifying individual, as referred to in  
12 Sections 7068 and 7068.1, is neither the proprietor, a general  
13 partner, nor a joint licensee, the qualifying individual shall file or  
14 have on file a qualifying individual's bond as provided in Section  
15 7071.10 in the sum of twenty-five thousand dollars (\$25,000). This  
16 bond is in addition to, and shall not be combined with, any  
17 contractor's bond required by Sections 7071.5 to 7071.8, inclusive,  
18 and is required for the issuance, reinstatement, reactivation, or  
19 continued valid use of a license.

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

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

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

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

7 ~~SEC. 15.~~

8 *SEC. 16.* Section 7137 of the Business and Professions Code  
9 is amended to read:

10 7137. (a) The board may set fees by regulation. These fees  
11 shall be set according to the following schedule:

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

13 (A) The application fee for an original license in a single  
14 classification shall be four hundred fifty dollars (\$450) and may  
15 be increased to not more than five hundred sixty-three dollars  
16 (\$563).

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

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

25 (D) The application fee to replace a responsible managing  
26 officer, responsible managing manager, responsible managing  
27 member, or responsible managing employee pursuant to Section  
28 7068.2 shall be two hundred thirty dollars (\$230) and may be  
29 increased to not more than two hundred eighty-eight dollars (\$288).

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

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

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

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

2 (A) The fee for rescheduling an examination for an applicant  
3 who has applied for an original license, additional classification,  
4 a change of responsible managing officer, responsible managing  
5 manager, responsible managing member, or responsible managing  
6 employee, or for an asbestos certification or hazardous substance  
7 removal certification, shall be one hundred dollars (\$100) and may  
8 be increased to not more than one hundred twenty-five dollars  
9 (\$125).

10 (B) The fee for scheduling or rescheduling an examination for  
11 a licensee who is required to take the examination as a condition  
12 of probation shall be one hundred dollars (\$100) and may be  
13 increased to not more than one hundred twenty-five dollars (\$125).

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

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

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

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

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

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

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

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

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



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

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

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

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

12 (B) The service fee to deposit with the registrar lawful money  
13 or cashier's check pursuant to paragraph (1) of subdivision (a) of  
14 Section 995.710 of the Code of Civil Procedure for purposes of  
15 compliance with any provision of Article 5 (commencing with  
16 Section 7065) shall be one hundred dollars (\$100), which shall be  
17 used by the board only to process each deposit filed with the  
18 registrar, to cover the reasonable costs to the registrar for holding  
19 money or cashier's checks in trust in interest bearing deposit or  
20 share accounts, and to offset the costs of processing payment of  
21 lawful claims against a deposit in a civil action.

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

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

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

33 (b) The board shall, by regulation, establish criteria for the  
34 approval of expedited processing of applications. Approved  
35 expedited processing of applications for licensure or registration,  
36 as required by other provisions of law, shall not be subject to this  
37 subdivision.

38 ~~SEC. 16.~~

39 *SEC. 17.* Section 7583.22 of the Business and Professions Code  
40 is amended to read:

1 7583.22. (a) A licensee, qualified manager of a licensee, or  
2 security guard who, in the course of their employment, may be  
3 required to carry a firearm shall, prior to carrying a firearm, do all  
4 of the following:

5 (1) Complete a course of training in the carrying and use of  
6 firearms.

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

9 (b) A security guard who, in the course of their employment,  
10 may be required to carry a firearm, shall, prior to carrying a firearm,  
11 be found capable of exercising appropriate judgment, restraint,  
12 and self-control for the purposes of carrying and using a firearm  
13 during the course of their duties, pursuant to Section 7583.47.

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

19 (d) A pocket card issued by the bureau pursuant to Section  
20 7582.13 may also serve as a firearms qualification card if so  
21 indicated on the face of the card.

22 (e) Paragraph (1) of subdivision (a) shall not apply to a peace  
23 officer as defined in Chapter 4.5 (commencing with Section 830)  
24 of Title 3 of Part 2 of the Penal Code, who has successfully  
25 completed a course of study in the use of firearms or to a federal  
26 qualified law enforcement officer, as defined in Section 926B of  
27 Title 18 of the United States Code, who has successfully completed  
28 a course of study in the use of firearms.

29 ~~SEC. 17.~~

30 *SEC. 18.* Section 7583.23 of the Business and Professions Code  
31 is amended to read:

32 7583.23. The bureau shall issue a firearms permit when all of  
33 the following conditions are satisfied:

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

36 (1) The firearms permit may only be associated with the  
37 following:

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

1 (B) A partner of a partnership licensee, pursuant to Section  
2 7582.7 or 7525.1.

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

5 (D) A security guard registrant.

6 (2) If the firearms permit is associated with a security guard  
7 registration, they are subject to the provisions of Section 7583.47,  
8 regardless of any other license possessed or associated with the  
9 firearms permit.

10 (b) A certified firearms training instructor has certified that the  
11 applicant has successfully completed a written examination  
12 prepared by the bureau and training course in the carrying and use  
13 of firearms approved by the bureau.

14 (c) The applicant has filed with the bureau a classifiable  
15 fingerprint card, a completed application for a firearms permit on  
16 a form prescribed by the director, dated and signed by the applicant,  
17 certifying under penalty of perjury that the information in the  
18 application is true and correct. In lieu of a classifiable fingerprint  
19 card, the applicant may submit fingerprints into an electronic  
20 fingerprinting system administered by the Department of Justice.  
21 An applicant who submits their fingerprints by electronic means  
22 shall have their fingerprints entered into the system through a  
23 terminal operated by a law enforcement agency or other facility  
24 authorized by the Department of Justice to conduct electronic  
25 fingerprinting. The terminal operator may charge a fee sufficient  
26 to reimburse it for the costs incurred in providing this service.

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

32 (e) The applicant has produced evidence to the firearm training  
33 facility that the applicant is a citizen of the United States or has  
34 permanent legal alien status in the United States. Evidence of  
35 citizenship or permanent legal alien status shall be deemed  
36 sufficient by the bureau to ensure compliance with federal laws  
37 prohibiting possession of firearms by persons unlawfully in the  
38 United States and may include, but not be limited to, United States  
39 Department of Justice, Immigration and Naturalization Service  
40 Form I-151 or I-551, Alien Registration Receipt Card,

1 naturalization documents, or birth certificates evidencing lawful  
2 residence or status in the United States.

3 (f) The application is accompanied by the application fees  
4 prescribed in this chapter.

5 (g) (1) If the applicant is a registered security guard and they  
6 have been found capable of exercising appropriate judgment,  
7 restraint, and self-control, for the purposes of carrying and using  
8 a firearm during the course of their duties, pursuant to Section  
9 7583.47.

10 (2) The requirement in paragraph (1) shall be completed within  
11 six months preceding the date the application is submitted to the  
12 bureau.

13 ~~SEC. 18.~~

14 *SEC. 19.* Section 7583.24 of the Business and Professions Code  
15 is amended to read:

16 7583.24. (a) The bureau shall not issue a firearm permit if the  
17 applicant is prohibited from possessing, receiving, owning, or  
18 purchasing a firearm pursuant to state or federal law.

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

22 (c) The Department of Justice shall inform the bureau, within  
23 60 days from receipt of the information specified in subdivision  
24 (b), of the applicant's eligibility to possess, receive, purchase, or  
25 own a firearm pursuant to state and federal law.

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

31 ~~SEC. 19.~~

32 *SEC. 20.* Section 7583.27 of the Business and Professions Code  
33 is amended to read:

34 7583.27. (a) A firearm permit may be revoked if at any time  
35 the Department of Justice notifies the bureau that the holder of the  
36 firearm permit is prohibited from possessing, receiving, or  
37 purchasing a firearm pursuant to state or federal law. Following  
38 the automatic revocation, an administrative hearing shall be  
39 provided upon written request to the bureau in accordance with

1 Chapter 5 (commencing with Section 11500) of Part 1 of Division  
2 3 of Title 2 of the Government Code.

3 (b) The bureau may seek an emergency order pursuant to Article  
4 13 (commencing with Section 11460.10) of Chapter 4.5 of Part 1  
5 of Division 3 of Title 2 of the Government Code against the holder  
6 of the firearms permit if, after the bureau's investigation relating  
7 to any of the following events, the bureau determines that the  
8 holder of the firearms permit presents an undue hazard to public  
9 safety that may result in substantial injury to another:

10 (1) Receipt of subsequent arrest information of an arrest for any  
11 of the following:

12 (A) Assault.

13 (B) Battery.

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

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

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

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

22 ~~SEC. 20.~~

23 *SEC. 21.* Section 7583.29 of the Business and Professions Code  
24 is amended to read:

25 7583.29. If a firearms permit is denied, the denial of the permit  
26 shall be in writing and shall describe the basis for the denial. The  
27 denial shall inform the applicant that if the applicant desires a  
28 review by a disciplinary review committee to contest the denial,  
29 the review shall be requested of the director within 30 days  
30 following notice of the issuance of the denial. A review or hearing  
31 shall be held pursuant to Section 7581.3. However, no review or  
32 hearing shall be granted to an individual who is otherwise  
33 prohibited by law from carrying a firearm.

34 ~~SEC. 21.~~

35 *SEC. 22.* Section 7583.47 of the Business and Professions Code  
36 is amended to read:

37 7583.47. (a) As used in this section, "assessment" means the  
38 application of a testing instrument identified by the bureau that  
39 evaluates whether an applicant for a firearms permit who is a  
40 registered security guard, at the time of the assessment, possesses

1 appropriate judgment, restraint, and self-control for the purposes  
2 of carrying and using a firearm during the course of their security  
3 guard duties.

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

6 (c) (1) The bureau shall implement a process to administer the  
7 assessment specified in this section. The establishment of the  
8 assessment and the process for administering the assessment shall  
9 not be subject to the requirements of Chapter 3.5 (commencing  
10 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
11 Government Code.

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

16 (A) Establishing criteria for a contract with a vendor to  
17 administer the assessment.

18 (B) Identifying minimum standards for the assessment.

19 (C) Evaluating currently available assessments.

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

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

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

27 (3) The bureau shall contract with a third-party vendor to  
28 administer the assessment. All third-party vendors seeking to  
29 administer the assessment must meet the minimum standards  
30 established by the bureau, its consultants, and the assessment  
31 manufacturer's requirements for administering the assessment.  
32 Considerations for the third-party vendor contract shall include,  
33 but are not limited to, all of the following:

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

35 (B) Geographic accessibility statewide of the assessment to  
36 applicants.

37 (C) Assessment compliance with the established minimum  
38 standards for the assessment and assessment process.

39 (D) Ensuring an assessment carried out on an applicant complies  
40 with the applicable professional standards of care for such

1 assessments, as well as the assessment manufacturer's requirements  
2 for administering the assessment.

3 (d) The applicant, or the applicant's designee or employer if the  
4 employer voluntarily chooses, shall bear the cost of the assessment.

5 (e) Within 30 days of administering an applicant's assessment,  
6 the vendor shall directly provide the bureau, on a form and in a  
7 manner prescribed by the bureau, the applicant's assessment results.

8 If the results of the applicant's assessment indicate that the  
9 applicant is incapable of exercising appropriate judgment, restraint,  
10 and self-control for the purposes of carrying and using a firearm  
11 during the course of the applicant's duties, at the point in time of  
12 the evaluation, the bureau shall not issue a firearms permit. If the  
13 applicant fails the assessment, the applicant may complete another  
14 assessment no earlier than 180 days after the results of the previous  
15 assessment are provided to the bureau.

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

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

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

38 (i) The assessment required pursuant to this section shall be  
39 subject to review by the appropriate policy committees of the

1 Legislature. The review shall be performed as if this section was  
2 scheduled to be repealed as of January 1, 2025.

3 (j) Nothing in this section requires any private business entity  
4 that contracts with the bureau for the administration of the  
5 assessment to produce documents related to the content,  
6 methodology, results, or scoring criteria of the assessment, or any  
7 trade secret, as defined in subdivision (d) of Section 3426.1 of the  
8 Civil Code, for any private individual, firm, copartnership,  
9 association, or corporation.

10 ~~SEC. 22.~~

11 *SEC. 23.* Section 17973 of the Health and Safety Code is  
12 amended to read:

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

34 (b) For purposes of this section, the following terms have the  
35 following definitions:

36 (1) “Associated waterproofing elements” include ~~flashings,~~  
37 ~~membranes,~~ *flashings, membranes,* coatings, and sealants that  
38 protect the load-bearing components of exterior elevated elements  
39 from exposure to water and the elements.



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

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

12 (c) The inspection required by this section shall at a minimum  
13 include:

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

18 (2) Assessment of the load-bearing components and associated  
19 waterproofing elements of the exterior elevated elements identified  
20 in paragraph (1) using methods allowing for evaluation of their  
21 performance by direct visual examination or comparable means  
22 of evaluating their performance. For purposes of this section, a  
23 sample of at least 15 percent of each type of exterior elevated  
24 element shall be inspected.

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

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

28 (B) Expectations of future performance and projected service  
29 life.

30 (C) Recommendations of any further inspection necessary.

31 (4) A written report of the evaluation stamped or signed by the  
32 inspector presented to the owner of the building or the owner’s  
33 designated agent within 45 days of completion of the inspection.  
34 The report shall include photographs, any test results, and narrative  
35 sufficient to establish a baseline of the condition of the components  
36 inspected that can be compared to the results of subsequent  
37 inspections. In addition to the evaluation required by this section,  
38 the report shall advise which, if any, exterior elevated element  
39 poses an immediate threat to the safety of the occupants, and

1 whether preventing occupant access or conducting emergency  
2 repairs, including shoring, are necessary.

3 (d) The inspection shall be completed by January 1, 2025, and  
4 by January 1 every six years thereafter. The inspector conducting  
5 the inspection shall produce an initial report pursuant to paragraph  
6 (4) of subdivision (c) and, if requested by the owner, a final report  
7 indicating that any required repairs have been completed. A copy  
8 of any report that recommends immediate repairs, advises that any  
9 building assembly poses an immediate threat to the safety of the  
10 occupants, or that preventing occupant access or emergency repairs,  
11 including shoring, are necessary, shall be provided by the inspector  
12 to the owner of the building and to the local enforcement agency  
13 within 15 days of completion of the report. Subsequent inspection  
14 reports shall incorporate copies of prior inspection reports,  
15 including the locations of the exterior elevated elements inspected.  
16 Local enforcement agencies may determine whether any additional  
17 information is to be provided in the report and may require a copy  
18 of the initial or final reports, or both, be submitted to the local  
19 jurisdiction. Copies of all inspection reports shall be maintained  
20 in the building owner's permanent records for not less than two  
21 inspection cycles, and shall be disclosed and delivered to the buyer  
22 at the time of any subsequent sale of the building.

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

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

35 (g) An exterior elevated element found by the inspector that is  
36 in need of repair or replacement shall be corrected by the owner  
37 of the building. All necessary permits for repair or replacement  
38 shall be obtained from the local jurisdiction. All repair and  
39 replacement work shall be performed by a qualified and licensed  
40 contractor in compliance with all of the following:

1 (1) The recommendations of a licensed professional described  
2 in subdivision (a).  
3 (2) Any applicable manufacturer's specifications.  
4 (3) The California Building Standards Code, consistent with  
5 subdivision (d) of Section 17922 of the Health and Safety Code.  
6 (4) All local jurisdictional requirements.  
7 (h) (1) An exterior elevated element that the inspector advises  
8 poses an immediate threat to the safety of the occupants, or finds  
9 preventing occupant access or emergency repairs, including  
10 shoring, or both, are necessary, shall be considered an emergency  
11 condition and the owner of the building shall perform required  
12 preventive measures immediately. Immediately preventing  
13 occupant access to the exterior elevated element until emergency  
14 repairs can be completed constitutes compliance with this  
15 paragraph. Repairs of emergency conditions shall comply with the  
16 requirements of subdivision (g), be inspected by the inspector, and  
17 reported to the local enforcement agency.  
18 (2) The owner of the building requiring corrective work to an  
19 exterior elevated element that, in the opinion of the inspector, does  
20 not pose an immediate threat to the safety of the occupants, shall  
21 apply for a permit within 120 days of receipt of the inspection  
22 report. Once the permit is approved, the owner of the building  
23 shall have 120 days to make the repairs unless an extension of time  
24 is granted by the local enforcement agency.  
25 (i) (1) The owner of the building shall be responsible for  
26 complying with the requirements of this section.  
27 (2) If the owner of the building does not comply with the repair  
28 requirements within 180 days, the inspector shall notify the local  
29 enforcement agency and the owner of the building. If within 30  
30 days of the date of the notice the repairs are not completed, the  
31 owner of the building shall be assessed a civil penalty based on  
32 the fee schedule set by the local authority of not less than one  
33 hundred dollars (\$100) nor more than five hundred dollars (\$500)  
34 per day until the repairs are completed, unless an extension of time  
35 is granted by the local enforcement agency.  
36 (3) In the event that a civil penalty is assessed pursuant to this  
37 section, a building safety lien may be recorded in the county  
38 recorder's office by the local jurisdiction in the county in which  
39 the parcel of land is located and from the date of recording shall  
40 have the force, effect, and priority of a judgment lien.

1 (j) (1) A building safety lien authorized by this section shall  
2 specify the amount of the lien, the name of the agency on whose  
3 behalf the lien is imposed, the street address, the legal description  
4 and assessor's parcel number of the parcel on which the lien is  
5 imposed, and the name and address of the recorded owner of the  
6 building.

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

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

14 (4) Notwithstanding any other law, the county recorder may  
15 impose a fee on the city to reimburse the costs of processing and  
16 recording the lien and providing notice to the owner of the building.  
17 A city may recover from the owner of the building any costs  
18 incurred regarding the processing and recording of the lien and  
19 providing notice to the owner of the building as part of its  
20 foreclosure action to enforce the lien.

21 (k) The continued and ongoing maintenance of exterior elevated  
22 elements in a safe and functional condition in compliance with  
23 these provisions shall be the responsibility of the owner of the  
24 building.

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

27 (m) For any building subject to the provisions of this section  
28 that is proposed for conversion to condominiums to be sold to the  
29 public after January 1, 2019, the inspection required by this section  
30 shall be conducted prior to the first close of escrow of a separate  
31 interest in the project and shall include the inspector's  
32 recommendations for repair or replacement of any exterior elevated  
33 element found to be defective, decayed, or deteriorated to the extent  
34 that it does not meet its load requirements, and would, in the  
35 opinion of the inspector, constitute a threat to the health or safety  
36 of the occupants. The inspection report and written confirmation  
37 by the inspector that any repairs or replacements recommended  
38 by the inspector have been completed shall be submitted to the  
39 Department of Real Estate by the proponent of the conversion and  
40 shall be a condition to the issuance of the final public report. A

1 complete copy of the inspection report and written confirmation  
 2 by the inspector that any repairs or replacements recommended  
 3 by the inspector have been completed shall be included with the  
 4 written statement of defects required by Section 1134 of the Civil  
 5 Code, and provided to the local jurisdiction in which the project  
 6 is located. The inspection, report, and confirmation of completed  
 7 repairs shall be a condition of the issuance of a final inspection or  
 8 certificate of occupancy by the local jurisdiction.

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

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

14 ~~SEC. 23.~~

15 *SEC. 24.* No reimbursement is required by this act pursuant to  
 16 Section 6 of Article XIII B of the California Constitution for certain  
 17 costs that may be incurred by a local agency or school district  
 18 because, in that regard, this act creates a new crime or infraction,  
 19 eliminates a crime or infraction, or changes the penalty for a crime  
 20 or infraction, within the meaning of Section 17556 of the  
 21 Government Code, or changes the definition of a crime within the  
 22 meaning of Section 6 of Article XIII B of the California  
 23 Constitution.

24 However, if the Commission on State Mandates determines that  
 25 this act contains other costs mandated by the state, reimbursement  
 26 to local agencies and school districts for those costs shall be made  
 27 pursuant to Part 7 (commencing with Section 17500) of Division  
 28 4 of Title 2 of the Government Code.

O

**SB 826 (Committee on Business, Professions and Economic Development)  
Business and professions.**

**Status/History:** 7/12/2021 – From committee with author's amendments. Read second time and amended. Re-referred to Assembly Committee on Business and Professions.

**Location:** 7/12/2021 – Assembly Business and Professions Committee

**Introduced:** 2/19/2021

**Last Amended:** 7/12/2021

**Board Position:** No position

**Board Staff Analysis:** 7/12/2021

**Bill Summary:** SB 826 is a Senate Business, Professions, and Economic Development Committee omnibus bill that makes technical and clarifying changes related to programs within the Department of Consumer Affairs (DCA). The comments below focus on only those sections that affect the Board.

Existing law prescribes various requirements and fees relating to examinations for licensure for certain professions, including professional engineers, geologists and geophysicists, and land surveyors.

This bill would specify that, upon failing in an examination, applicants may be examined again upon filing a new application and the payment of the examination fee fixed by the board.

**Affected Laws:** An act to amend Sections 27, 144, 5659, 6758, 7011.4, 7017.3, 7058.5, 7058.6, 7124.6, 7169, 7846, 8746, 9802, 19004, 19031, 19051, 19055, 19059.5, 19100, and 19161 of, and to repeal Section 13470.1 of, the Business and Professions Code, relating to business and professions.

**Staff Comment:** SB 826 would amend Business and Professions Code sections 6758, 7846, and 8746 to clarify the sections of the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act relating to what applicants need to do to retake an examination that they have failed.

In reviewing the laws, Board staff realized that these three sections did not clearly indicate that the applicant would be required to pay the examination fee, but not the application fee, again if they failed an examination and needed to retake it. Since the proposed amendments are non-substantive and simply provide clarity, Board staff requested that the Senate Business, Professions and Economic Development Committee include these sections in its omnibus bill. That request was granted, and the sections were added to the bill when it was amended on July 12, 2021.

This bill is scheduled to be heard in the Assembly Committee on Business and Professions on July 14, 2021.

**Staff Recommendation:** Staff recommends that the Board take a position of “support” on SB 826, as amended July 12, 2021.

AMENDED IN ASSEMBLY JULY 12, 2021

AMENDED IN SENATE MAY 4, 2021

AMENDED IN SENATE APRIL 13, 2021

**SENATE BILL**

**No. 826**

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**Introduced by Committee on Business, Professions and Economic Development (Senators Roth (Chair), Archuleta, Bates, Becker, Dodd, Eggman, Hurtado, Jones, Leyva, Melendez, Min, Newman, Ochoa Bogh, and Pan)**

March 23, 2021

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An act to amend Sections 27, 144, 5659, 6758, 7011.4, 7017.3, 7058.5, 7058.6, 7124.6, 7169, 7846, 8746, 9802, 19004, 19031, 19051, 19055, 19059.5, 19100, and 19161 of, and to repeal Section 13470.1 of, the Business and Professions Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 826, as amended, Committee on Business, Professions and Economic Development. Business and professions.

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

(1) Existing law establishes the Bureau of Household Goods and Services within the Department of Consumer Affairs under the supervision and control of the Director of Consumer Affairs. The bureau is responsible for the licensure and regulation of, among others, upholstered furniture retailers, household movers, and electronic and appliance repair dealers. Existing law requires the bureau to disclose prescribed information on the internet regarding its licensees and

registrants and to comply with the department's guidelines for access to public records.

This bill would additionally require the bureau to disclose information on its permitholders.

(2) Under existing law, specified agencies must require an applicant to provide a full set of fingerprints for purposes of conducting criminal history record checks.

This bill would include in the list of agencies the Bureau of Household Goods and Services with respect to household movers.

(3) Existing law, the Contractors State License Law, provides for the licensure and regulation of contractors by the Contractors State License Board within the department. Existing law establishes an enforcement division within the board that is required to enforce prohibitions against all forms of unlicensed activity, as specified. Existing law authorizes the board's enforcement representatives, recently reclassified as special investigators, who are designated by the Director of Consumer Affairs to issue a written notice to appear in court, as specified.

This bill would make nonsubstantive changes to those provisions by instead referring to the above-described enforcement representatives as special investigators and would make additional conforming changes.

Existing law requires the Contractors State License Board to report annually to the Legislature specified statistical information for the prior fiscal year, including, for the board's Investigation Center closures, the total number of complaints closed after referral for a field investigation per enforcement representative.

This bill would revise the reporting requirement to instead include the total number of complaints closed after referral for a field investigation per investigator and special investigator.

Existing law prohibits a contractor from engaging in asbestos-related work, as specified, without passing an asbestos certification examination. Existing law prohibits the Contractors State License Board from issuing an asbestos certification to a contractor who is not registered with the Division of Occupational Safety and Health, as specified. Under existing law, a contractor who is not certified pursuant to these provisions may bid on and contract to perform a project involving asbestos-related work as long as the asbestos-related work is performed by a contractor who is certified and registered, as specified.

This bill would additionally permit a contractor who holds a C-22 Asbestos Abatement classification to engage in asbestos-related work,



as specified, and to perform the asbestos-related work in connection with the above-described project.

Existing law requires a solar energy system company, before completing a sale, financing, or lease of a solar energy system, to provide a consumer with a disclosure document, developed by the board, as specified, that provides a consumer with accurate, clear, and concise information regarding the installation of a solar energy system. Existing law requires the disclosure document to contain specified information, including the consumer's right to a cooling off period of 3 days, pursuant to provisions outlining the contract requirements for projects requiring a home improvement contract. Under existing law, those provisions generally provide for a 3-, 5-, or 7-day right to cancel the contract, depending on the specific circumstances of the consumer.

This bill would revise the requirement that the disclosure document include information relating to the consumer's right to a 3-day cooling off period to instead include information relating to the applicable cancellation period, pursuant to the above-described provisions outlining specified contract requirements.

(4) Existing law requires a person selling at retail motor vehicle fuel to the public to post and maintain the maximum lawful selling price, as defined under obsolete federal law, of each type and grade of gasoline.

This bill would repeal that provision.

(5) *Existing law prescribes various requirements and fees relating to examinations for licensure for certain professions, including professional engineers, geologists and geophysicists, and land surveyors.*

*This bill would specify that, upon failing in an examination, applicants may be examined again upon filing a new application and the payment of the examination fee fixed by the board.*

(5)

(6) This bill would make other conforming and nonsubstantive changes, including replacing gendered terms with nongendered terms, updating cross-references, and deleting obsolete provisions.

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

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

1 SECTION 1. Section 27 of the Business and Professions Code  
2 is amended to read:

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

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

30 (c) Each of the following entities within the Department of  
31 Consumer Affairs shall comply with the requirements of this  
32 section:

33 (1) The Board for Professional Engineers, Land Surveyors, and  
34 Geologists shall disclose information on its registrants and  
35 licensees.

36 (2) The Bureau of Automotive Repair shall disclose information  
37 on its licensees, including auto repair dealers, smog stations, lamp  
38 and brake stations, smog check technicians, and smog inspection  
39 certification stations.

- 1 (3) The Bureau of Household Goods and Services shall disclose  
2 information on its licensees, registrants, and permit holders.
- 3 (4) The Cemetery and Funeral Bureau shall disclose information  
4 on its licensees, including cemetery brokers, cemetery salespersons,  
5 cemetery managers, crematory managers, cemetery authorities,  
6 crematories, cremated remains disposers, embalmers, funeral  
7 establishments, and funeral directors.
- 8 (5) The Professional Fiduciaries Bureau shall disclose  
9 information on its licensees.
- 10 (6) The Contractors State License Board shall disclose  
11 information on its licensees and registrants in accordance with  
12 Chapter 9 (commencing with Section 7000) of Division 3. In  
13 addition to information related to licenses as specified in  
14 subdivision (a), the board shall also disclose information provided  
15 to the board by the Labor Commissioner pursuant to Section 98.9  
16 of the Labor Code.
- 17 (7) The Bureau for Private Postsecondary Education shall  
18 disclose information on private postsecondary institutions under  
19 its jurisdiction, including disclosure of notices to comply issued  
20 pursuant to Section 94935 of the Education Code.
- 21 (8) The California Board of Accountancy shall disclose  
22 information on its licensees and registrants.
- 23 (9) The California Architects Board shall disclose information  
24 on its licensees, including architects and landscape architects.
- 25 (10) The State Athletic Commission shall disclose information  
26 on its licensees and registrants.
- 27 (11) The State Board of Barbering and Cosmetology shall  
28 disclose information on its licensees.
- 29 (12) The Acupuncture Board shall disclose information on its  
30 licensees.
- 31 (13) The Board of Behavioral Sciences shall disclose  
32 information on its licensees and registrants.
- 33 (14) The Dental Board of California shall disclose information  
34 on its licensees.
- 35 (15) The State Board of Optometry shall disclose information  
36 on its licensees and registrants.
- 37 (16) The Board of Psychology shall disclose information on its  
38 licensees, including psychologists, psychological assistants, and  
39 registered psychologists.

1 (17) The Veterinary Medical Board shall disclose information  
2 on its licensees, registrants, and permit holders.

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

5 (e) The Structural Pest Control Board shall disclose information  
6 on its licensees, including applicators, field representatives, and  
7 operators in the areas of fumigation, general pest and wood  
8 destroying pests and organisms, and wood roof cleaning and  
9 treatment.

10 (f) The Bureau of Cannabis Control shall disclose information  
11 on its licensees.

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

14 SEC. 2. Section 144 of the Business and Professions Code is  
15 amended to read:

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

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

24 (1) California Board of Accountancy.

25 (2) State Athletic Commission.

26 (3) Board of Behavioral Sciences.

27 (4) Court Reporters Board of California.

28 (5) Dental Board of California.

29 (6) California State Board of Pharmacy.

30 (7) Board of Registered Nursing.

31 (8) Veterinary Medical Board.

32 (9) Board of Vocational Nursing and Psychiatric Technicians  
33 of the State of California.

34 (10) Respiratory Care Board of California.

35 (11) Physical Therapy Board of California.

36 (12) Physician Assistant Board.

37 (13) Speech-Language Pathology and Audiology and Hearing  
38 Aid Dispensers Board.

39 (14) Medical Board of California.

40 (15) State Board of Optometry.

- 1 (16) Acupuncture Board.  
2 (17) Cemetery and Funeral Bureau.  
3 (18) Bureau of Security and Investigative Services.  
4 (19) Division of Investigation.  
5 (20) Board of Psychology.  
6 (21) California Board of Occupational Therapy.  
7 (22) Structural Pest Control Board.  
8 (23) Contractors State License Board.  
9 (24) Naturopathic Medicine Committee.  
10 (25) Professional Fiduciaries Bureau.  
11 (26) Board for Professional Engineers, Land Surveyors, and  
12 Geologists.  
13 (27) Bureau of Cannabis Control.  
14 (28) Podiatric Medical Board of California.  
15 (29) Osteopathic Medical Board of California.  
16 (30) California Architects Board, beginning January 1, 2021.  
17 (31) Landscape Architects Technical Committee, beginning  
18 January 1, 2022.  
19 (32) Bureau of Household Goods and Services with respect to  
20 household movers as described in Chapter 3.1 (commencing with  
21 Section 19225) of Division 8.  
22 (c) For purposes of paragraph (26) of subdivision (b), the term  
23 “applicant” shall be limited to an initial applicant who has never  
24 been registered or licensed by the board or to an applicant for a  
25 new licensure or registration category.  
26 SEC. 3. Section 5659 of the Business and Professions Code is  
27 amended to read:  
28 5659. Each person licensed under this chapter shall sign, date,  
29 and seal or stamp using a seal or stamp described in this section,  
30 all plans, specifications, and other instruments of service therefor,  
31 prepared for others as evidence of the person’s responsibility for  
32 those documents. Failure to comply with this section constitutes  
33 a ground for disciplinary action. Each person licensed under this  
34 chapter shall use a seal or stamp of the design authorized by the  
35 board, bearing the person’s name, license number, the legend  
36 “licensed landscape architect,” the legend “State of California”  
37 and a means of providing a signature, the renewal date of the  
38 license, and date of signing and sealing or stamping.  
39 SEC. 4. Section 6758 of the Business and Professions Code is  
40 amended to read:

1 6758. An applicant failing in an examination may be examined  
2 again upon filing a new application and the payment of the  
3 examination fee fixed by ~~this chapter.~~ *the board.*

4 ~~SEC. 4.~~

5 *SEC. 5.* Section 7011.4 of the Business and Professions Code  
6 is amended to read:

7 7011.4. (a) Notwithstanding Section 7011, there is in the  
8 Contractors State License Board, a separate enforcement division  
9 that shall rigorously enforce this chapter prohibiting all forms of  
10 unlicensed activity and shall enforce the obligation to secure the  
11 payment of valid and current workers' compensation insurance in  
12 accordance with Section 3700.5 of the Labor Code.

13 (b) Persons employed as special investigators of the Contractors  
14 State License Board and designated by the Director of Consumer  
15 Affairs shall have the authority to issue a written notice to appear  
16 in court pursuant to Chapter 5C (commencing with Section 853.5)  
17 of Title 3 of Part 2 of the Penal Code. An employee so designated  
18 is not a peace officer and does not have the power of arrest.

19 (c) When participating in the activities of the Joint Enforcement  
20 Strike Force on the Underground Economy pursuant to Section  
21 329 of the Unemployment Insurance Code, the enforcement  
22 division shall have free access to all places of labor.

23 ~~SEC. 5.~~

24 *SEC. 6.* Section 7017.3 of the Business and Professions Code  
25 is amended to read:

26 7017.3. The Contractors State License Board shall report  
27 annually to the Legislature, not later than October 1 of each year,  
28 the following statistical information for the prior fiscal year. The  
29 following data shall be reported on complaints filed with the board  
30 against licensed contractors, registered home improvement  
31 salespersons, and unlicensed persons acting as licensees or  
32 registrants:

33 (a) The number of complaints received by the board categorized  
34 by source, such as public, trade, profession, government agency,  
35 or board-initiated, and by type of complaint, such as licensee or  
36 nonlicensee.

37 (b) The number of complaints closed prior to referral for field  
38 investigation, categorized by the reason for the closure, such as  
39 settled, referred for mandatory arbitration, or referred for voluntary  
40 arbitration.

- 1 (c) The number of complaints referred for field investigation  
2 categorized by the type of complaint, such as licensee or  
3 nonlicensee.
- 4 (d) The number of complaints closed after referral for field  
5 investigation categorized by the reason for the closure, such as  
6 settled, referred for mandatory arbitration, or referred for voluntary  
7 arbitration.
- 8 (e) For the board's Intake/Mediation Center and the board's  
9 Investigation Center closures, respectively, the total number of  
10 complaints closed prior to a field investigation per consumer  
11 services representative, and the total number of complaints closed  
12 after referral for a field investigation per investigator and special  
13 investigator. Additionally, the board shall report the total number  
14 of complaints closed by other board staff during the year.
- 15 (f) The number of complaints pending at the end of the fiscal  
16 year grouped in 90-day increments, and the percentage of total  
17 complaints pending, represented by the number of complaints in  
18 each grouping.
- 19 (g) The number of citations issued to licensees categorized by  
20 the type of citation such as order of correction only or order of  
21 correction and fine, and the number of citations issued to licensees  
22 that were vacated or withdrawn.
- 23 (h) The number of citations issued to nonlicensees and the  
24 number of these citations that were vacated or withdrawn.
- 25 (i) The number of complaints referred to a local prosecutor for  
26 criminal investigation or prosecution, the number of complaints  
27 referred to the Attorney General for the filing of an accusation,  
28 and the number of complaints referred to both a local prosecutor  
29 and the Attorney General, categorized by type of complaint, such  
30 as licensee and nonlicensee.
- 31 (j) Actions taken by the board, including, but not limited to, the  
32 following:
- 33 (1) The number of disciplinary actions categorized by type, such  
34 as revocations or suspensions, categorized by whether the  
35 disciplinary action resulted from an accusation, failure to comply  
36 with a citation, or failure to comply with an arbitration award.
- 37 (2) The number of accusations dismissed or withdrawn.
- 38 (k) For subdivisions (g) and (j), the number of cases containing  
39 violations of Sections 7121 and 7121.5, and paragraph (5) of  
40 subdivision (a) of Section 7159.5, categorized by section.

1 (l) The number of interim suspension orders sought, the number  
2 of interim suspension orders granted, the number of temporary  
3 restraining orders sought, and the number of temporary restraining  
4 orders granted.

5 (m) The amount of cost recovery ordered and the amount  
6 collected.

7 (n) Case aging data, including data for each major stage of the  
8 enforcement process, including the following:

9 (1) The average number of days from the filing of a complaint  
10 to its closure by the board's Intake/Mediation Center prior to the  
11 referral for an investigation categorized by the type of complaint,  
12 such as licensee or nonlicensee.

13 (2) The average number of days from the referral of a complaint  
14 for an investigation to its closure by the Investigation Center  
15 categorized by the type of complaint, such as licensee or  
16 nonlicensee.

17 (3) The average number of days from the filing of a complaint  
18 to the referral of the completed investigation to the Attorney  
19 General.

20 (4) The average number of days from the referral of a completed  
21 investigation to the Attorney General to the filing of an accusation  
22 by the Attorney General.

23 (5) The average number of days from the filing of an accusation  
24 to the first hearing date or date of a stipulated settlement.

25 (6) The average number of days from the receipt of the  
26 ~~Administrative Law Judge's~~ *administrative law judge's* proposed  
27 decision to the registrar's final decision.

28 ~~SEC. 6.~~

29 *SEC. 7.* Section 7058.5 of the Business and Professions Code  
30 is amended to read:

31 7058.5. (a) A contractor shall not engage in asbestos-related  
32 work, as defined in Section 6501.8 of the Labor Code, that involves  
33 100 square feet or more of surface area of asbestos containing  
34 materials, unless the contractor holds a C-22 Asbestos Abatement  
35 classification or the qualifier for the license passes an asbestos  
36 certification examination. Additional updated asbestos certification  
37 examinations may be required based on new health and safety  
38 information. The decision on whether to require an updated  
39 certification examination shall be made by the Contractors State  
40 License Board, in consultation with the Division of Occupational



1 Safety and Health in the Department of Industrial Relations and  
2 the Division of Environmental and Occupational Disease Control  
3 in the State Department of Public Health.

4 No asbestos certification examination shall be required for  
5 contractors involved with the installation, maintenance, and repair  
6 of asbestos cement pipe or sheets, vinyl asbestos floor materials,  
7 or asbestos bituminous or resinous materials.

8 "Asbestos," as used in this section, has the same meaning as  
9 defined in Section 6501.7 of the Labor Code.

10 (b) The Contractors State License Board shall make available  
11 to all applicants, either on the board's internet website or, if  
12 requested, in hard copy, a booklet containing information relative  
13 to handling and disposal of asbestos, together with an open book  
14 examination concerning asbestos-related work. All applicants for  
15 an initial contractor license shall complete the open book  
16 examination and, prior to the issuance of a contractor's license,  
17 submit it to the board electronically or by mail if the applicant  
18 elects to use the hard-copy format.

19 ~~SEC. 7.~~

20 *SEC. 8.* Section 7058.6 of the Business and Professions Code  
21 is amended to read:

22 7058.6. (a) The board shall not issue an asbestos certification,  
23 as required by Section 7058.5, unless the contractor is registered  
24 with the Division of Occupational Safety and Health of the  
25 Department of Industrial Relations pursuant to Section 6501.5 of  
26 the Labor Code. The board may issue an asbestos certification to  
27 a contractor who is not registered, provided the contractor in a  
28 written statement acknowledges that they do not perform  
29 asbestos-related work. The board shall notify both the division and  
30 the contractor, in writing, of the contractor's passage of the  
31 certification examination, for the purpose of allowing the contractor  
32 to satisfy the requirement of paragraph (1) of subdivision (a) of  
33 Section 6501.5 of the Labor Code. The contractor shall register  
34 with the division within 90 days from the date the contractor is  
35 notified of the passage of the certification examination. The board  
36 may require a reexamination if the contractor fails to register within  
37 90 days following issuance of the notification. Applicable test fees  
38 shall be paid for any reexamination required under this section.

39 (b) Any contractor who is certified to engage in asbestos-related  
40 work shall present proof of current registration with the division

1 pursuant to Section 6501.5 of the Labor Code upon application  
2 for renewal of the contractor's license, if the contractor engages  
3 in asbestos-related work, as defined in Section 6501.8 of the Labor  
4 Code.

5 (c) A contractor who is not certified pursuant to this section  
6 may bid on and contract to perform a project involving  
7 asbestos-related work as long as the asbestos-related work is  
8 performed by a contractor who holds the C-22 Asbestos Abatement  
9 classification or is certified and registered pursuant to this section  
10 and Section 6501.5 of the Labor Code.

11 (d) The board shall obtain and periodically update the list of  
12 contractors certified to engage in asbestos-related work who are  
13 registered pursuant to Section 6501.5 of the Labor Code.

14 ~~SEC. 8:~~

15 *SEC. 9.* Section 7124.6 of the Business and Professions Code  
16 is amended to read:

17 7124.6. (a) The registrar shall make available to members of  
18 the public the date, nature, and status of all complaints on file  
19 against a licensee that do either of the following:

20 (1) Have been referred for accusation.

21 (2) Have been referred for investigation after a determination  
22 by board enforcement staff that a probable violation has occurred,  
23 and have been reviewed by a supervisor, and regard allegations  
24 that if proven would present a risk of harm to the public and would  
25 be appropriate for suspension or revocation of the contractor's  
26 license or criminal prosecution.

27 (b) The board shall create a disclaimer that shall accompany  
28 the disclosure of a complaint that shall state that the complaint is  
29 an allegation. The disclaimer may also contain any other  
30 information the board determines would be relevant to a person  
31 evaluating the complaint.

32 (c) (1) A complaint resolved in favor of the contractor shall not  
33 be subject to disclosure.

34 (2) A complaint resolved by issuance of a letter of  
35 admonishment pursuant to Section 7099.9 shall not be deemed  
36 resolved in favor of the contractor for the purposes of this section.  
37 A letter of admonishment issued to a licensee shall be disclosed  
38 for a period of one year from the date of service described in  
39 subdivision (c) of Section 7099.9.

1 (d) Except as described in subdivision (e), the registrar shall  
2 make available to members of the public the date, nature, and  
3 disposition of all legal actions.

4 (e) Disclosure of legal actions shall be limited as follows:

5 (1) (A) Citations shall be disclosed from the date of issuance  
6 and for five years after the date of compliance if no additional  
7 disciplinary actions have been filed against the licensee during the  
8 five-year period. If additional disciplinary actions were filed against  
9 the licensee during the five-year period, all disciplinary actions  
10 shall be disclosed for as long as the most recent disciplinary action  
11 is subject to disclosure under this section. At the end of the  
12 specified time period, those citations shall no longer be disclosed.

13 (B) Any disclosure pursuant to this paragraph shall also appear  
14 on the license record of any other license that includes a qualifier  
15 that is listed as one of the members of personnel of record of the  
16 license that was issued the citation.

17 (C) The disclosure described in subparagraph (B) shall be for  
18 the period of disclosure of the citation.

19 (2) Accusations that result in suspension, stayed suspension, or  
20 stayed revocation of the contractor's license shall be disclosed  
21 from the date the accusation is filed and for seven years after the  
22 accusation has been settled, including the terms and conditions of  
23 probation if no additional disciplinary actions have been filed  
24 against the licensee during the seven-year period. If additional  
25 disciplinary actions were filed against the licensee during the  
26 seven-year period, all disciplinary actions shall be posted for as  
27 long as the most recent disciplinary action is subject to disclosure  
28 under this section. At the end of the specified time period, those  
29 accusations shall no longer be disclosed.

30 (3) All revocations that are not stayed shall be disclosed  
31 indefinitely from the effective date of the revocation.

32 ~~SEC. 9:~~

33 *SEC. 10.* Section 7169 of the Business and Professions Code  
34 is amended to read:

35 7169. (a) The board, in collaboration with the Public Utilities  
36 Commission, shall develop and make available a "solar energy  
37 system disclosure document" or documents that provide a  
38 consumer, at a minimum, accurate, clear, and concise information  
39 regarding the installation of a solar energy system, total costs of  
40 installation, anticipated savings, the assumptions and inputs used

1 to estimate the savings, and the implications of various financing  
2 options.

3 (b) On or before July 1, 2018, the board, in collaboration with  
4 the Public Utilities Commission, shall develop, and make available  
5 on its internet website the disclosure document described in  
6 subdivision (a) that a solar energy system company shall provide  
7 to a consumer prior to completion of a sale, financing, or lease of  
8 a solar energy system. The “solar energy system disclosure  
9 document” shall be printed on the front page or cover page of every  
10 solar energy contract. The “solar energy system disclosure  
11 document” shall be printed in boldface 16-point type and include  
12 the following types of primary information:

13 (1) The total cost and payments for the system, including  
14 financing costs.

15 (2) Information on how and to whom customers may provide  
16 complaints.

17 (3) The consumer’s right to the applicable cancellation period  
18 pursuant to Section 7159 of the Business and Professions Code.

19 (c) At the board’s discretion, other types of supporting  
20 information the board and the commission deem appropriate or  
21 useful in furthering the directive described in subdivision (a) may  
22 be included in the solar energy disclosure document following the  
23 front page or cover page, including, but not limited to:

24 (1) The amounts and sources of financing obtained.

25 (2) The calculations used by the home improvement salesperson  
26 to determine how many panels the homeowner needs to install.

27 (3) The calculations used by the home improvement salesperson  
28 to determine how much energy the panels will generate.

29 (4) Any additional monthly fees the homeowner’s electric  
30 company may bill, any turn-on charges, and any fees added for  
31 the use of an internet monitoring system of the panels or inverters.

32 (5) The terms and conditions of any guaranteed rebate.

33 (6) The final contract price, without the inclusion of possible  
34 rebates.

35 (7) The solar energy system company’s contractor’s license  
36 number.

37 (8) The impacts of solar energy system installations not  
38 performed to code.

39 (9) Types of solar energy system malfunctions.

1 (10) Information about the difference between a solar energy  
2 system lease and a solar energy system purchase.

3 (11) The impacts that the financing options, lease agreement  
4 terms, or contract terms will have on the sale of the consumer's  
5 home, including any balloon payments or solar energy system  
6 relocation that may be required if the contract is not assigned to  
7 the new owner of the home.

8 (12) A calculator that calculates performance of solar projects  
9 to provide solar customers the solar power system's projected  
10 output, which may include an expected performance-based  
11 buy-down calculator.

12 (d) A contract for sale, financing, or lease of a solar energy  
13 system and the solar energy system disclosure document shall be  
14 written in the same language as was principally used in the oral  
15 sales presentation made to the consumer or the print or digital  
16 marketing material given to the consumer.

17 (e) For solar energy systems utilizing Property Assessed Clean  
18 Energy (PACE) financing, the Financing Estimate and Disclosure  
19 form required by subdivision (b) of Section 5898.17 of the Streets  
20 and Highways Code shall satisfy the requirements of this section  
21 with respect to the financing contract only, but not, however, with  
22 respect to the underlying contract for installation of the solar energy  
23 system.

24 (f) The board shall post the PACE Financing Estimate and  
25 Disclosure form required by subdivision (b) of Section 5898.17  
26 of the Streets and Highways Code on its internet website.

27 (g) For purposes of this section, "solar energy system" means  
28 a solar energy device to be installed on a residential building that  
29 has the primary purpose of providing for the collection and  
30 distribution of solar energy for the generation of electricity, that  
31 produces at least one kW, and not more than five MW, alternating  
32 current rated peak electricity, and that meets or exceeds the  
33 eligibility criteria established pursuant to Section 25782 of the  
34 Public Resources Code.

35 (h) This section does not apply to a solar energy system that is  
36 installed as a standard feature on new construction.

37 *SEC. 11. Section 7846 of the Business and Professions Code*  
38 *is amended to read:*

1 7846. An applicant failing in an examination may be examined  
2 again upon filing a new application and the payment of the  
3 application examination fee fixed by ~~this chapter~~. *the board*.

4 *SEC. 12. Section 8746 of the Business and Professions Code*  
5 *is amended to read:*

6 8746. An applicant failing an examination may be examined  
7 again upon filing a new application and the payment of the  
8 examination fee fixed by the board.

9 ~~SEC. 10.~~

10 *SEC. 13. Section 9802 of the Business and Professions Code*  
11 *is amended to read:*

12 9802. This chapter does not apply to:

13 (a) Any employee of a service dealer while the employee is  
14 engaged in activities within the normal scope of the employer's  
15 business.

16 (b) The repair, service, or maintenance of equipment used in  
17 commercial, nonresidential, industrial, or governmental  
18 establishments.

19 (c) The repair, services, or maintenance of equipment the  
20 ordinary and usual use of which requires a license or permit issued  
21 by the Federal Communications Commission.

22 (d) Any person licensed under Chapter 9 (commencing with  
23 Section 7000) as an electrical contractor (C-10) or a low-voltage  
24 communications systems contractor (C-7) and acting within the  
25 scope of their license.

26 ~~SEC. 11.~~

27 *SEC. 14. Section 13470.1 of the Business and Professions Code*  
28 *is repealed.*

29 ~~SEC. 12.~~

30 *SEC. 15. Section 19004 of the Business and Professions Code*  
31 *is amended to read:*

32 19004. (a) "Bureau" refers to the Bureau of Household Goods  
33 and Services, as established in Section 9810.

34 (b) "Chief" refers to the chief of the bureau.

35 (c) "Inspector" refers to an inspector or investigator either  
36 employed by, or under contract to, the bureau.

37 (d) "Director" refers to the Director of Consumer Affairs.

38 (e) "Department" refers to the Department of Consumer Affairs.

1     ~~SEC. 13.~~

2     *SEC. 16.* Section 19031 of the Business and Professions Code  
3 is amended to read:

4     19031. The duty of enforcing and administering this chapter,  
5 Chapter 3.1 (commencing with Section 19225), and Chapter 20  
6 (commencing with Section 9800) of Division 3 is vested in the  
7 chief who is responsible to the director therefor.

8     ~~SEC. 14.~~

9     *SEC. 17.* Section 19051 of the Business and Professions Code  
10 is amended to read:

11     19051. Every upholstered-furniture retailer, unless they hold  
12 an importer's license, a furniture and bedding manufacturer's  
13 license, a wholesale furniture and bedding dealer's license, a  
14 custom upholsterer's license, or a retail furniture and bedding  
15 dealer's license shall hold a retail furniture dealer's license.

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

23     (b) This section does not apply to a person who is licensed as  
24 a home medical device retail facility by the State Department of  
25 Public Health, provided that the furniture is purchased from an  
26 appropriately licensed importer, wholesaler, or retailer.

27     ~~SEC. 15.~~

28     *SEC. 18.* Section 19055 of the Business and Professions Code  
29 is amended to read:

30     19055. Every bedding retailer, unless they hold an importer's  
31 license, an upholstered-furniture and bedding manufacturer's  
32 license, a wholesale upholstered-furniture and bedding dealer's  
33 license, or a retail furniture and bedding dealer's license, shall hold  
34 a retail bedding dealer's license.

35     (a) This section does not apply to a person whose sole business  
36 is designing and specifying for interior spaces, and who purchases  
37 specific amenable bedding items on behalf of a client, provided  
38 that the bedding is purchased from an appropriately licensed  
39 importer, wholesaler, or retailer.

1 (b) This section does not apply to a person who is licensed as  
2 a home medical device retail facility by the State Department of  
3 Public Health, provided that the bedding is purchased from an  
4 appropriately licensed importer, wholesaler, or retailer.

5 ~~SEC. 16.~~

6 *SEC. 19.* Section 19059.5 of the Business and Professions Code  
7 is amended to read:

8 19059.5. Every sanitizer shall hold a sanitizer’s license unless  
9 they are licensed as a home medical device retail facility by the  
10 State Department of Public Health or as an upholstered furniture  
11 and bedding manufacturer, retail furniture and bedding dealer,  
12 retail bedding dealer, or custom upholsterer.

13 ~~SEC. 17.~~

14 *SEC. 20.* Section 19100 of the Business and Professions Code  
15 is amended to read:

16 19100. For the purposes of this article, the following definitions  
17 apply:

18 (a) “Chemical” has the same meaning as in subdivision (a) of  
19 Section 19094.

20 (b) “Consumer price index” has the same meaning as in  
21 subdivision (a) of Section 19094.

22 (c) (1) “Covered flame retardant chemical” means any chemical  
23 that meets both of the following criteria:

24 (A) A functional use for the chemical is to resist or inhibit the  
25 spread of fire or as a synergist to chemicals that resist or inhibit  
26 the spread of fire, including, but not limited to, any chemical for  
27 which the term “flame retardant” appears on the Occupational  
28 Safety and Health Administration substance safety data sheet  
29 pursuant to subdivision (g) of Section 1910.1200 of Title 29 of the  
30 Code of Federal Regulations as it read on January 1, 2019.

31 (B) The chemical is one of the following:

32 (i) A halogenated, organophosphorus, organonitrogen, or  
33 nanoscale chemical.

34 (ii) A chemical defined as a “designated chemical” in Section  
35 105440 of the Health and Safety Code.

36 (iii) A chemical listed on the Washington State Department of  
37 Ecology’s list of Chemicals of High Concern to Children in Section  
38 173-334-130 of Title 173 of the Washington Administrative Code  
39 as of January 1, 2019, and identified as a flame retardant or as a



1 synergist to flame retardants in the rationale for inclusion in the  
2 list.

3 (2) As used in this subdivision:

4 (A) "Halogenated chemical" means any chemical that contains  
5 one or more halogen elements, including fluorine, chlorine,  
6 bromine, or iodine.

7 (B) "Organophosphorus chemical" is any chemical that contains  
8 one or more carbon elements and one or more phosphorus  
9 elements.

10 (C) "Organonitrogen chemical" is any chemical that contains  
11 one or more carbon elements and one or more nitrogen elements.

12 (d) "Juvenile product" means a product subject to this chapter  
13 and designed for residential use by infants and children under 12  
14 years of age, including, but not limited to, a bassinet, booster seat,  
15 changing pad, floor playmat, highchair, highchair pad, infant  
16 bouncer, infant carrier, infant seat, infant swing, infant walker,  
17 nursing pad, nursing pillow, playpen side pad, playard, portable  
18 hook-on chair, stroller, and children's nap mat.

19 (e) Juvenile products do not include any of the following:

20 (1) Products that are not primarily intended for use in the home,  
21 such as products or components for motor vehicles, watercraft,  
22 aircraft, or other vehicles.

23 (2) Products subject to Part 571 of Title 49 of the Code of  
24 Federal Regulations regarding parts and products used in vehicles  
25 and aircraft.

26 (3) Products required to meet state flammability standards in  
27 Technical Bulletin 133, entitled "Flammability Test Procedure for  
28 Seating Furniture for Use in Public Occupancies."

29 (4) Consumer electronic products that do not fall under the  
30 bureau's jurisdiction for flammability standards.

31 (f) "Mattress" has the same definition as that term is defined in  
32 Section 1632.1 of Title 16 of the Code of Federal Regulations.

33 (g) "Reupholstered furniture" means furniture whose original  
34 fabric, padding, decking, barrier material, foam, or other resilient  
35 filling has been replaced by a custom upholsterer, that has not been  
36 sold since the time of the replacement, and that is required to meet  
37 the flammability standards set forth in Technical Bulletin 117-2013  
38 entitled "Requirements, Test Procedure and Apparatus for Testing  
39 the Smolder Resistance of Materials Used in Upholstered

1 Furniture.” Reupholstered furniture shall not include products  
2 required to meet Technical Bulletin 133.

3 (h) “Upholstered furniture” has the same meaning as “covered  
4 products” does in subdivision (a) of Section 19094.

5 ~~SEC. 18.~~

6 *SEC. 21.* Section 19161 of the Business and Professions Code  
7 is amended to read:

8 19161. (a) All mattresses and mattress sets manufactured for  
9 sale in this state shall be fire retardant. “Fire retardant,” as used in  
10 this section, means a product that meets the standards for resistance  
11 to open-flame test adopted by the United States Consumer Product  
12 Safety Commission and set forth in Section 1633 and following  
13 of Title 16 of the Code of Federal Regulations. The bureau may  
14 adopt regulations it deems necessary to implement those standards.

15 (b) All other bedding products that the bureau determines  
16 contribute to mattress bedding fires shall comply with regulations  
17 adopted by the bureau specifying that those products be resistant  
18 to open-flame ignition.

19 (c) All seating furniture sold or offered for sale by an importer,  
20 manufacturer, or wholesaler for use in this state, including any  
21 seating furniture sold to or offered for sale for use in a hotel, motel,  
22 or other place of public accommodation in this state, and  
23 reupholstered furniture to which filling materials are added, shall  
24 be fire retardant and shall be labeled in a manner specified by the  
25 bureau. This does not include furniture used exclusively for the  
26 purpose of physical fitness and exercise.

27 (d) Regulations adopted by the bureau for other bedding  
28 products shall not apply to any hotel, motel, bed and breakfast,  
29 inn, or similar transient lodging establishment that has an automatic  
30 fire extinguishing system that conforms to the specifications  
31 established in Section 904.1 of Title 24 of the California Code of  
32 Regulations.

O

## **VI. Enforcement**

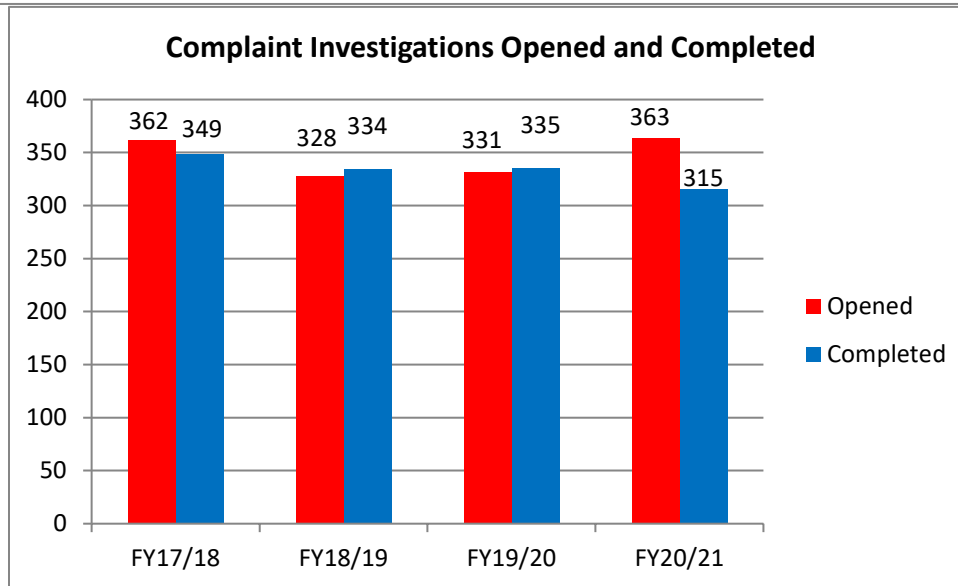
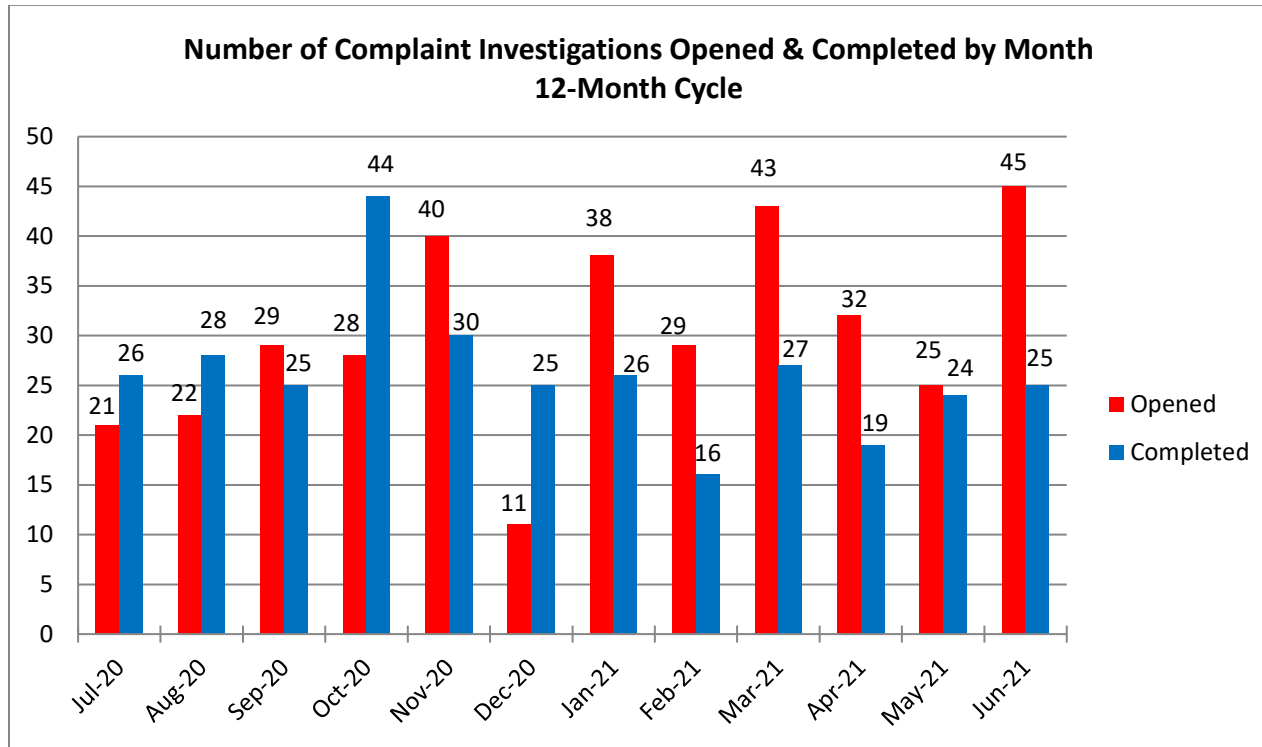
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### A. Enforcement Statistical Reports

#### 1. Fiscal Year 2020/21 Update

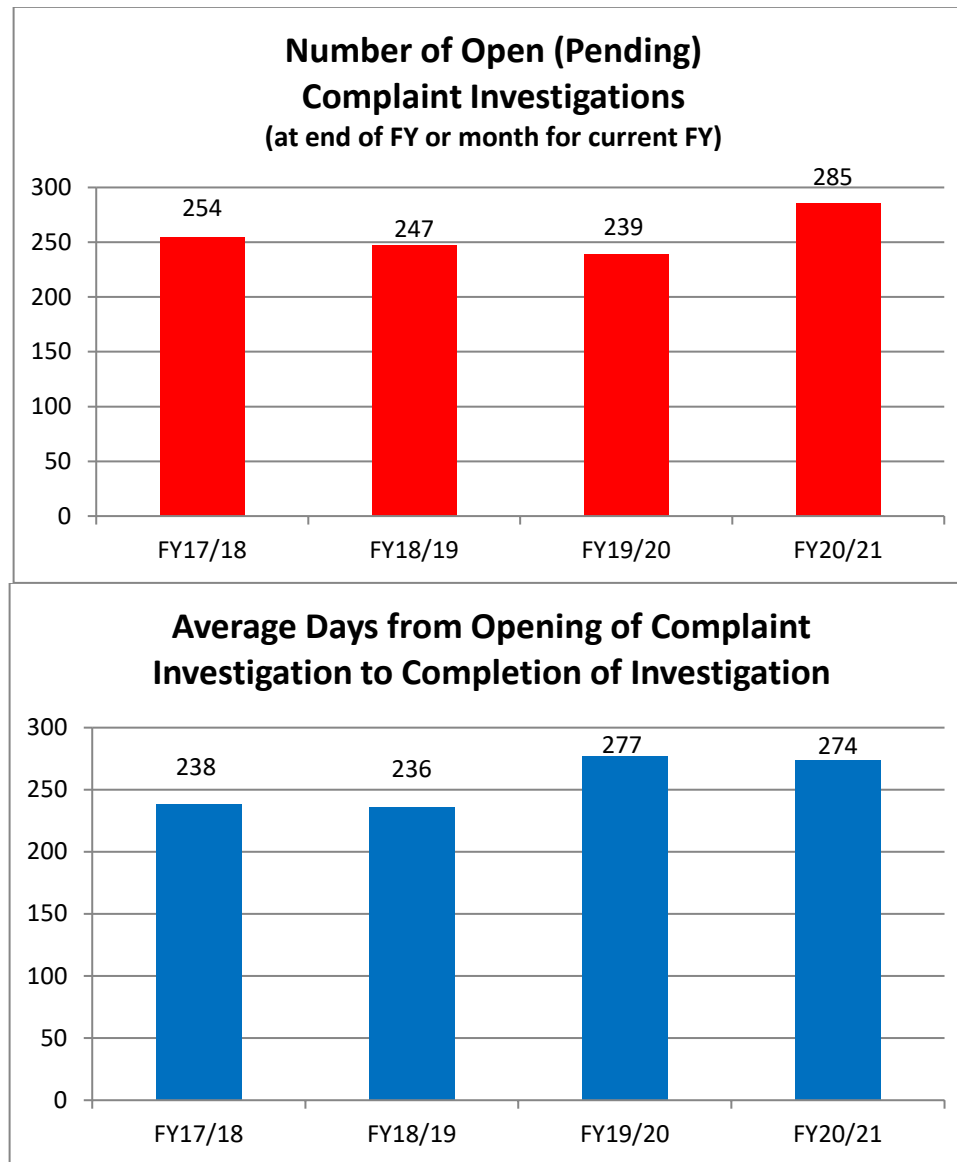


# Complaint Investigation Phase



NOTE: FY20/21 statistics are through June 30, 2021

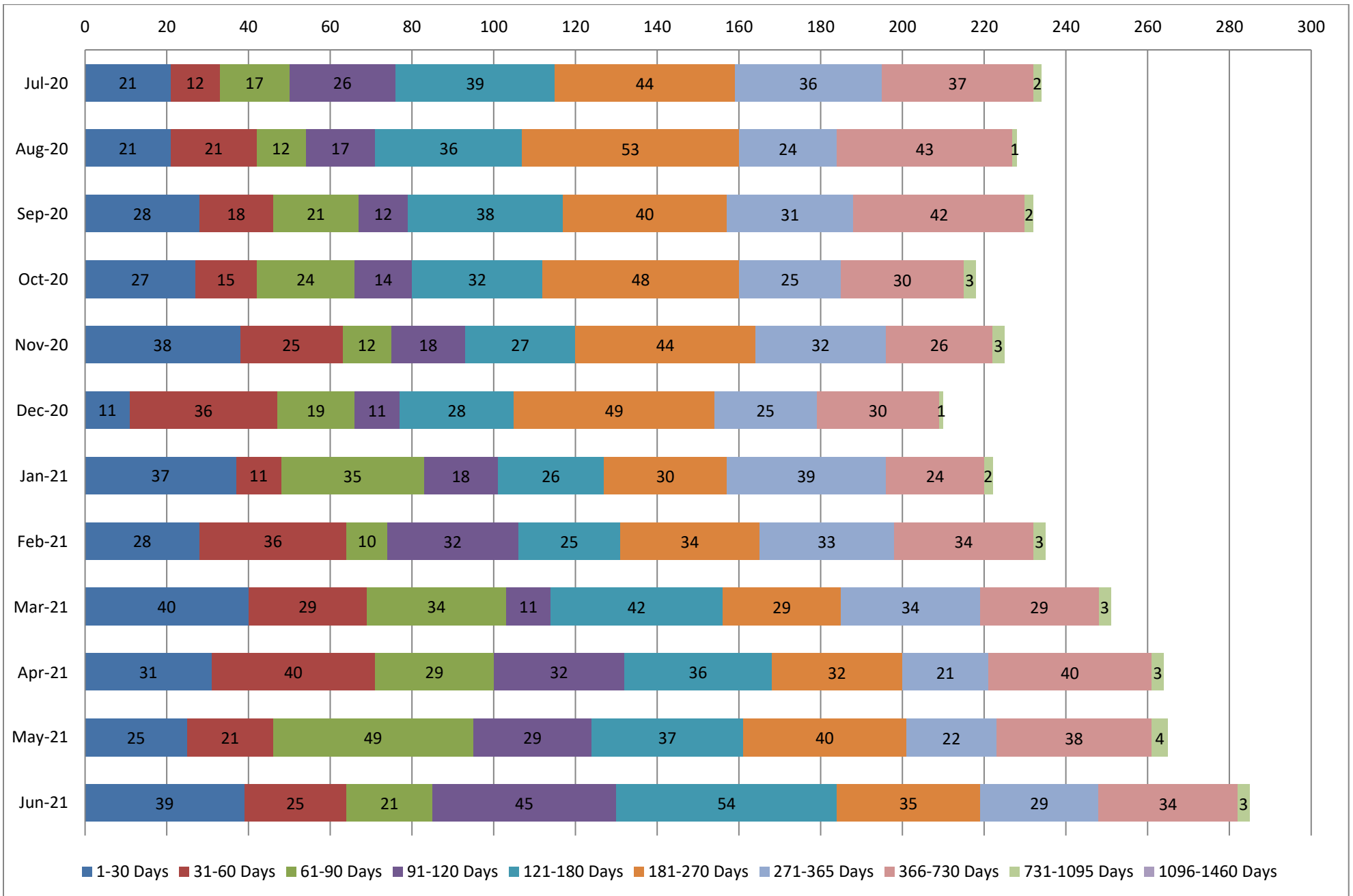
# Complaint Investigation Phase



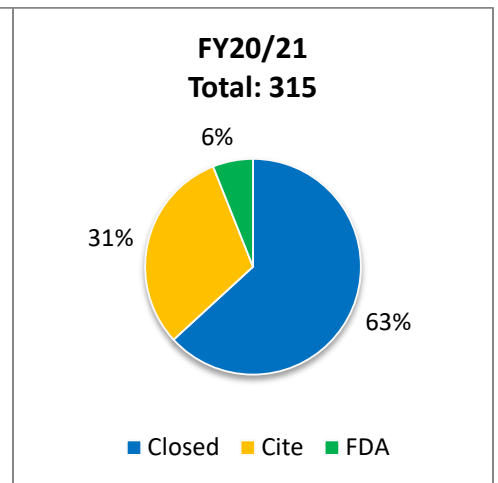
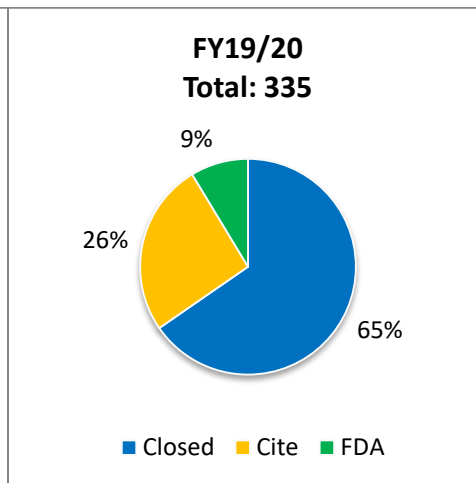
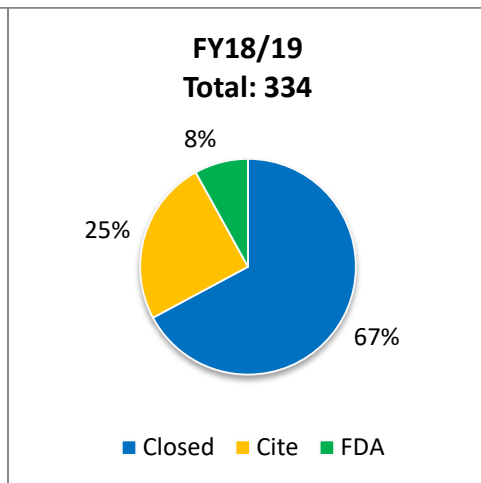
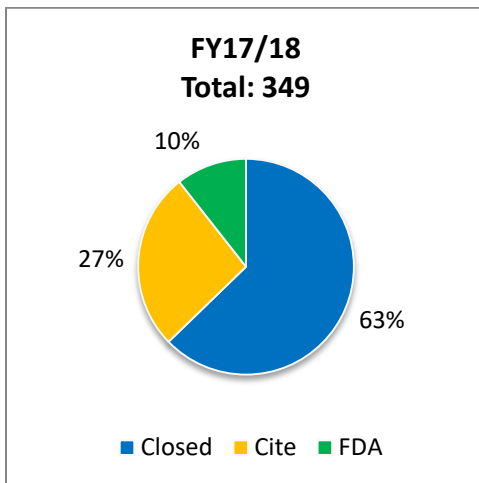
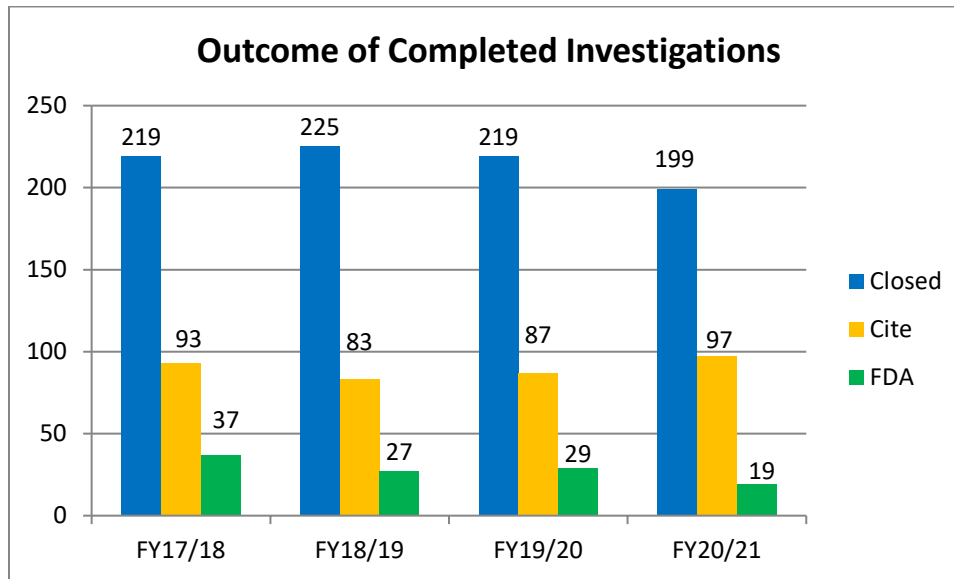
NOTE: FY20/21 statistics are through June 30, 2021

# Complaint Investigation Phase

## Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



## Complaint Investigation Phase Outcome of Completed Investigations



**NOTE: FY20/21 statistics are through June 30, 2021**

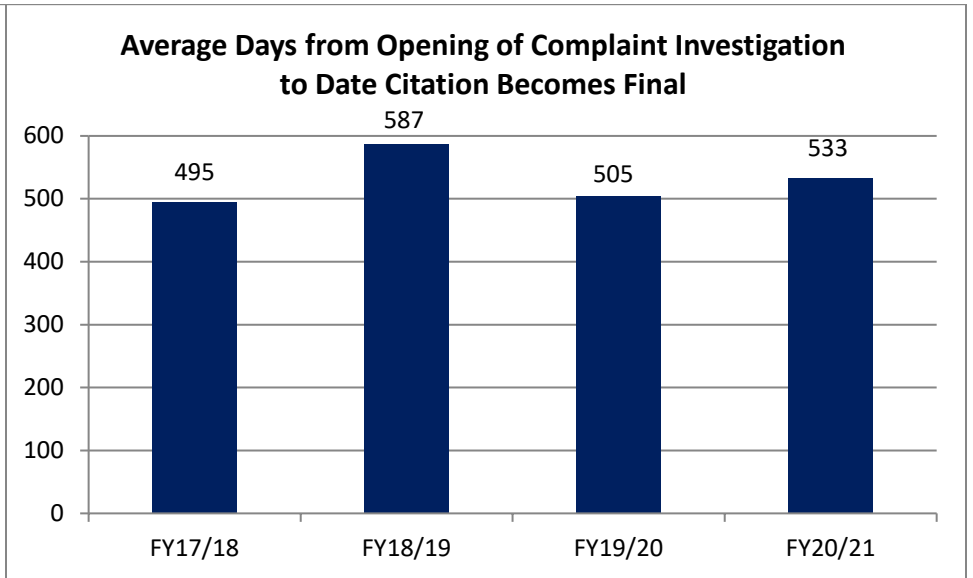
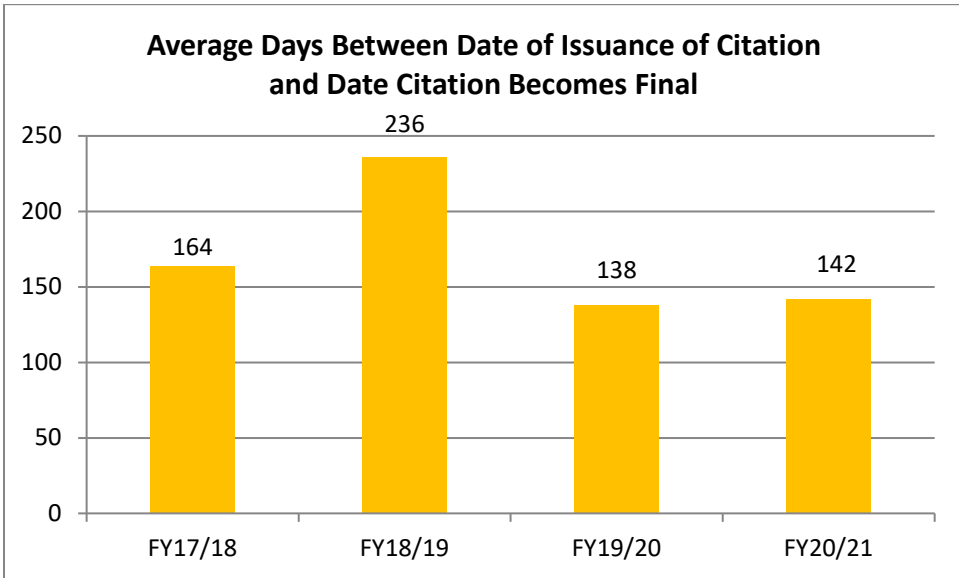
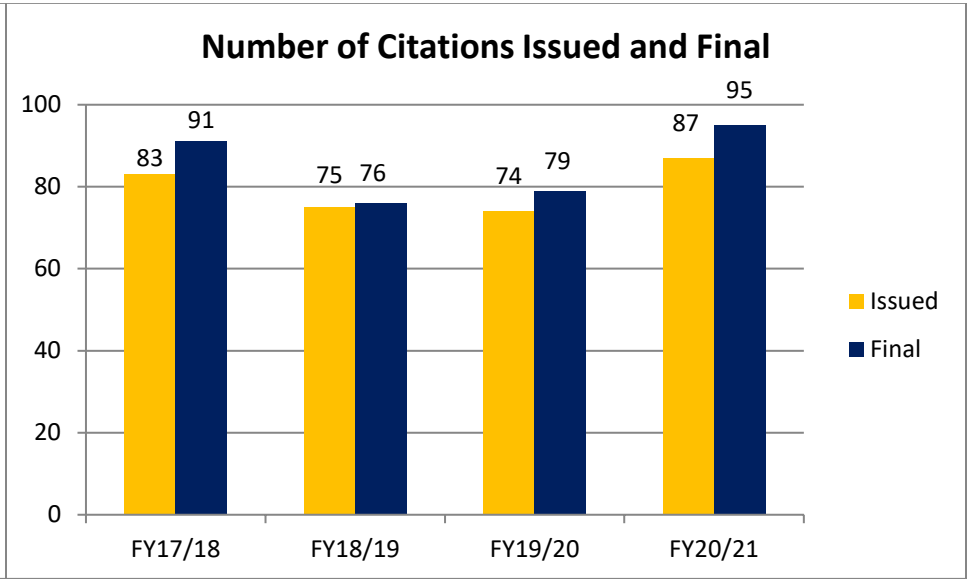
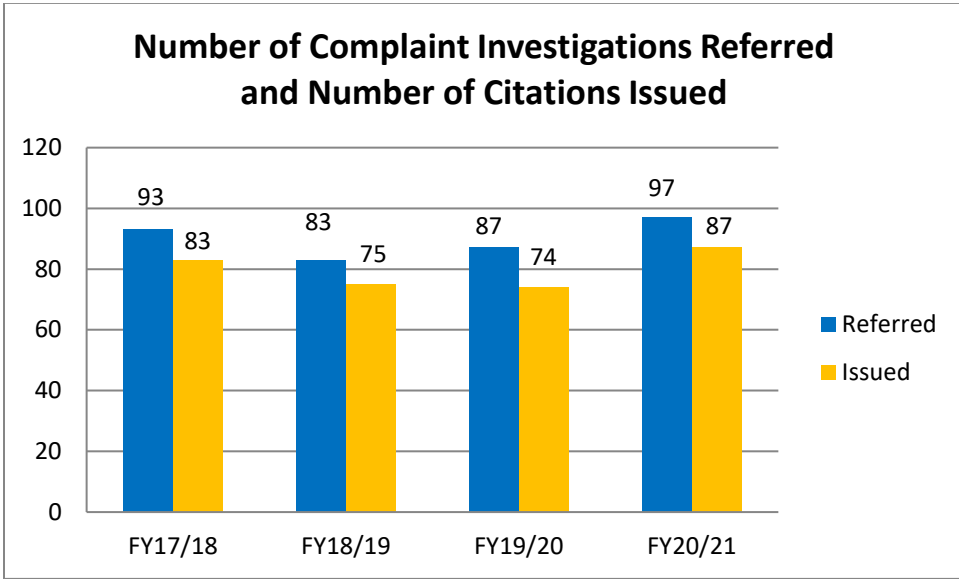
Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

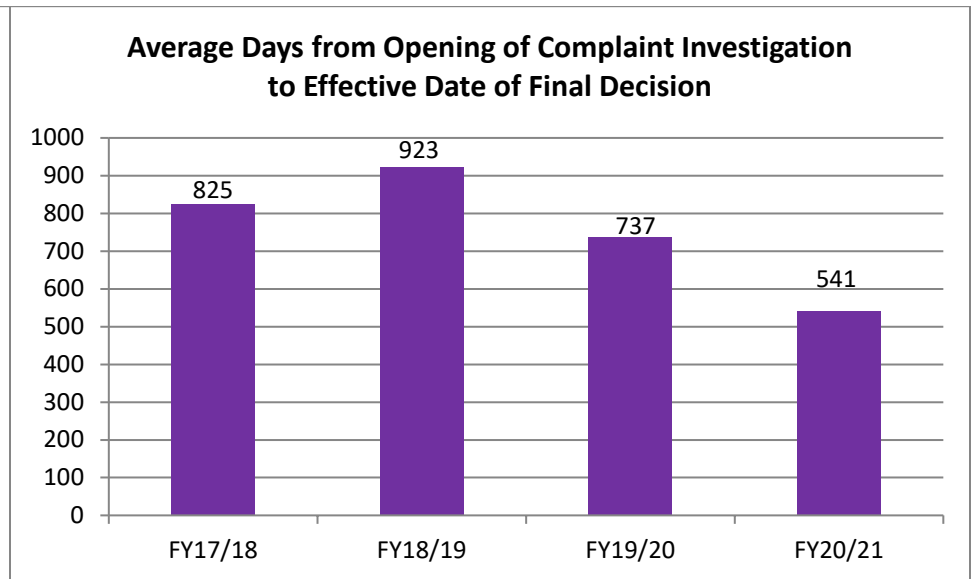
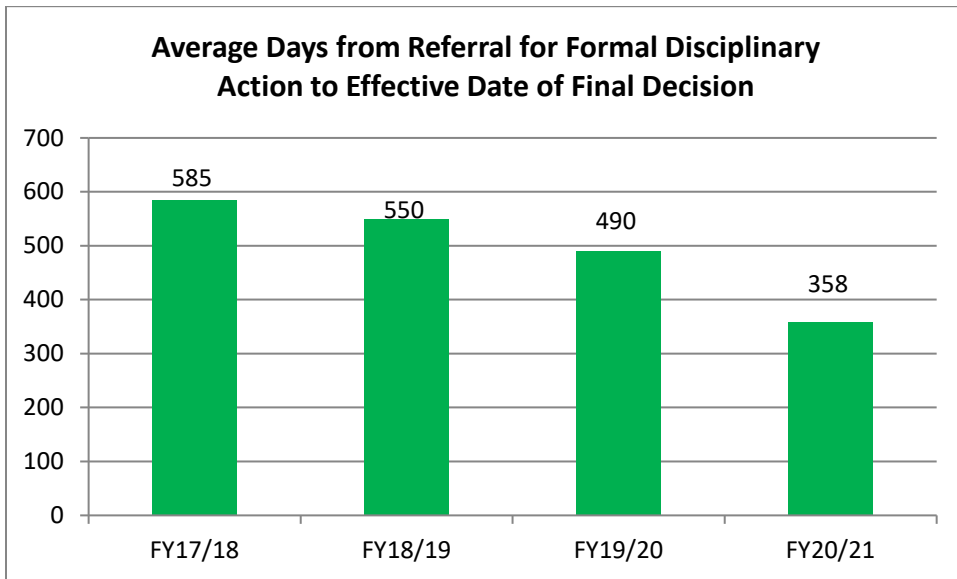
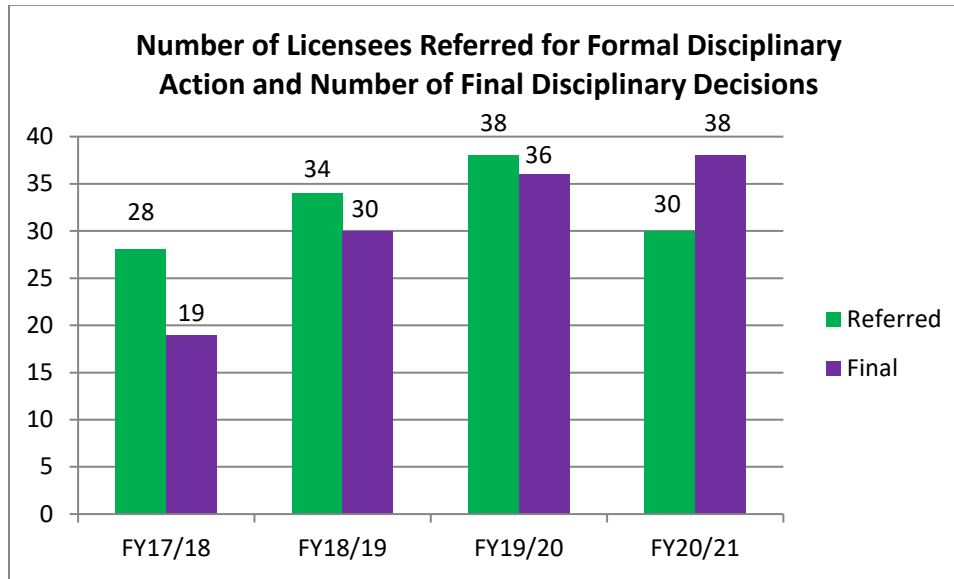


# Citations (Informal Enforcement Actions)



NOTE: FY20/21 statistics are through June 30, 2021

# Formal Disciplinary Actions Against Licensees



NOTE: FY20/21 statistics are through June 30, 2021

**Number of Complaint Investigations Opened & Completed by Month  
12-Month Cycle**

Month	Complaint Investigations Opened	Complaint Investigations Completed
July 2020	21	26
August 2020	22	28
September 2020	29	25
October 2020	28	41
November 2020	40	30
December 2020	11	25
January 2021	38	26
February 2021	29	16
March 2021	43	27
April 2021	32	19
May 2021	25	24
June 2021	45	25

**Complaint Investigations Opened and Completed  
Total by Fiscal Year**

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2017/18	362	349
2018/19	328	334
2019/20	331	335
2020/21	363	315

Current Fiscal Year through June 30, 2021

**Number of Open (Pending) Complaint Investigations  
(at end of FY or month for current FY)**

Fiscal Year	Number of Open (Pending) Complaint Investigations
2017/18	254
2018/19	247
2019/20	239
2020/21	285

Current Fiscal Year through June 30, 2021

## Complaint Investigation Phase

### Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

Fiscal Year	Average Days
2017/18	238
2018/19	236
2019/20	277
2020/21	274

Current Fiscal Year through June 30, 2021

### Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2017/18	219	63%	93	27%	37	10%
2018/19	225	67%	83	25%	27	8%
2019/20	219	65%	87	29%	29	9%
2020/21	199	63%	97	31%	19	6%

Current Fiscal Year through June 30, 2021

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

**Aging of Open (Pending) Complaint Investigation Cases  
12-Month Cycle**

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121- 180 Days	181- 270 Days	271- 365 Days	1-2 Years	2-3 Years	3-4 Years
July 2020	21	12	17	26	39	44	36	37	2	0
August 2020	21	21	12	17	36	53	24	43	1	0
September 2020	28	18	21	12	38	40	31	42	2	0
October 2020	27	15	24	14	32	48	25	30	3	0
November 2020	38	25	12	18	27	44	32	26	3	0
December 2020	11	36	19	11	28	49	25	30	1	0
January 2021	37	11	35	18	26	30	39	24	2	0
February 2021	28	36	10	32	25	34	33	34	3	0
March 2021	40	29	34	11	42	29	34	29	3	0
April 2021	31	40	29	32	36	32	21	40	3	0
May 2021	25	21	49	29	37	40	22	38	4	0
June 2021	39	25	21	45	54	35	29	34	3	0

**Number of Complaint Investigations Referred and Number of Citations Issued**

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2017/18	93	83
2018/19	83	75
2019/20	87	74
2020/21	97	87

Current Fiscal Year through June 30, 2021

**Number of Citations Issued and Final**

Fiscal Year	Issued	Final
2017/18	83	91
2018/19	75	76
2019/20	74	79
2020/21	87	95

Current Fiscal Year through June 30, 2021

**Average Days Between Date of Issuance of Citation and Date Citation Becomes Final**

Fiscal Year	Number of Days
2017/18	164
2018/19	236
2019/20	138
2020/21	142

Current Fiscal Year through June 30, 2021

**Average Days from Opening of Complaint Investigation to Date Citation Becomes Final**

Fiscal Year	Number of Days
2017/18	495
2018/19	587
2019/20	505
2020/21	533

Current Fiscal Year through June 30, 2021

**Number of Licensees Referred for Formal Disciplinary Action  
and Number of Final Disciplinary Decisions**

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2017/18	28	19
2018/19	34	30
2019/20	38	35
2020/21	30	38

Current Fiscal Year through June 30, 2021

**Average Days from Referral for Formal Disciplinary Action  
to Effective Date of Final Decision**

Fiscal Year	Number of Days
2017/18	585
2018/19	550
2019/20	490
2020/21	358

Current Fiscal Year through June 30, 2021

**Average Days from Opening of Complaint Investigation  
to Effective Date of Final Decision**

Fiscal Year	Number of Days
2017/18	825
2018/19	923
2019/20	737
2020/21	541

Current Fiscal Year through June 30, 2021





## **VII. Exams/Licensing**

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- A. 2021 Examination Update – First and Second Quarter Examination Results
- B. Update on NCEES Examinations' transition to Computer-Based Testing (CBT)



# 2021 Exam Results Statistics

## 2021-California State Specific Civil Engineer Examination Results

First Quarter 2021			
<b>Civil Engineer - Seismic Principles</b>			
	Total Number of Candidates	Number Passed	Pass %
January	142	100	70%
February	96	66	69%
March	No Exams Administered		
<b>Total</b>	<b>238</b>	<b>166</b>	<b>70%</b>
<b>Civil Engineer - Engineering Surveying</b>			
	Total Number of Candidates	Number Passed	Pass %
January	133	89	67%
February	170	118	69%
March	No Exams Administered		
<b>Total</b>	<b>303</b>	<b>207</b>	<b>68%</b>
Second Quarter 2021			
<b>Civil Engineer - Seismic Principles</b>			
	Total Number of Candidates	Number Passed	Pass %
April	171	117	68%
May	259	149	58%
June	510	216	42%
<b>Total</b>	<b>940</b>	<b>482</b>	<b>51%</b>
<b>Civil Engineer - Engineering Surveying</b>			
	Total Number of Candidates	Number Passed	Pass %
April	185	107	58%
May	285	162	57%
June	534	199	37%
<b>Total</b>	<b>1004</b>	<b>468</b>	<b>47%</b>
<b>Civil Engineer - Seismic Principles</b>			
	Total Number of Candidates	Number Passed	Pass %
<b>2021 Total</b>	<b>1178</b>	<b>648</b>	<b>55%</b>
<b>Civil Engineer - Engineering Surveying</b>			
	Total Number of Candidates	Number Passed	Pass %
<b>2021 Total</b>	<b>1307</b>	<b>675</b>	<b>52%</b>

# 2021 Exam Results Statistics

## 2021-California State Specific Exams

California Land Surveyor			
	Total Number of Candidates	Number Passed	Pass %
Spring	85	30	35%

Traffic Engineer			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A

Geotechnical Engineer			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A

Professional Geologist California Specific Exam			
	Total Number of Candidates	Number Passed	Pass %
Spring	106	47	44%

Certified Engineering Geologist			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A

Certified Hydrogeologist			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A

Professional Geophysicist			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A

## 2021-Geology ASBOG Exams

Fundamental of Geology			
	Total Number of Candidates	Number Passed	Pass %
Spring	161	105	65%

Practice of Geology			
	Total Number of Candidates	Number Passed	Pass %
Spring	95	69	73%

## NCEES Transition to Computer Based Testing (CBT)

NCEES Exam	Current Format for Continuous Testing and Fall Exams	Transition to CBT
Fundamentals of Engineering (FE) and Fundamental of Surveying (FS)	CBT	
PE Agricultural and Biological	CBT	The exam will be CBT beginning October 2021 (one day administration).
PE Chemical	CBT	
PE Civil	Paper/Pencil	October 2021 will be the last paper/pencil administration. Beginning November 1, 2021, examinees will be able to register and schedule CBT appointments. Appointments will be available year-round starting on April 1, 2022.
PE Control Systems	Paper/Pencil	October 2021 will be the last paper/pencil administration.
PE Electrical	CBT	<ul style="list-style-type: none"> <li>• PE Electrical and Computer: Computer—The exam will be CBT beginning October 2021 (one day administration).</li> <li>• PE Electrical and Computer: Electronics, Controls, and Communications—The exam will be CBT beginning October 2021 (one day administration).</li> <li>• PE Electrical and Computer: Power—The exam is CBT and administered year-round.</li> </ul>
PE Fire Protection	CBT	
PE Industrial	CBT	
PE Mechanical	CBT	
PE Metallurgical	Paper/Pencil	October 2021 will be the last paper/pencil administration.
PE Nuclear	CBT	
PE Petroleum	CBT	
PS Principles of Surveying	CBT	
16-hour Structural	Paper/Pencil	The exam will be offered in a paper/pencil format regionally beginning with the April 2022 administration. Additional information will be made available by NCEES once the plan is finalized.



## VIII. Executive Officer's Report

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- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
  - 1. Resolution of Cooperation Update (**Possible Action**)
  - 2. 2021 Annual Meeting – August 2021 - Expected Motions (**Possible Action**)
- G. Update on Outreach Efforts





## Rulemaking Overview

### 1. Repeal Professional Engineer and Land Surveyor Appeals (443 and 444)

- Agency approved final rulemaking on July 12, 2021. Staff working with DCA Legal to file with Office of Administrative Law (OAL).
- Board adopted final rulemaking proposal on May 27, 2021.
- Noticed for 45-day Public Comment period on February 26, 2021.
- Approved by Agency on February 10, 2021.
- Budgets approved on November 24, 2020 and forwarded to DCA Legal.
- Submitted to DCA Budgets October 13, 2020.
- Submitted for initial (pre-notice) review by DCA Legal on September 5, 2019.
- Board directed staff to pursue rulemaking proposal on March 1, 2013.

### 2. Definition of Traffic Engineering (404)

- Board staff working with DCA Legal to prepare documents for initial notice.
- Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
- Board directed staff to pursue rulemaking proposal on March 8, 2018.

### 3. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (3003 and 3003.1)

- Board staff working on pre-notice documents on July 13, 2021.
- Board directed staff to pursue rulemaking proposal on September 6, 2018.

**Note:** Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at:

[http://www.bpelsg.ca.gov/about\\_us/rulemaking.shtml](http://www.bpelsg.ca.gov/about_us/rulemaking.shtml).

## PROJECT STATUS REPORT

<b>Reporting period:</b>	1/21/2020 – 7/13/2021	<b>Project title:</b>	Business Modernization Cohort 1
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### EXECUTIVE SUMMARY

<b>Narrative Summary of Status</b>	<b>Schedule:</b>	<b>GREEN</b>	<b>Budget:</b>	<b>GREEN</b>	<b>Issues:</b>	<b>GREEN</b>
<p>Product Increment 3 (PI3) of BPELSG Connect Scope for BPELSG; devoted to include the addition of professional-level application processes for PE licenses and refinements to the Board's online complaint submittal and investigation processes launched June 16, 2021. Development of PI4 scope, consisting of additional application types for Civil and Land Surveyor plus investigation monitoring, began shortly thereafter and is slated to be completed by October 2021.</p>						

### PROJECT MILESTONE STATUS REVIEW

<b>Project Milestones</b>	<b>Status</b>	<b>Completion Date</b>	<b>Issues Exist (Yes/No)</b>
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Product Increment 4 (PI4) – Commenced shortly after PI3 Go Live	On-going	Oct. 2021	No
Go Live – PI4	Estimated	Oct. 2021	No

## MOTIONS TO BE PRESENTED AT THE 2021 ANNUAL MEETING (DRAFT)

The following are draft motions. The final motions will be included in the 2021 NCEES *Action Items and Conference Reports*, which will be posted online by July 1.

### Advisory Committee on Council Activities (5 motions)

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#### ACCA Motion 1

Move that Administrative Policy 19 be adopted as follows:

#### AP 19 Representatives to the International Engineering Alliance (IEA) and Related Organizations

- A. NCEES shall be represented at IEA and related organizations by the president, president-elect, and chief executive officer. The president may, subject to approval by the board, appoint substitute representatives.
- B. All travel expenses shall be funded in accordance with Financial Policy 3 and the NCEES Travel Policy.
- C. When seeking election or reelection to an office or an appointment to a committee or working group of IEA or related organizations, an individual must first obtain approval of the NCEES board of directors.

#### Rationale

As detailed in the discussion in Charge 1, ACCA feels that a policy needs to be added to the *Manual of Policy and Position Statements* to clarify the process for appointing representatives who attend meetings of and/or seek office with IEA and related organizations. It presented the NCEES board of directors with its specific recommendations. After receiving feedback from the board of directors, it decided to propose the language shown above.

#### Board of directors' position

Endorses, consent agenda

#### ACCA Motion 2

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 3.021 and 3.022.

**Section 3.021 Associate Members.** An Associate Member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an Associate Member of NCEES.

Recommendations for associate members of NCEES shall be submitted by Member Boards to the Board of Directors and become effective upon appointment by the Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Associate Members of NCEES shall have the privilege of the floor ~~upon approval of the presiding officer~~ and may serve on any committee to which duly appointed under the *Bylaws*. Associate Members are eligible to hold the elective office of zone Secretary-Treasurer but are not eligible to serve on the NCEES Board of Directors.

**Section 3.022 Emeritus Members.** An Emeritus Member of NCEES shall be a person who is a former member of a Member Board who is duly recommended by that Member Board and approved by the NCEES Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Emeritus Members of NCEES shall have the privilege of the floor ~~upon approval of the presiding officer~~ and may serve on any committee to which duly appointed under the *Bylaws*.

#### Rationale

Associate members are currently active in the Council and, through their attendance at the annual meeting, have the ability to participate and contribute to the discussion. Emeritus members should be granted the privilege of the floor without having to request permission from the presiding officer. As past board members, emeritus members have a knowledge of the Council and some historical perspective. If someone who is not a member, associate member, or emeritus member requests to speak, it should be up to the presiding officer to decide if that individual will be allowed the floor.

#### Board of directors' position

Endorses, consent agenda

### **ACCA Motion 3**

Move that the appropriate committee be charged with incorporating the following language into the appropriate place within Examination Administration Policy 8.

#### **EAP 8 Release and Use of Examination Results**

All NCEES exam irregularities should be evaluated by NCEES with regard to invalidation of exam results. If a candidate fails to comply with the conditions stated in the *NCEES Examinee Guide*, then NCEES will have the authority to invalidate exam results and, furthermore, shall have the authority to suspend a candidate's ability to take an NCEES exam for up to three years. If deemed appropriate, NCEES shall also have the right to pursue additional restrictions on future testing, civil remedies, and/or criminal remedies.

#### **Rationale**

Making these changes will provide consistency in determining exam invalidation for examinees who violate the exam rules provided in the *NCEES Examinee Guide*. Member boards will no longer have to shoulder the responsibility for conducting investigations into exam irregularities. They will still be informed of the identity of any examinee whose results are invalidated, and the reason for invalidation will be noted in the NCEES Enforcement Exchange database.

If the Council approves the revision to EAP 8, the *NCEES Examinee Guide*, *Investigation and Enforcement Guidelines*, and *Security and Administrative Procedures Manual* will also be updated accordingly.

#### **Board of directors' position**

Endorses, consent agenda

### **ACCA Motion 4**

Move that a Special Committee on Bylaws be charged with amending the *Bylaws* to allow the president-elect to appoint a past president, when available and interested in serving, as an additional member to a committee or task force without altering committee membership requirements described in other sections of the *Bylaws*.

#### **Rationale**

ACCA believes that it is important to use the knowledge and experience of our past presidents. Adding a past president, if they are willing and able to serve, to each committee and task force would allow the Council to spread out and benefit broadly from the experience and knowledge of the past presidents. Most of NCEES' past presidents are now emeritus members and not current member board members. Creating this new position on each committee and task force would not take a committee position away from an existing member board member in favor of an emeritus member. Making the past president's seat on a committee or task force not mandatory would mean that the seat can go unfilled if there are not enough past presidents available to serve.

#### **Financial impact**

The proposed 2021–22 NCEES budget has \$1,351 estimated per committee traveler. Assuming that a past president would be assigned to 10 standing committees and an estimated two task forces, the total financial impact would be approximately \$16,500 in the 2022–23 fiscal year.

#### **Board of directors' position**

Does not endorse, non-consent agenda

### **ACCA Motion 5**

Move that a Special Committee on Bylaws be charged with incorporating the following language into *Bylaws* 7.02:

**Section 7.02 Advisory Committee on Council Activities.** The Advisory Committee on Council Activities (ACCA) shall consist of a chair and two members from each zone. At least one member shall be a professional engineer, one member a professional surveyor, and one member a member board administrator. The committee shall provide advice and briefing to the President and the Board of Directors on new policy issues, problems, and plans that warrant preliminary assessment of policy choices and procedures not as yet assigned to a standing committee or involving several existing committees. Consultants appointed to this committee shall have served on the Board of Directors.

The committee will act as principal advisor to the President and the Board of Directors on such specific non-recurring problems or plans as the President may explicitly assign to the committee. The committee shall review the *Manual of Policy and Position Statements*, in consideration of past and current action of the Council, and present any proposed revisions as needed.

#### **Rationale**

ACCA believes it is important to specify the exact number of members from each zone to be in concert with most of the other NCEES standing committees. There would be no specific budget impact to the extent that the ACCA composition in recent years has had two members from each zone. The recent annual budgets have already included the expenses resulting from two members. This motion memorializes the recent experience.

#### **Board of directors' position**

Endorses, consent agenda

### **Committee on Education (6 motions)**

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#### **Education Motion 1**

Move that the UPLG Committee be charged with incorporating the following language into *Model Rules* 240.30 C.

#### **240.30 Continuing Professional Competency**

##### **C. Qualifying Activities**

PDHs may be earned as follows:

1. Successful completion of college courses
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for self-study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet
3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions
4. Teaching or instructing in 1 through 3 above
5. Authoring published papers, articles, books, or accepted licensing examination items
6. Active participation in professional or technical societies or in accrediting organizations
7. [Patents-Obtaining a patent](#)
8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students

#### **Rationale**

The work required to obtain a patent is usually typically part of a team. Usually, the work is engineering or surveying related. The committee feels that the efforts to obtain a patent are qualifying activities for PDHs. The current language simply states, "patent," and this motion corrects the language to be an action similar to the other items in section C.

#### **Board of directors' position**

Endorses, consent agenda

#### **Education Motion 2**

Move that the UPLG Committee be charged with incorporating the following language into *Model Rules* 240.30 E:

#### **240.30 Continuing Professional Competency**

##### **E. Determination of Credit**

The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college. [The Carnegie definition of a contact hour is based upon a minimum of 15 class meetings. Thus, a unit of credit equates to 3 hours of student work per class \(1-hour lecture plus 2 hours of homework or 3 hours of lab\) for 15 classes.](#)

2. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.
3. Credit determination for activities in subsections D.6 and D.8 is the responsibility of the licensee (subject to review as required by the board).
4. Credit for activity in subsection D.7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.

### **Rationale**

Member boards treat professional development hours earned through college courses differently. Some follow the *Model Rules*; others define the number of hours based on contact hours. The committee feels that the current *Model Rules* addresses PDHs accurately and is providing the amendment above to help clarify why one semester hour is equal to 45 professional development hours.

### **Board of directors' position**

Endorses, consent agenda

### **Education Motion 3**

Move that Position Statement 7 be revised as follows:

#### **PS 7 Evaluation of Applicants with Degrees in Technology**

~~NCEES recommends that all member boards of licensure, whose statutes do not otherwise prohibit, be encouraged to observe and adhere to the following criteria for the examination of educational qualifications of applicants for licensure, or license, as professional engineers and surveyors:~~

- ~~A. Graduates of Engineering Technology Accreditation Commission of ABET (ETAC/ABET) accredited, four-year baccalaureate programs in engineering technology may be granted a maximum of two years of educational credit toward professional engineering licensure and four years of educational credit toward professional surveying licensure if the board determines that the degree contains prescribed surveying courses.~~
- ~~B. Applicants who entered ETAC/ABET accredited, four-year baccalaureate programs in engineering technology but did not complete requirements for the four-year baccalaureate degree may be given consideration for educational credit on a prorated basis of one-half year for each year satisfactorily completed, up to a maximum of two years' credit.~~
- ~~C. Graduates of non-ETAC/ABET accredited, four-year baccalaureate programs in engineering technology may be granted a maximum of one year of educational credit.~~

#### **PS 7 Bachelor of Science Degree in Engineering Technology**

~~NCEES recommends that the boards of licensure require any applicant who has a degree in engineering technology, who applies for engineering licensure in any jurisdiction of the United States, and who has not previously been licensed to practice by one of the boards of licensure be required to first demonstrate that he or she possesses at least a four-year bachelor of science degree in engineering technology, acquired through the successful completion of an ETAC/ABET-accredited program or through a board-approved program.~~

~~Recognizing that newly ETAC/ABET-accredited programs must spend several years in development before attaining accredited status, NCEES recommends that all applicants be considered as having graduated from an ETAC/ABET-accredited program if their program is/was accredited within three years after their graduation.~~

### **Rationale**

In reviewing PS 8 and PS 9, the committee decided that the language in PS 7 is not consistent with them and does not appropriately define the bachelor of science degree in engineering technology. Also, the committee believes this change will align the policy statement with current ABET language.

### **Board of directors' position**

Endorses, consent agenda

**Education Motion 4**

Move that Position Statement 13 be revised as follows:

**PS 13 NCEES-Recommended Education/Experience Guidelines for P.E. Licensing**

4-Year or More Degree	Years of Experience Required	Comments
EAC/ABET accredited	4	NCEES PS 8
Canada (CEAB) accredited	4	
Non-EAC/ABET or non-CEAB accredited	4 or more	Education should be evaluated using the NCEES Engineering Education Standard.
<del>Recommendations below are only for member boards that must evaluate applicants who do not meet the minimum education of an EAC/ABET or equivalent degree as specified in PS 8.</del>		
ETAC/ABET accredited	6	<del>Needed by some boards</del> <a href="#">NCEES PS 7</a>
Related science*	8	<del>Needed by some boards</del> <a href="#">Education should be evaluated using the NCEES Engineering Education Standard.</a>
No degree	20	Needed by some boards

\*A related science curriculum from a school or college approved by the board is defined as a four-year curriculum leading to a bachelor of science degree in chemistry, physics, mathematics, or similar science curriculum.

**Rationale**

Due to the change in PS 7, the table in PS 13 should be updated to align with PS 7 as well as PS 8. This cleans up the table and gives clear direction to the member boards.

**Board of directors' position**

Endorses, consent agenda

**Education Motion 5**

Move that the UPLG Committee be charged with incorporating the following language into *Model Rules* 240.30 D.

**240.30 Continuing Professional Competency**

D. Units

The conversion of other units of credit to PDHs is as follows:

1. 1 semester hour ..... 45 PDHs
2. 1 quarter hour..... 30 PDHs
3. 1 continuing education unit .....10 PDHs
4. 1 hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences..... 1 PDH
5. For teaching in 1 through 4 above, apply multiple of 2\*
6. Publications
  - a. Each published peer-reviewed paper or book in the licensee’s area of professional practice .....10 PDHs
  - b. Each published paper or article (other than 6.a above) in the licensee’s area of professional practice ..... 5 PDHs
7. Active participation in professional and technical society (each organization) ..... 2 PDHs
8. Each patent.....10 PDHs

- 9. [Active participation in standards or code development technical committees, standards, or code commissions](#) ..... up to 4 PDHs
- 910. 1 hour of outreach activities..... 1 PDH (not to exceed 3 PDHs)

\* Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

**Rationale**

Volunteers who hold P.E./P.S. licenses and are active in standards or codes development spend many hours collaborating to develop these standards and guides. The work required to develop codes and standards is engineering or surveying related. The committee feels that the efforts to develop codes and standards within the engineering and surveying professions are qualifying activities for PDHs.

**Board of directors' position**

Endorses, consent agenda

**Education Motion 6**

Move that Examination Administration Policy 5 and Position Statement 15 be revised as follows:

**EAP 5 NCEES Examinations Offered by a Member Board Within Its Jurisdiction**

- A. A member board may offer NCEES examinations only in its jurisdiction. The member board must make suitable arrangements to protect the confidentiality and security of the examinations according to NCEES guidelines. Administration of examinations must conform to the NCEES scheduled timeframes for examinations. Individual applicants should apply to the sponsoring jurisdiction in accordance with that jurisdiction's operating policies and procedures. This policy does not preclude an examinee from sitting for a CBT examination in a different jurisdiction.
- B. ~~NCEES may provide directly to a university or college FE or FS examination data that will help measure learning outcomes of the total engineering or surveying education.~~
- C. ~~Member boards are encouraged to sponsor or otherwise facilitate use of the FE and FS examination results for internal use of institutional outcomes assessment, but such use should not subordinate or endanger the function, concept, or security of the FE or FS examination's primary purpose as the first examination for professional licensure, in keeping with the underlying mission of safeguarding the health, safety, and welfare of the public.~~
- DB. This policy does not preclude a member board from offering the examinations at an NCEES-approved site to U.S. military personnel stationed at military bases outside the United States.

**PS 15 FE or FS Examination as an Outcomes Assessment Tool**

- A. Engineering [and surveying](#) programs should strongly consider using the FE [or FS](#) exam topic-level performance data as part of their program assessment, with proper regard for the caveats described.\*
- B. Programs that will gain the most from using the FE [or FS](#) exam as an assessment tool are those programs in which all students are required to take the FE [or FS](#) exam, all students are required to take the discipline-specific exam ([applicable to the FE exam only](#)), the faculty establish specific goals for their program, and comparisons are made with peer institutions that have similar requirements.
- C. ~~Member boards should become proactive in working with academic programs to stress the use and value of the FE exam as an assessment tool.~~
- C. ~~Member boards are encouraged to sponsor or otherwise facilitate use of the FE and FS examination results for internal use of institutional outcomes assessment, but such use should not subordinate or endanger the function, concept, or security of the FE or FS examination's primary purpose as the first examination for professional licensure, in keeping with the underlying mission of safeguarding the health, safety, and welfare of the public.~~
- D. Institutions must remember that the primary purpose of the FE [or FS](#) is to assess minimal technical competencies. Other assessment tools need to be used to assess higher-level theories or critical thought that might be the focus of some portion of their program.
- E. The results of each FE [or FS](#) exam should be sent directly to institutions for their use. [NCEES may provide directly to a university or college additional FE or FS examination data that will help measure learning outcomes of the total engineering or surveying education.](#)

\*Refer to *Using the Fundamentals of Engineering (FE) Examination as an Outcomes Assessment Tool*, National Council of Examiners for Engineering and Surveying, March 2019.



## Rationale

EAP sections B and C are clearly out of place since they are not associated with the offering of examinations by member boards. The committee feels that those two items are better suited to be part of the position statement on the use of the fundamentals exams for outcomes assessment. The committee also added the FS exam to section E to match current practice.

## Board of directors' position

Endorses, consent agenda

## Committee on Examination Policy and Procedures (20 motions)

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### EPP Motion 1

Move that Exam Development Policy 1 be amended as follows:

#### EDP 1 Examinations

It shall be the policy of NCEES in all publications and correspondence to refer to the respective examinations only as follows:

- A. Fundamentals of Engineering (FE) examination
- B. Principles and Practice of Engineering (PE) examination, ~~including which includes~~ the 16-hour Structural Engineering (SE) examination
- C. Fundamentals of Surveying (FS) examination
- D. Principles and Practice of Surveying (PS) examination

The purpose of the examinations is to assess licensure candidates' abilities to practice competently as engineers or surveyors and to assist member boards in the regulation of the practice of engineering and surveying as it relates to safeguarding the health, safety, and welfare of the public.

## Rationale

This change gives a more complete definition of the Structural Engineering exam.

## Board of directors' position

Endorses, consent agenda

### EPP Motion 2

Move that Exam Development Policy 3 be amended as follows:

#### EDP 3 Engineering and Surveying Examinations and Formats

- A. ~~The Fundamentals of Engineering examination shall be administered via computer-based testing (CBT) and have supplied references.~~  
Fundamentals of Engineering Examination  
The Fundamentals of Engineering examination shall be administered via computer-based testing (CBT) and have supplied references.
- B. Principles and Practice of Engineering Examinations  
The Principles and Practice of Engineering examinations shall be offered only in the following disciplines and shall be open-book, pencil-and-paper examinations or offered via CBT with supplied references as defined in EAP 4:
  1. Agricultural and Biological
  2. Architectural
  3. Chemical
  4. Civil
  5. Control Systems
  6. Electrical and Computer—Computer Engineering
  7. Electrical and Computer—Electronics, Controls, and Communications
  8. Electrical and Computer—Power
  9. Environmental
  10. Fire Protection
  11. Industrial and Systems
  12. Mechanical—HVAC and Refrigeration

13. Mechanical—Machine Design and Materials
  14. Mechanical—Thermal and Fluid Systems
  15. Metallurgical and Materials
  16. Mining and Mineral Processing
  17. Naval Architecture and Marine
  18. Nuclear
  19. Petroleum
  20. 16-hour Structural Engineering
- C. [Surveying Examinations](#)  
The surveying examinations shall be available as follows:
1. The Fundamentals of Surveying examination shall be administered via CBT and have supplied references.
  2. The Principles and Practice of Surveying examination shall be administered via CBT and have supplied references.
  3. Member boards shall reserve the right to administer, score, and report state-specific examinations.
- D. [Examination Item Banks](#)  
Examination items for all examinations shall be maintained [solely either](#) at NCEES headquarters or at an offsite testing service that is able to demonstrate insurance, bond, or reserve to cover the pecuniary liability for the items should the items be compromised, lost, or damaged by the testing service.
1. At the time an exam development committee releases a linear, fixed form (LFF) exam to be published, the exam item bank shall contain sufficient operational items to create three times the number of [exam](#) forms available to examinees in a testing window.
  2. At the time an exam development committee releases a pool of items to be published for linear-on-the-fly testing (LOFT), the pool shall contain, at a minimum, the number of operational items required to create three unique, non-overlapping [exam](#) forms. At the time of publishing, the exam item bank shall have sufficient operational items to create two additional pools of similar composition. Pool size will be determined by the psychometric consultant per the criteria listed in the NCEES *Exam Development Procedures Manual*.
- E. [Exam Contingency Plans](#)  
The chief executive officer shall have contingency plans available in the event of any irregularity that impacts the security of an exam or the ability to administer an exam per NCEES exam policies or prescribed schedules.
- F. [Exam Preparation Material Development](#)  
Exam preparation material shall be developed for each NCEES examination. This material shall provide sample questions and solutions on each major topic area sufficient to provide candidates with a sense of the structure, scope, and difficulty of the examination. Exam preparation material shall remain current and be available six months prior to the administration of an examination.

### Rationale

The committee added headers for consistency, to make it easier to find specific topics, to remove extra adjectives, and to clarify the term “forms.” Note: Additional changes to EDP 3B are being proposed in Motion 3.

### Board of directors’ position

Endorses, consent agenda

### **EPP Motion 3**

Move that Exam Development Policy 3B, Exam Development Policy 15B, and Exam Administration Policy 8E be amended as follows:

### **EDP 3 Engineering and Surveying Examinations and Formats**

B. The Principles and Practice of Engineering examination shall be offered only in the following disciplines and shall be open-book, pencil-and-paper examinations or offered via CBT with supplied references as defined in EAP 4:

20. 16-hour Structural Engineering

[The 16-hour Structural Engineering examination shall consist of two 8-hour components: the Vertical Forces \(gravity/other\) and Incidental Lateral component and the Lateral Forces \(wind/earthquake\) component. The 16-hour Structural Engineering examination shall be considered and referred to as one examination.](#)

## EDP 15 Reporting of Scores

### ~~B. 16-Hour Structural Engineering~~

~~The Structural Engineering examination shall be considered and referred to as one 16-hour examination. The Structural Engineering examination shall consist of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the Structural Engineering examination. A candidate may sit for each component in separate exam administrations. A component results notice will be transmitted to the member board for each administration that a candidate takes a component. After a candidate has received an acceptable result on both components, an examination pass notice will be transmitted to the member board to indicate that the candidate has passed the Structural Engineering examination.~~

## EAP 8 Release and Use of Examination Results

### ~~E. The Structural Engineering examination shall be considered and referred to as one 16-hour examination.~~

~~For the 16-hour Structural Engineering examination, a candidate may sit for either component in separate exam administrations but must receive acceptable results on both components within a five-year period in order to pass the examination.~~

~~A component results notice will be transmitted to the member board for each administration in which a candidate takes a component. Receiving an acceptable result on only one 8-hour component shall not be sufficient for any licensure purposes. After a candidate has received an acceptable result on both components, an examination pass notice will be transmitted to the member board to indicate that the candidate has passed the 16-hour Structural Engineering examination.~~

## Rationale

The deleted language in EDP 15 B is being moved to more appropriate policies or eliminated to remove redundancy with other policies. EAP 8 is being modified for clarity and to be consistent with this year's EPP recommendation in Charge 3. If this motion passes, EDP 15 C and D will be renumbered accordingly. Note: Additional changes to EAP 8E are being proposed in Motion 16.

## Board of directors' position

Endorses, consent agenda

## EPP Motion 4

Move that Exam Development Policy 4 be deleted.

## EDP 4 Availability

### ~~A. The following examinations shall be available on a regular schedule per EAP 2:~~

- ~~1. Fundamentals of Engineering~~
- ~~2. Principles and Practice of Engineering~~
- ~~3. Fundamentals of Surveying~~
- ~~4. Principles and Practice of Surveying~~

### ~~B. Depth modules for the Principles and Practice of Surveying examination shall be offered on a regular schedule as adopted by the board of directors.~~

### ~~C. CBT examinations shall be made available in testing windows.~~

## Rationale

This information is more associated with administering the exams, not developing them; therefore, it should not be a development policy. It is also adequately covered in EAP 2. If this motion passes, EDP 5-17 will be renumbered accordingly.

## Board of directors' position

Endorses, consent agenda

#### **EPP Motion 5**

Move that Exam Development Policy 5 be amended as follows:

#### **EDP 5 Entry of New Discipline or Depth Module or Reinstatement to PE Examination Status**

- A. [Accreditation Requirement](#)  
No discipline shall be added or reinstated to the examination program unless there is an EAC/ABET-accredited program in the discipline.
- B. [Technical Society Requirement](#)  
No discipline shall be added or reinstated unless a technical society agrees to sponsor the examination. All technical societies that sponsor examinations shall sign an agreement with NCEES delineating the responsibilities of both parties in developing the examinations.
- C. [Member Board Requirement](#)  
Requests for examinations and/or depth modules shall be made by no fewer than 10 member boards collectively who can each demonstrate a need for the examination or depth module in their jurisdiction. A request older than four years must be reaffirmed by the member board. Requests shall include proof of such need, estimate of usage, and impact on safeguarding the health, safety, and welfare of the public. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that additional knowledge areas and skills required for the discipline are sufficient to support a new examination or module.
- D. [Minimum Number of Exam Candidates](#)  
No discipline or depth module shall be added or reinstated to the examination program unless the number of candidates for an ongoing examination conforms to NCEES policies and procedures. If that is demonstrated, a professional activities and knowledge study (PAKS) shall be conducted to establish that the addition in question is composed of a unique set of knowledges important for safeguarding the health, safety, and welfare of the public.
- E. [CBT Format](#)  
The request shall include a plan to develop the exam in CBT format.
- F. [Notification to Member Boards](#)  
Member boards shall be notified one year in advance of the addition or reinstatement of any discipline or depth module to the PE examination program.

#### **Rationale**

The committee added headers for consistency and to make it easier to find specific topics.

#### **Board of directors' position**

Endorses, consent agenda

#### **EPP Motion 6**

Move that Exam Development Policy 6 be amended as follows:

#### **EDP 6 Adoption of a New Discipline-Specific FE Examination**

- A. [Accreditation Requirement](#)  
No discipline shall be added to the examination program unless there is an EAC/ABET-accredited program in the discipline.
- B. [Member Board Requirement](#)  
Requests for the discipline-specific FE examination must be made by no fewer than 10 member boards collectively who can each demonstrate a need for that discipline in their jurisdiction. Requests shall include proof of such need, estimate of usage, and impact on safeguarding the health, safety, and welfare of the public. Proof of such need shall include evidence that knowledge areas and skills are not adequately measured in an existing FE examination and evidence that those knowledge areas and skills are required for the discipline are sufficient to support a new FE examination.
- C. [Notification to Member Boards](#)  
Member boards shall be notified at least one year in advance of the addition of any discipline-specific module to the FE examination program.

## Rationale

The committee added headers for consistency and to make it easier to find specific topics.

## Board of directors' position

Endorses, consent agenda

## EPP Motion 7

Move that Exam Development Policy 8 be amended as follows:

### EDP 8 Deleting/Combining/Renaming a Discipline or Module from the Examination Program

#### A. [Deleting/Combining of Pencil-and-Paper Examinations](#)

If in two consecutive administrations of pencil-and-paper examinations, there have been fewer than 50 total first-time examinees from NCEES jurisdictions in a specific examination or module, the Committee on Examination Policy and Procedures (EPP) shall review the desirability of continuing the subject examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Request the appropriate exam development committee to prepare and submit a specific remedial action plan for increasing the number of first-time takers to a level that meets or exceeds the minimum candidate requirements in the time period specified by the EPP Committee.
3. ~~Recommend that Place~~ the examination or module ~~be placed~~ on probation. The EPP Committee shall specify the conditions of the probation, including a time frame for corrective action. The recommendation may include the combination of the examination with another examination or other such action as the EPP Committee deems appropriate.
4. Discontinue the examination or module.

#### B. [Deleting/Combining of CBT Examinations](#)

If the population of first-time examinees from NCEES jurisdictions for any NCEES CBT examination or module is not adequate to provide for accurate psychometric analysis, the EPP Committee shall review the desirability of continuing the subject examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Request the appropriate exam development committee to prepare and submit a specific remedial action plan for increasing the number of first-time takers to a level that meets or exceeds the minimum candidate requirements in the time period specified by the EPP Committee.
3. ~~Recommend that Place~~ the examination or module ~~be placed~~ on probation. The EPP Committee shall specify the conditions of the probation, including a time frame for corrective action. The recommendation may include the combination of the examination with another examination or other such action as the EPP Committee deems appropriate.

#### 4. [Request to Delete an Examination or Module](#)

If an NCEES committee, technical society, or other group desires to have an examination or module deleted, it should make a request to the EPE/EPS Committee. The EPE/EPS Committee will review the request and make a recommendation to the board of directors.

#### D. [Request to Rename an Examination](#)

Any requests to rename an examination or module or to combine two or more discipline examinations or modules should also be made to the EPE/EPS Committee. Requests shall include proof of such need, estimate of usage, and impact on safeguarding the health, safety, and welfare of the public. Proof of such need shall include evidence that knowledge areas and skills are not measured adequately in an existing examination or module and evidence that those knowledge areas and skills required for the discipline are sufficient to support a new, combined, or renamed examination or module. The EPE/EPS Committee will review the request and make a recommendation to the board of directors.

#### E. [Adequate Item Bank Requirement](#)

If an examination-preparing entity fails to have on file with NCEES at all times an adequate item bank as specified in paragraph D of EDP 3, including solutions and knowledges being assessed, the EPP Committee shall review the desirability of continuing the examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Discontinue the examination or module.
3. ~~Put Place~~ the examination ~~or module~~ on probation and recommend specific remedial action that may include contracting for item writing with an outside entity or other such action as the EPP Committee

deems appropriate. If such remedial action fails to cause the examination to meet the requirements of paragraph D of EDP 3 within one year after the examination was put on probation, the EPP Committee shall recommend appropriate action to the board of directors.

F. [Sufficient Data for Exam Audit Requirement](#)

If an examination-preparing entity fails to provide the Examination Audit Committee with sufficient data to conduct an adequate audit for two consecutive audit cycles, the EPP Committee shall review the desirability of continuing the examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Discontinue the examination or module.
3. ~~Put~~ [Place](#) the examination [or module](#) on probation and recommend specific remedial action that the EPP Committee deems appropriate. If the examination entity fails to provide sufficient data to successfully complete the next scheduled examination audit, the EPP Committee shall recommend appropriate action to the board of directors.

G. [Temporary Suspension of an Examination](#)

If, upon the chief executive officer's recommendation and an EPE/EPS Committee evaluation, the board of directors determines that an examination does not meet the policies, specifications, and/or guidelines of the Council, the board of directors may temporarily suspend the offering of an examination in that particular discipline.

### Rationale

The committee added headers for consistency and to make it easier to find specific topics.

### Board of directors' position

Endorses, consent agenda

### **EPP Motion 8**

Move that Exam Development Policy 10 be amended as follows:

#### **EDP 10 Adoption of a New Depth Module for the PS Examination**

~~A. No depth module shall be added to the Principles and Practice of Surveying examination unless and until no fewer than 10 member boards collectively request the module. Requests shall include proof of need, estimates of usage, and impact on safeguarding the health, safety, and welfare of the public.~~

A. [Member Board Requirement](#)

[Requests for depth modules shall be made by no fewer than 10 member boards collectively who can each demonstrate a need for the depth module in their jurisdiction. A request older than four years must be reaffirmed by the member board. Requests shall include proof of such need, estimate of usage, and impact on safeguarding the health, safety, and welfare of the public. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that additional knowledge areas and skills required for the discipline are sufficient to support a new module.](#)

B. [Minimum Number of Exam Candidates](#)

[No discipline or depth module shall be added or reinstated to the examination program unless the number of candidates for an ongoing examination conforms to NCEES policies and procedures. If that is demonstrated, a professional activities and knowledge study \(PAKS\) shall be conducted to establish that the addition in question is composed of a unique set of knowledges important for safeguarding the health, safety, and welfare of the public.](#)

C. [Statutory Requirement for a Depth Module](#)

~~B.~~ A depth module must address a distinct PS practice area included within statutory coverage of the ~~10 requesting jurisdictions.~~ [in the member boards requesting the module.](#)

~~C.D.~~ [CBT Format Requirement](#)

The request shall include a plan to develop the exam in CBT format.

~~D.E.~~ [Notification to Member Boards](#)

Member boards shall be notified one year in advance of the addition of any depth module to the PS examination.

### Rationale

The committee added headers for consistency and to make it easier to find specific topics. It revised language to more closely follow the wording and structure of EDP 5C and EDP 6B. It also revised the new paragraph C for clarity.

## Board of directors' position

Endorses, consent agenda

### **EPP Motion 9**

Move that Exam Development Policy 11 be amended as follows:

#### **EDP 11 Item Writers, Pass-Point Evaluators, Reviewers, and Scorers**

A. [Qualification Requirement](#)

Each person involved as an item writer, pass-point evaluator, reviewer, or scorer for the NCEES PE or PS examinations must have an active professional license issued by an NCEES member board, must be qualified in the appropriate discipline, and must be familiar with requirements for and capabilities of candidates who are minimally qualified to practice in that discipline. Engineers and surveyors with licenses that have inactive or retired status are ineligible to serve in these positions.

B. [Pass-Point Evaluation Team Requirements](#)

Exam committees shall require that at least one person who [participates on the pass-point evaluation team](#) ~~will participate on the pass-point evaluation team~~ [be a person who](#) has worked on the current development of an examination undergoing a pass-point evaluation ~~for Group I exams shall be no more than one-quarter of the pass-point evaluation team and for Group II exams shall be no more than one-third of the pass-point evaluation team~~. Any exam committee member involved in preliminary testing of the examination undergoing the pass-point evaluation shall be excluded from participating on the pass-point evaluation team for that examination.

C. [Restriction on Teaching Refresher Courses](#)

Any person serving on an NCEES examination development committee or involved in a pass-point evaluation panel shall not teach a refresher course related to that examination within three years ~~of~~ [after](#) serving on the committee or panel.

D. [Exam Developers Requirement](#)

Any person involved in the development of an NCEES examination who is later required by a ~~jurisdiction~~ [member board](#) to sit for that examination must inform that ~~jurisdiction~~ [member board](#) that he or she worked on the development of that examination.

#### **Rationale**

The committee added headers for consistency and to make it easier to find specific items; it also edited language for consistency and clarity.

## Board of directors' position

Endorses, consent agenda

### **EPP Motion 10**

Move that Exam Development Policy 13 be amended as follows:

#### **EDP 13 Security of Examination Material**

No items or item banks in current use for NCEES examinations shall be used for any purpose outside of the NCEES examination program.

~~All member boards shall observe approved NCEES requirements.~~

#### **Rationale**

The committee feels that the sentence is not needed.

## Board of directors' position

Endorses, consent agenda

### **EPP Motion 11**

Move that Exam Development Policy 16 be amended as follows:

#### **EDP 16 EPE and EPS Committee Members**

##### Committee Qualifications

Members of the EPE and EPS Committees should, ~~to the extent practicable, be representatives of the engineering and surveying disciplines within the various~~ include current and/or past representatives from their respective exam development committees.

##### **Rationale**

The committee is proposing these changes to make the language more consistent with other language in the policy manual.

##### **Board of directors' position**

Endorses, consent agenda

### **EPP Motion 12**

Move that Exam Development Policy 17 be amended as follows:

#### **EDP 17 Examination Audits**

The Examination Audit Committee shall audit all examinations developed by NCEES. The following constraints shall be used:

- A. Pencil-and-paper examinations
  1. All benchmark exams, which are the first exams administered following a professional activities and knowledge study (PAKS), shall be audited.
  2. Each exam shall be audited at least once between benchmark exam audits.
  3. There shall be no more than four years between audits.
- B. CBT examinations
  1. CBT representative examinations (as created by the testing service psychometrician) from the benchmark item pool, which is the first item pool following a PAKS, shall be audited.
  2. CBT representative examinations shall be audited at least once between benchmark item pool audits.
  3. There shall be no more than four years between audits.

The president-elect shall, in developing charges for the Examination Audit Committee, develop a list of examinations for audit in consultation with the current chair of the Examination Audit Committee and the NCEES examination services director. Circumstances may prevail that would affect which examinations are selected for audit in a given year.

The Examination Audit Committee shall review each exam audited as to its conformance with specified criteria set forth in the Examination Audit Committee procedures.

##### **Rationale**

The committee added language to define terms and to make it more concise.

##### **Board of directors' position**

Endorses, consent agenda

### **EPP Motion 13**

Move that Exam Administration Policy 1 be amended as follows:

#### **EAP 1 Administration of Examinations**

##### **A. Guidelines and Procedures**

NCEES will publish examination administrative procedures that will provide guidelines and procedures ~~for~~ that member boards shall follow in the use of NCEES engineering and surveying examinations. The guidelines and procedures will cover matters concerning security, use, scoring, and general administration of such examinations for the purposes for which they are designated to ensure fair and equitable treatment of jurisdictions member boards and examination candidates.



- B. **Testing Regulations**  
Member boards or their designated representative will provide to each candidate approved to take NCEES examinations information regarding regulations to be observed during the examinations and actions that may be taken in the event of a testing irregularity.
- C. **Candidate Admission**  
Approval of candidates applying to take NCEES examinations shall be by the individual member boards or their designated representative. To sit for an NCEES examination, candidates will be required to obtain a unique identification number from NCEES. Only candidates with an NCEES-supplied identification number will be allowed admission into the examination site. Candidates not allowed admission to the morning session of a pencil-and-paper examination will not be admitted to the afternoon session.
- D. [Restriction of Who Can Be in the Examination Room](#)  
For pencil-and-paper examinations, only preauthorized member board members, member board staff, proctors, NCEES-designated representatives, and candidates actually taking an examination will be permitted in the examination room.
- E. [Restriction of Retaking an Examination](#)  
Candidates who have passed an examination may not retake that same examination unless required by a member board.
- F. [Irregularity Restriction](#)  
If a candidate's examination results are not released due to a suspected exam irregularity, the candidate will not be allowed to register for another exam until the investigation is complete and the irregularity has been resolved per the *Security and Administrative Procedures Manual*.
- G. [Examination Scheduling Restriction](#)  
A candidate for a CBT exam may take the examination only one time per testing window and no more than three times in a 12-month period.
- H. [Committee on Examination Audit](#)  
The Committee on Examination Audit shall include, as part of its auditing responsibilities, a review of the examination administrative procedures manual for content and effectiveness.
- I. [Banned Registration Requirements](#)  
If a member board bans an examinee from registering for an examination as referenced in EAP 8, it shall be the responsibility of that member board to notify NCEES of the specific terms and reasons for the ban. NCEES will make this information available to all member boards. The decision as to whether another member board agrees to honor the terms of the original member board's decision to ban this examinee's registration will remain with the individual member boards.

### **Rationale**

The committee amended language for clarity and added headings for consistency.

### **Board of directors' position**

Endorses, consent agenda

### **EPP Motion 14**

Move that Exam Administration Policy 4 be amended as follows:

#### **EAP 4 Materials Permitted and Not Permitted in Examination Room**

- A. **Pencil-and-Paper and CBT Examinations**
1. Devices or materials that might compromise the security of the examination or examination process are not permitted. These include any devices with copying, recording, or communication capabilities.
  2. Only models of calculators as specified or supplied by NCEES are permitted in the examination room.
  3. Only NCEES-supplied marking and erasing instruments are permitted for use in the examination room.
  4. Other items specifically allowed by the current NCEES *Examinee Guide* are permitted.
- B. **Open-Book Examinations**
1. The following reference materials and aids may be brought into the examination room by the examinee for his or her personal use only:
    - a. Handbooks and textbooks
    - b. Bound reference materials, provided that the material be and remain contained (bound) in a cover during the entire examination, ~~bound referring to:~~ [The term "bound" refers to the following:](#)
      - (1) Material bound permanently, i.e., stitched or glued

- (2) Material fastened securely in its cover by fasteners that penetrate all papers, e.g., ring binders, spiral binders, plastic snap binders, brads, screw posts. Loose material inside binder pockets does not qualify as bound.
  - 2. Examinees are not permitted to exchange any reference materials.
  - 3. Writing tablets, unbound tables, or unbound notes are not permitted in the examination room.
  - 4. Examinees may tab reference books prior to the examination with Post-it™ type notes and flags, but pads of Post-it type notes and flags are not permitted in the examination room.
- C. Closed-Book Examinations  
Only NCEES-supplied reference materials are permitted for use in the examination room.

**Rationale**

The committee amended language for clarity.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 15**

Move that Exam Administration Policy 5 be amended as follows:

**EAP 5 NCEES Examinations Offered by a Member Board Within Its Jurisdiction**

A. Jurisdiction Limitation

A member board may offer NCEES examinations only in its jurisdiction. The member board must make suitable arrangements to protect the confidentiality and security of the examinations according to NCEES guidelines. Administration of examinations must conform to the NCEES scheduled timeframes for examinations. Individual applicants should apply to the sponsoring jurisdiction member board in accordance with that jurisdiction's operating policies and procedures. This policy does not preclude an examinee from sitting for a CBT examination in a different jurisdiction.

\*\*\*\*\*

- C. Member boards are encouraged to sponsor or otherwise facilitate use of the FE and FS examination results for internal use of institutional outcomes assessment, but such use should not subordinate or endanger the function, concept, or security of the FE or FS examination's primary purpose as the first examination for professional licensure, in keeping with the underlying mission of safeguarding the health, safety, and welfare of the public.
- D. U.S. Military Base Exemption  
This policy does not preclude a member board from offering the examinations at an NCEES-approved site to U.S. military personnel stationed at military bases outside the United States.

**Rationale**

The committee amended language to be concise and added headings for consistency. Note: Additional changes to EAP 5 are proposed in Motions 16 and 20. Section B is not shown above because Motion 16 is proposing to move it to another section; if that Motion 16 passes, then Sections C and D above will be renumbered accordingly.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 16**

Move that Exam Administration Policy 8, Exam Administration Policy 5B, and Exam Development Policy 15 C and D be amended as follows:

**EAP 8 Release and Use of Examination Results**

A. Results Reporting

Examination results shall be released only to the respective member board, to its designee, or directly to examinees as directed by the member board. Examination results for candidates suspected of an exam irregularity shall not be released until the irregularity has been resolved per the *Security and Administrative Procedures Manual*. Reporting of examination results for candidates will be reported only as pass or fail. All failing candidates will be provided with a diagnostic report to indicate performance on those sections attempted.

The converted scores for each candidate will be furnished to member boards upon request. The use of individual candidate scores is for licensure purposes only, that is, to establish minimum competency. Individual candidate names and scores shall not be published, made public, used to make related comparisons, or used for purposes other than licensure. For example, scores above passing shall not be used to rank-order or differentiate among passing candidates.

B. Validity and Integrity

NCEES shall strive to ensure that the validity and integrity of the examinations are preserved and examinees are treated in a fair and equitable manner. NCEES reserves the right to treat exam scores as final and not subject to change after one year has passed from the date of release from NCEES to the member boards. If there is a post-roster change within a year of the date NCEES releases the examination results roster to the member boards, then NCEES will notify the member board only if the post-roster change alters a candidate's status from fail to pass.

NCEES reserves the right to notify the member boards at any time if it learns that a candidate engaged in any improper conduct relating to the exam on which the score was obtained or took any action that jeopardized the security of any other NCEES exam or exam administration.

C. In Case of an Irregularity

Examination results for any examinee suspected of an exam irregularity will be provided ~~in perpetuity~~ to the affected member board in a report segregated from all other examinee score reports. This ~~special~~ report will identify the examinee and provide the examinee score information. After the release of the ~~special~~ score report, NCEES will provide the member board with the results of any analysis conducted or other information pertaining to the suspected irregularity. The member board will conduct a review and notify NCEES of its findings and any action taken. An examination irregularity is one that potentially compromises the exam integrity or provides individual candidates with benefits not afforded to other candidates.

D. Examinee Non-Compliance

Examination results for any examinee who fails to comply with the conditions stated in the NCEES *Examinee Guide* are subject to invalidation by NCEES in accordance with the list below. Exam irregularities that may be grounds for exam invalidation by the member boards are included in the second list below. The identity of any examinee whose results are invalidated and the reason for invalidation will be provided to the affected member board. Examinees identified by post-exam collusion analysis are subject to EAP 8C above.

The following items in the NCEES *Examinee Guide* are grounds for a candidate to be dismissed from the exam room and for a candidate's exam results to be invalidated by NCEES:

- Having a device with copying, recording, or communication capabilities in his or her possession
- Having a calculator that is not on the NCEES-approved list
- Removing pages from his or her exam booklet on pencil-and-paper examinations
- Leaving the exam area without authorization

The following are the items in the NCEES *Examinee Guide* that are grounds for a candidate's exam results to be invalidated by a member board:

- Having loose papers, legal pads, writing tablets, or unbound notes in his or her possession
- Using a non-NCEES writing instrument or eraser to complete any portion of the exam
- Beginning the exam before the proctor instructs him or her to do so
- Failing to stop writing immediately when time is called on pencil-and-paper examinations
- Writing on anything other than the exam booklet or answer sheet on pencil-and-paper examinations
- Violating any other terms stated in these regulations that are cause for dismissal or exam invalidation

The following item in the NCEES *Examinee Guide* falls under collusion and is already grounds for invalidation by the member boards:

- Copying from another examinee's answer sheet or colluding with other examinees

E. Structural Engineering Examinations

~~The Structural Engineering examination shall be considered and referred to as one 16-hour examination.~~

For the 16-hour Structural Engineering examination, a candidate may sit for either component in separate exam administrations but must receive acceptable results on both components within a five-year period in order to pass the examination. Receiving an acceptable result on only one 8-hour component shall not be sufficient for any licensure purposes.

F. Release to Universities and Colleges

NCEES may provide directly to a university or college FE or FS examination data that will help measure learning outcomes of the total engineering or surveying education.

## EDP 15 Reporting of Scores

### ~~C. Candidate Score Reports~~

~~Reporting of examination results for candidates will be reported only as pass or fail. All failing candidates will be provided with a diagnostic report to indicate performance on those sections attempted.~~

### ~~D. Release of Candidate Scores to Member Boards~~

~~The converted scores for each candidate will be furnished to member boards upon request. The use of individual candidate scores is for licensure purposes only, that is, to establish minimum competency. Individual candidate names and scores shall not be published, made public, used to make related comparisons, or used for purposes other than licensure. For example, scores above passing shall not be used to rank order or differentiate among passing candidates.~~

## EAP 5 NCEES Examinations Offered by a Member Board Within Its Jurisdiction

~~B. NCEES may provide directly to a university or college PE or FS examination data that will help measure learning outcomes of the total engineering or surveying education.~~

### Rationale

The committee added language to be concise and to follow the previous definition, added headings for consistency, and moved language from EDP 15C and 15D to EAP 8A, and moved language from EAP 5B to EAP 8F. Note: Additional changes to EDP 8E were proposed in Motion 3.

### Board of directors' position

Endorses, consent agenda

### **EPP Motion 17**

Move that Exam Administration Policy 10 be amended as follows:

## EAP 10 NCEES Examinations Offered to a Foreign Entity

### A. Authority of CEO

Upon receiving a request, the chief executive officer may be authorized by the NCEES board of directors to enter into discussions with a foreign entity concerning the administration of NCEES examinations at a foreign site. The discussions will include an assurance that NCEES examinations will be administered in full compliance with all NCEES examination policies and procedures. All costs borne by NCEES to carry out this provision will be reimbursed.

### B. Contracting with Foreign Entities

NCEES may contract with the foreign entity to provide administration of its examinations to the foreign entity's engineering or surveying applicants, upon approval of the Council. A draft agreement that defines areas of responsibility for the foreign entity and NCEES may then be created. The agreement will require, at a minimum, that the foreign entity reimburse all costs borne by NCEES to carry out the provisions of the agreement.

As an exception, the NCEES board of directors is authorized to permit the Fundamentals of Engineering and the Fundamentals of Surveying examinations to be administered at NCEES-approved test sites to applicants from a foreign ABET-accredited engineering or surveying program. At a minimum, all costs borne by NCEES to carry out this provision will be reimbursed.

### C. Minimum Criteria for Examinees

For any approved agreement, NCEES will establish minimum criteria for examinees of the foreign entity that are in general conformance with the existing NCEES *Model Law* and *Model Rules*. NCEES will retain the score information for examinees of foreign entities and will transmit that information to any member board when requested.

### D. Use of Examination Results for Licensure

The examinations may be used to assist examinees interested in applying for licensure as a professional engineer or surveyor with an NCEES member board as well as an outcomes assessment tool to assist in measuring the outcomes of a foreign-based education system.

However, in the event that the examinee elects to use the results of the examination for the purpose of applying for licensure, the member board may not be precluded from imposing any additional requirements related to state licensure, including but not limited to educational and experience requirements.

### E. Restriction on Use of Examination Results

Examinee performance data from examinations provided to a foreign entity shall not be included in exam evaluation or development, used to establish cut scores, or included in exam result statistics for NCEES

jurisdictions. Examinee performance data from exams provided to a foreign entity may be evaluated and reported separately.

**F. [Release of Examinee Performance Data](#)**

NCEES may release examinee performance data to an ABET-accredited foreign educational program or to the foreign governing body or professional organization as provided in the contract or as approved by the board of directors.

**Rationale**

The committee added headings for consistency.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 18**

Move that Exam Administration Policy 12 be amended as follows:

**EAP 12 Exam Administration Audits**

Member boards or their authorized representatives are required to participate in exam administration audits as established by the NCEES board of directors' exam administration audit plan in order to ensure consistency in exam administration and security.

Member boards or their authorized representatives will follow the procedures established in the Auditing Compliance with Exam Procedures section of the NCEES *Security and Administrative Procedures Manual*. These will include member board self-audits, onsite follow-up audits, and the use of current NCEES Compliance and Security Audit forms.

CBT examination forensics, including a secret shopper-type program ([which shall include a person who is requested to take the exam at a test center to verify quality assurance of the examination process](#)), may be performed in accordance with the vendor-NCEES contract. Secret shopper exposure to NCEES examination content is restricted to an NCEES staff member or a licensed engineer or surveyor who has already passed the appropriate NCEES exam.

**Rationale**

The committee added language for clarity.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 19**

Move that Exam Administration Policy 13 be amended as follows:

**EAP 13 Proctors for Administration of ~~Pencil-and-Paper~~ Examinations**

Any person who teaches a refresher course or is actively involved in preparation of non-NCEES-sponsored review material for an NCEES ~~pencil-and-paper~~ examination shall not serve as a proctor for any NCEES examination.

**Rationale**

Added language to be concise so that the policy would include CBT vendor as well.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 20**

Move that Exam Administration Policy 5 be amended as follows:

**EAP 5 NCEES Examinations Offered by a Member Board Within Its Jurisdiction**

- A. A member board may offer NCEES examinations only in its jurisdiction except as noted in paragraph E. The member board must make suitable arrangements to protect the confidentiality and security of the examinations according to NCEES guidelines. Administration of examinations must conform to the NCEES scheduled timeframes for examinations. Individual applicants should apply to the sponsoring jurisdiction in

accordance with that jurisdiction's operating policies and procedures. This policy does not preclude an examinee from sitting for a CBT examination in a different jurisdiction.

- B. NCEES may provide directly to a university or college FE or FS examination data that will help measure learning outcomes of the total engineering or surveying education.
- C. Member boards are encouraged to sponsor or otherwise facilitate use of the FE and FS examination results for internal use of institutional outcomes assessment, but such use should not subordinate or endanger the function, concept, or security of the FE or FS examination's primary purpose as the first examination for professional licensure, in keeping with the underlying mission of safeguarding the health, safety, and welfare of the public.
- D. This policy does not preclude a member board from offering the examinations at an NCEES-approved site to U.S. military personnel stationed at military bases outside the United States.
- E. [Beginning with the April 2022 pencil-and-paper administration, the 16-hour PE Structural Engineering exam will be offered as a regional exam and administered only by NCEES. This policy will continue until the exam transitions to computer-based testing. Examinees will be allowed to travel beyond jurisdictional boundaries to take the exam.](#)

### **Rationale**

With the exception of the 16-hour PE Structural exam, the last pencil-and-paper exams will be administered in October 2021. Currently, pencil-and-paper exams are administered in every jurisdiction. Since 2018, 80% of the 16-hour Structural examinees have tested in 18 jurisdictions. From a financial standpoint, it is more efficient to offer the exam where the majority of the examinees are located. Note: Additional changes to EAP 5 are proposed in Motions 15 and 16.

### **Board of directors' position**

Endorses, consent agenda

### **Committee on Finances (6 motions)**

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#### **Finance Motion 1**

Move that Financial Policy 8 be amended as follows:

#### **FP 8 Unbudgeted Expenditures**

Necessary expenditures to carry on the business of the Council that are not in the current operating or capital budget shall have prior approval of either the chief executive officer, the president, or the treasurer for amounts up to ~~\$7,500~~ \$25,000. Expenditures of more than ~~\$7,500~~ \$25,000 and up to ~~\$15,000~~ \$50,000 shall have prior approval of two of the above persons, and expenditures in excess of ~~\$15,000~~ \$50,000 shall have the prior approval of the board of directors. Any expenditures not in the current budget shall be reviewed by the board of directors at its next meeting.

### **Rationale**

The committee reviewed and discussed the 2019–20 committee rationale that the approval levels have not been revised since 2008 and that approval levels should be increased so that the Council's operations and capital needs would not be delayed should an emergency or other unanticipated expenditure occur. The 2020–21 committee agrees with the proposed increases and will bring the motion forward at the 2021 annual meeting.

### **Board of directors' position**

Endorses, consent agenda

#### **Finance Motion 2**

Move that Financial Policy 3B be amended to add section 8 as follows:

#### **FP 3 Travel Expenses**

NCEES shall budget for and pay travel expenses for NCEES-funded meeting attendees as described below. NCEES shall also waive the registration fee for NCEES-funded attendees to the annual meeting and zone interim meetings but shall not pay the cost of optional functions that are not included in the registration fee. All authorized travel and reimbursements shall be in accordance with the NCEES travel policy. Unbudgeted international travel shall require authorization by the board of directors.

#### **B. NCEES annual business meetings**

1. Members of the current NCEES board of directors, incoming vice presidents, nominees for the incoming

- NCEES president-elect and treasurer positions, and past presidents. Registration fees shall be waived for a guest of each.
2. A minimum of three funded delegates from each member board as specified by the member board. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of funded delegates.
  3. Member board members who are attending their first annual meeting and who have been appointed to their board within 24 months before the annual meeting
  4. The designated member board administrator (MBA) of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded MBA.
  5. Chairs of NCEES standing committees and task forces
  6. NCEES service award recipients. Registration fees shall be waived for a guest of each.
  7. Zone assistant vice presidents and zone secretary-treasurers
  8. [The NCEES representative to the ABET board of delegates, the alternate NCEES ABET representative, and the commissioners on the Engineering Accreditation Commission of ABET, the Engineering Technology Accreditation Commission of ABET, and the Applied and Natural Science Accreditation Commission of ABET](#)

### Rationale

The committee reviewed and discussed the 2019–20 committee rationale that, historically, the Council has funded the ABET representatives identified in paragraph 8 above. Therefore, the committee is moving to add this language to FP 3 to reflect the current NCEES practice of funding for these meetings. The 2020–21 committee agrees that language needs to be added to reflect the current practice of the Council and will bring the motion forward with some minor editorial revisions to the language previously proposed.

### Board of directors' position

Endorses, consent agenda

### Finance Motion 3

Move that Financial Policy 5 be amended as follows:

### FP 5 Guests of Annual Business Meeting

- A. The president is authorized to issue invitations to [professional](#) society presidents [or presidents-elect, to professional society executive directors](#), to International Affiliate Organizations, and to Participating Organizations to attend the annual business meeting as guests of the Council. All or part of the registration and activity fee [may shall](#) be waived.
- B. ~~Each past president of the Council will be invited to attend the annual business meeting. Registration fees will be waived for each past president and his or her guest. Travel expenses will be funded for each past president.~~
- C. ~~The Council may pay the travel expenses of each award recipient and his or her guest to attend the annual business meeting.~~

### Rationale

The committee reviewed and discussed the 2019–20 committee rationale that, historically, the Council has waived the registration fees of each professional society president and executive director. Therefore, the committee is moving to revise the language in FP 5A to reflect the current NCEES practice of waiving the registration fee.

The 2020–21 committee agrees that language in FP 5A needs to be revised to reflect the current practice of the Council and will bring the motion forward with some minor editorial revisions to the language previously proposed. The committee also discussed and concluded that the content of FP 5B and 5C are redundant with FP 3B1 and 3B6 and should be removed to avoid confusion.

### Board of directors' position

Endorses, consent agenda

#### **Finance Motion 4**

Move that the adoption of the 2021–22 operating budget as shown in **Appendix B** be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

#### **Board of directors' position**

Endorses, consent agenda

#### **Finance Motion 5**

Move that the adoption of the 2021–22 capital budget as shown in **Appendix C** be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

#### **Board of directors' position**

Endorses, consent agenda

#### **Finance Motion 6**

Move that Financial Policy 1D be amended as follows:

#### **FP 1 Council Funds**

D. ~~The NCEES board of directors shall have the authority to contribute a maximum of \$500,000 annually for funding of nonprofit A full Council vote is required to approve contributions above that amount.~~

The NCEES board of directors shall have the authority to make discretionary contributions for funding requests to outside nonprofit organizations. The total amount of all discretionary contributions that the NCEES board of directors is authorized to make may not exceed \$500,000 per fiscal year. Any funding above \$500,000 is required to be voted on by the full Council.

#### **Rationale**

The committee believes that the existing language in Financial Policy 1D needs clarification to be in accordance with the intent of the Tennessee engineering board motion and the actions taken by the Council at the 2018 annual meeting. The committee will bring the motion forward to revise FP 1D to provide the needed clarification.

#### **Board of directors' position**

Endorses, consent agenda

#### **Fire Protection Task Force (1 motion)**

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#### **Fire Protection Task Force Motion 1**

Move that the current Position Statement 22 be replaced as follows.

#### **PS 22 Fire Protection**

~~NCEES recognizes that fire protection systems—including fire detection, alarm, and suppression systems—play an important role in safeguarding the health, safety, and welfare of the public. NCEES also recognizes the design and calculation of fire protection systems to be the practice of engineering.~~

~~NCEES recommends that member boards actively pursue enforcement of state statutes and rules with local permitting authorities having jurisdiction regarding the engineering supervision over the specification, design, and calculation of fire protection systems.~~

~~To implement the above, the following are recommended:~~

- ~~A. Contract drawings should include a set of fire protection drawings that are sealed by a licensed professional engineer.~~
- ~~B. Supervision by a licensed professional engineer is required in the review of fire protection installation shop drawings for compliance with the engineer's design and specifications.~~
- ~~C. Oversight by a licensed professional engineer is required in the installation of an original permitted design.~~



## **PS 22 Fire Protection**

NCEES recognizes that fire protection plays an important role in safeguarding the health, safety, and welfare of the public. NCEES also recognizes that the application of science and engineering principles to safeguard life, property, income, and the environment from the effects of fires, explosions, and related hazards to be the practice of fire protection engineering.

NCEES recommends that member boards actively pursue enforcement of state statutes, rules, and regulatory codes, with local permitting authorities having jurisdiction regarding the analysis and application of fire protection engineering.

NCEES recognizes that many states and territories do not license professional engineers by engineering discipline and that various aspects of fire protection engineering may be performed by licensed professionals (architects or engineers) with experience in the analysis, design, and application of fire protection systems. NCEES also recognizes that there are differences in state statutes, rules, and regulatory codes among various states and territories and that these individual states and territories may establish thresholds of system type, complexity, size, or value that exempt specific fire protection systems below a minimum threshold from professional engineering, provided that these fire protection systems are designed and installed by a contractor or technician who is performing this work under a license or certification specifically for these fire protection systems.

For fire protection systems above or below the minimum threshold of system type, complexity, size, and value for professional engineering, the following are recommended whenever a professional engineer engages in the practice of fire protection engineering:

- A. All final engineering documents should be design documents prepared and sealed by a licensed professional engineer. The contents of the engineering documents should be determined by the licensed professional engineer based on their education and experience; should comply with state statutes, rules, and regulatory codes; and should be acceptable to all authorities having jurisdiction.
- B. All fire protection installation shop drawings should be reviewed by the licensed professional engineer in order to verify compliance with the engineer's design and specifications prior to submission of the shop drawings to any interested authority.
- C. The licensed professional engineer should provide oversight of the installation to verify compliance with contract requirements.

### **Rationale**

The current position statement on fire protection was added to the *Manual of Policy and Position Statements* in 2004 and has not been revised. The task force felt that the position statement needs to be modified to reflect current times and to reflect a more robust definition of fire protection and fire protection systems.

### **Board of directors' position**

Endorses, consent agenda

### **Public Outreach Task Force (1 motion)**

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#### **Public Outreach Task Force Motion 1**

Move that a committee or task force be established and charged with developing a format for a group of young engineers and surveyors that can provide insight to the Council. The process should include providing a framework that includes clear objectives to accomplish, eligibility requirements, the process for selecting participants, oversight, and ways to effectively provide input to and communicate with the Council.

### **Rationale**

The purpose of this motion is to implement a standing/rotating group of young engineers and surveyors, similar to the 2015–16 Emerging Leaders Group, to provide insight and guidance on communications with engineers and surveyors of the future. The task force believes more thought and discussion is needed to ensure that the group has clearly defined objectives and includes a balanced representation of engineers and surveyors at various stages of the licensure process.

### **Board of directors' position**

Endorses, consent agenda

## Committee on Uniform Procedures and Legislative Guidelines (4 motions)

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### **UPLG Motion 1**

Move that the *Model Law* 140.20 D be amended as follows.

#### **140.20 Expirations, Renewals, and Reinstatement to Active Practice**

**D.** If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of this intention, by paying appropriate fees, and by meeting all requirements of the board, including demonstration of continuing professional competency as a condition of reinstatement. In the event that an inactive licensee

1. ~~does~~ Does not maintain a current license in any jurisdiction; and
2. ~~Is not able to demonstrate proof of lawful engineering and/or surveying practice~~

for the ~~three previous~~ five years ~~immediately~~ prior to requesting reinstatement, that individual ~~will~~ may be required to take and pass the NCEES Principles and Practice of Engineering (PE) examination or the NCEES Principles and Practice of Surveying (PS) examination and jurisdiction-specific examinations prior to reinstatement ~~to demonstrate proof of current competency~~.

#### **Rationale**

The 2018–19 Committee on Member Board Administrators made a motion to charge UPLG with amending this language. The MBA Committee’s rationale was as follows: “The intent of this section is to ensure that qualified individuals are practicing professional engineering and surveying. Most member boards do not require licensees to take an exam again in order to reinstate their license after having a lapsed license for a certain length of time. There are legitimate reasons that an individual may not have maintained a current license, such as working within an industry that did not require him or her to maintain a current license. [These revisions] would allow a member board to use its professional judgment as to whether the specific circumstances of each situation would call for retaking any examination to prove competency.” As part of its recommended changes, the MBA Committee proposed changing the length of time for renewal from three years to five years. This year’s UPLG Committee added “immediately” after “years” for further clarification.

If the motion passes, UPLG recommends that the appropriate committee be charged with considering whether *Model Rules* 240.30, Continuing Professional Competency, section H needs to be modified to address the change from three to five years.

#### **Board of directors’ position**

Endorses, consent agenda

### **UPLG Motion 2**

Move that the *Model Rules* 240.30 B be amended as follows.

#### **240.30 Continuing Professional Competency**

##### **B. Definitions**

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH)—One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
  - a. The term “contact hour” is defined as a minimum of 50 minutes of course/activity.
  - b. The total number of hours allowed for a course/activity cannot exceed the actual number of clock hours.

#### **Rationale**

The 2018–19 Committee on Education proposed a motion to charge UPLG with adding 240.30 B1a and B1b related to continuing professional competency definitions. The Education Committee’s rationale for adding the language was as follows: “One of the goals of NCEES is to advance licensure standards for all professional engineers[/surveyors]. These standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional skills have resulted in the need for additional education beyond the bachelor’s degree for those entering the engineering profession. Because of the variety of definitions for a credit hour and without a current definition in the *Model Rules*, the committee is proposing these changes to clarify the definition so that all

boards can incorporate into a uniform standard.” The motion passed, and the 2019–20 UPLG Committee was charged with incorporating the language.

Last year’s UPLG Committee reviewed the language and modified it in paragraph 1a to simplify it (as shown below in black with underlines and strikethroughs. It deleted “the amount of time scheduled to allow for instruction in a course (lecture or laboratory)” because it felt that the language is outdated and does not allow for different ways that materials are presented. It changed the original proposed language in 1b for consistency. This year’s UPLG Committee is presenting the same language that last year’s UPLG Committee developed (as shown above in blue).

#### 240.30 Continuing Professional Competency

##### B. Definitions

- a. The term “contact hour” ~~will be is~~ defined as ~~the amount of time scheduled to allow for instruction in a course (lecture or laboratory) that provides, at a minimum, of 50 minutes of interaction between the instructor and the student of course/activity.~~
- b. The total number of hours allowed for a ~~continuing education program course/activity~~ cannot exceed the actual number of clock hours.

#### **Board of directors’ position**

Endorses, consent agenda

#### **UPLG Motion 3**

Move that the *Model Rules* 240.30 C and E be amended as follows.

#### **240.30 Continuing Professional Competency**

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.

##### C. Qualifying Activities

PDHs may be earned as follows:

1. Successful completion of college courses
2. ~~Successful completion of short courses, tutorials, webinars, and distance education courses offered for self study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet~~
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for documented individual or group study. The method of delivery can be through the following:
  - a. Face-to-face programs or live internet-based programs
  - b. Archived prerecorded programs or archived correspondence programs
3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions
4. Teaching or instructing in 1 through 3 above
5. Authoring published papers, articles, books, or accepted licensing examination items
6. Active participation in professional or technical societies or in accrediting organizations
7. Patents
8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K–12 or higher education students

##### E. Determination of Credit

The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
2. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.
3. Credit determination for activities in subsections D.6 and D.8 is the responsibility of the licensee (subject to review as required by the board).
4. Credit for activity in subsection D.7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.
5. No more than 8 PDHs may be obtained during a 24-hour period.

## Rationale

The 2018–19 Committee on Education proposed a motion to charge UPLG with modifying 240.30 C and E related to continuing professional competency requirements. The Education Committee’s rationale for modifying the language was as follows: “The committee discussed this charge at length and, based on the assortment of courses being offered today, agreed that there needs to be a better definition as to how courses are presented. In addressing the charge, the committee feels that the *Model Rules* needs to spell out the differences between web-based live, web-based pre-recorded, and live face-to-face seminars in the Qualifying Activities section. Because of the increase in the number of courses being offered by a variety of different media, the committee is also proposing that licensees be held to obtaining only 8 PDHs in a 24-hour period.”

The 2019–20 UPLG Committee decided to propose the motion as presented by the Education Committee but recommended that the appropriate committee review and define the terms “self-study” and “independent study,” including a clarification of the difference between the two terms. They are already included in current language but not defined. It asked the Education Committee to consider whether these terms should be defined based on measurable outcomes.

Because this motion was put on hold due to the pandemic, the 2020–21 Education Committee reviewed the terms “self-study” and “independent study” and agreed that the terms needed to change. The Education Committee did not think the term “self-study” should be used at all. It felt that “documented individual or group study” works best and that using the word “documented” is especially important. Therefore, the term was changed to “documented individual,” rather than “self-study” or “independent study,” as shown in C.2 above. If this motion passes, the *Continuing Professional Competency Guidelines* will need to be reviewed to ensure that the terminology matches.

## Board of directors’ position

Endorses, consent agenda

### UPLG Motion 4

Move that the *Model Law* 130.10 C be amended as follows.

#### 130.10 General Requirements for Licensure

Education, experience, and examinations are required for licensure as a professional engineer or professional surveyor as set forth by the jurisdiction.

##### C. Surveying

##### 2. Licensure as a Professional Surveyor

##### a. Initial Licensure as a Professional Surveyor

A surveyor intern with a specific record of four years or more of ~~combined office and~~ progressive field-experience satisfactory to the board in surveying, ~~of which a minimum of three years of progressive field experience satisfactory on surveying projects~~ under the supervision of a professional surveyor, shall be admitted to the NCEES Principles and Practice of Surveying examination and any required state-specific examinations. Upon passing these examinations, the applicant shall be licensed as a professional surveyor, if otherwise qualified.

## Rationale

This year’s UPLG Committee was charged with reviewing the *Model Law* and *Model Rules* to determine if processes outlined within the documents place an unintended barrier to potential licensees from underrepresented groups. As a result of this review, the committee decided that the *Model Law* terms “combined office” and “field experience”—as well as the number of years required for field experience—could be a barrier to people with physical disabilities. It is therefore proposing to remove the specifics of office and field experience in the model document and to instead make it clear that the progressive experience should be satisfactory to the board. Making the language broader would help facilitate comity licensure among boards.

## Board of directors’ position

Endorses, non-consent agenda

### **Approval of 2020 Minutes (1 motion)**

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Move that the Council approve the minutes of the 2020 annual meeting.

#### **Board of directors' position**

Endorses, consent agenda

### **Board of Directors (1 motion)**

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Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 6.02.

**Section 6.02 Quorum and Voting.** A quorum for the transaction of business at the Annual Business Meetings of the Council shall be delegates from a majority of Member Boards. A majority vote of the Member Boards represented shall be required for affirmative action unless otherwise provided for in the *Bylaws*.

Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. ~~If a Member Board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish.~~ An associate member may serve as a Member Board delegate for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the state, such designation may come from the agency director for that board.


Voting by one Member Board on behalf of another Member Board not physically present in the meeting room at the time of the vote shall not be permitted.


#### **Board of directors' position**

Endorses, non-consent agenda

# QUARTERLY OUTREACH REPORT (Q2)

## SOCIAL MEDIA: April – June 2021

 TOP FACEBOOK POSTS	DATE	VIEWS
"Connect" with the Board to make your PE a totally online experience.	June 28	324
"Connect" with the Board to make your LICENSE RENEWAL a totally online experience	June 24	272
The Board is excited to introduce the third phase of its new application and licensing portal	June 16	334
Use the New Online Portal BPELSG Connect to complete your license renewal.	June 8	403

 TOP TWEETS	DATE	VIEWS
Notice & Agenda May Mtg	May 13	245
Connect Third Phase Announcement	June 16	209
Addendum to May Materials Available	May 24	190
Meeting Materials for May Available	May 21	180
Connect License Renewal Available	June 24	173

WEB PAGE VIEWS	VIEWS
License Lookup	295,378
Board Home Page	179,356
Applicant Information	136,688
P.E. Application	89,504
Licensee Renewal Information	100,221

# QUARTERLY OUTREACH REPORT (Q2)

## OUTREACH EVENTS: APRIL- JUNE 2021

ALL VIRTUAL EVENTS HELD BY BOARD REGISTRARS

### APRIL

April 6 - **Cal Poly, San Luis Obispo. Mechanical Senior Design; Path to Mechanical PE License. Two Presentations.** By Mike Donelson, PE

April 7 - **Cal Poly, San Luis Obispo. Mechanical Senior Design; Path to Mechanical PE License. One Presentation.** By Mike Donelson, PE

April 21 - **Geology Webinar:** After the Exams: Next Steps for a GIT, PG, PGp, CHG or CEG license or certificate. By Laurie Racca, PG

April 21 - **Geology Webinar:** Intro. to the Laws and Regs for Geology and Geophysics License Applicants for PG, PGp, CHG or CEG applications. By Laurie Racca, PG

### MAY

May 19 - **Geology Webinar:** After the Exams: Next Steps for a GIT, PG, PGp, CHG or CEG license or certificate. By Laurie Racca, PG

May 19 - **Geology Webinar:** Intro. to the Laws and Regs for Geology and Geophysics License Applicants for PG, PGp, CHG or CEG applications. By Laurie Racca, PG

May 25 - **UC Riverside Mechanical Senior Design; Path to Mechanical PE License Presentation.** By Mike Donelson, PE

### JUNE

June 16 - **Geology Webinar:** After the Exams: Next Steps for a GIT, PG, PGp, CHG or CEG license or certificate. By Laurie Racca, PG

June 16 - **Geology Webinar:** Intro. to the Laws and Regs for Geology and Geophysics License Applicants for PG, PGp, CHG or CEG applications. By Laurie Racca, PG





**IX. President's Report/Board Member Activities**

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**X. Approval of Meeting Minutes (Possible Action)**

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A. Approval of the Minutes of the May 27, 2021, Board Meeting



**DRAFT**

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

Teleconference

Thursday, May 27, 2021, beginning at 9:00 a.m.

<b>Board Members Present:</b>	President Alireza Asgari; Vice-President Natalie Alavi; Fel Amistad; Rossana D’Antonio; Michael Hartley; Kathy Jones Irish; Coby King; Betsy Mathieson; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Wilfredo Sanchez
<b>Board Members Absent:</b>	Duane Friel; Eric Johnson; and Asha Lang
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); and Joseph Chin (Legal Counsel)

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

President Asgari called the meeting to order at 9:03 a.m., and a quorum was established. He announced that this would be Natalie Alavi and Asha Lang’s last Board meeting and thanked them for their service as their terms will expire June 30, 2021.

President Asgari observed a moment of silence to honor the memory of former Board Member Bob Stockton.

He also announced that this was his last Board meeting as Board President and thanked everyone for the opportunity to serve in this capacity.

**II. Pledge of Allegiance**

Mr. Ruffino led everyone in the recitation of the Pledge of Allegiance.

**III. Public Comment for Items Not on the Agenda**

No public comment.

**IV. Consideration of Rulemaking**

A. Adoption of Regulatory Proposal to Repeal Title 16, California Code of Regulations 443 and 444 (Inspection of Examination and Examination Appeal)

<b>MOTION:</b>	Mr. King and Ms. Mathieson moved to adopt the final rulemaking proposal; and delegate to the Executive Officer to finalize the rulemaking file.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

**V. Administration**

A. Fiscal Year 2020/21 Budget Report

Mr. Moore referenced the addendum and noted a typographical error on the Renewal Fees section of the Fund Condition. Through staff assistance, it was determined that fiscal year FM1 Projections column was still considering the new fee structure for a full fiscal year when it only went into effect January 1, 2021.

He also noted that the current projections reveal less than Fiscal Month 1 Projections, approximately a 4% decrease. Traditionally, May is the largest volume month for license renewals. Since the report only reflects through the end of April, May's volume is not represented.

Mr. Moore introduced Dawn Hall, the new Administrative Services Manager. Through her assistance, Angela Yu, Bryan Lai, and Catherine D'Anna have come up with ideas on how to resolve the backlog related to cashiering of applications received due to staff being on leave.

There was an increase in C&P Services – External due to an increase in legal witness fees compared to prior fiscal months; credit card fees, although not substantial; and the renewal of several external contracts with Prometric that were finalized and executed.

**VI. Legislation**

A. 2021 Legislative Calendar

Ms. Eissler reviewed the Legislative Calendar. She reported that we are nearing the end when bills need to make it out of their house of origin for this

year. This is the first year of a two-year cycle. Bills that do not make it out by the June deadline can be brought back as a two-year bill in January.

B. Discussion of Legislation for 2021

1. **AB 2** Regulations: legislative review: regulatory reform.

<b>MOTION:</b>	Ms. Mathieson and Mr. King moved to take a position of “Watch” on AB 2.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

2. **AB 29** State bodies: meetings.  
No action taken at this time.

3. **AB 54** COVID-19 emergency order violation: license revocation  
No action taken at this time.

4. **AB 107** Licensure: veterans and military spouses.

<b>MOTION:</b>	Mr. Ruffino and Mr. Novak moved to take a position of “oppose unless amended” on AB 107, as amended April 20, 2021, and request that language be added to clarify that applicants for a license issued by this Board must pass the appropriate state-specific licensure examinations prior to the time period in which the temporary license must be issued.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				

Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

5. **AB 225** Department of Consumer Affairs: boards: veterans: military spouses: licenses.

<b>MOTION:</b>	Mr. Ruffino and Mr. Amistad moved to take a position of "watch" on AB 225, as amended April 24, 2021.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

6. **AB 339** Local government: open and public meetings.

<b>MOTION:</b>	Mr. King and Mr. Ruffino moved to remove the position of "watch" and take no position on AB 339, as amended May 4, 2021.
<b>VOTE:</b>	10-0-1, Motion Carried



Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio			X		
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

7. **AB 646** Department of Consumer Affairs: boards: expunged convictions.

<b>MOTION:</b>	Mr. King and Ms. Alavi moved to take a position of "watch" on AB 646, as amended April 14, 2021.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

8. **AB 885** Bagley-Keene Open Meeting Act: teleconferencing. No action taken at this time.

**9. AB 1026** Business licenses: veterans.

<b>MOTION:</b>	Ms. Mathieson and Mr. Novak moved to take a position of “watch” on AB 1026 and also authorize staff to change its position to “oppose unless amended” if the bill is amended to require the Board to waive “any and all fees associated with obtaining a license” or similar wording, because the Board is concerned with who would be responsible for paying pass-through fees, such as those owed to the Department of Justice to conduct criminal background checks or ASBOG for the national geology examinations.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

**10. AB 1030** Professional Land Surveyors’ Act and Professional Engineers Act.

No action taken at this time.

**11. AB 1291** State bodies: open meetings.

No action taken at this time.

**12. AB 1386** License fees: military partners and spouses.

<b>MOTION:</b>	Mr. Novak and Ms. Alavi moved to take a position of “oppose unless amended” on AB 1386, as amended April 28, 2021, and request that the language relating to examination fees be amended to clarify that it applies only to state-specific examinations administered by the board.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

13. **SB 102** COVID-19 emergency order violation: license revocation.  
No action taken at this time.

14. **SB 407** Professional Land Surveyors' Act.  
No action taken at this time.

15. **SB 414** Land.

<b>MOTION:</b>	Mr. Ruffino and Mr. King moved to take a position of "support" on SB 414, as amended April 27, 2021, since the amendments requested by the Board were made.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				

Frank Ruffino	X				
Wilfredo Sanchez	X				

**16. SB 607** Professions and vocations.

<b>MOTION:</b>	Ms. Mathieson and Mr. Amistad moved to take a position of “watch” on SB 607, as amended May 20, 2021, and direct staff to work with the author to clarify what fees are to be waived.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

**17. SB 772** Professions and vocations: citations: minor violations  
No action taken at this time.

11:05 a.m. Ms. Alavi left the meeting.

**VII. Enforcement**

A. Enforcement Statistical Reports

1. Fiscal Year 2020/21 Update

Ms. Criswell presented the Enforcement statistics.

Ms. Mathieson noted that the first half of the year there were more completed investigations than open investigations and noted there was a transition period and now there seems to be more open than completed cases. Ms. Criswell expressed that she is not overly concerned as one project may have many people involved which may cause a spike in complaints. There is no formula for why it occurs.

**VIII. Exams/Licensing**

A. 2021 Examinations Update

Mr. Moore reported that the Board is awaiting the results of the spring national exams and the state PLS exam results. The ASBOG results were received as well as the state CSE last week. The state CBT exams are moving along more consistently now that Prometric has rectified their issues with the Civil exams. Mr. Kereszt should have a more detailed report at the next meeting.

## **IX. Executive Officer's Report**

### **A. Rulemaking Status Report**

Mr. Moore provided an overview of the rulemaking items.

### **B. Update on Board's Business Modernization Project**

Staff is currently in the midst of user acceptance testing for Product Increment 3. Staff has been working hard and has doubled the number of testers. They have provided detailed feedback and pertinent long-term ideas. The development team extended testing for another week due to the extensive testing and feedback received.

### **C. Personnel**

Dawn Hall was hired as the new Administrative Services Manager, Leijaira Swiggum was brought on board as a new Application Evaluator to process geology applications. The Exam Unit completed interviews for an analyst to replace Susan Baker who recently retired.

### **D. ABET**

No report given.

### **E. Association of State Boards of Geology (ASBOG)**

Several staff members attended an online presentation from ASBOG that outlined their plans to transition to Computer Based Testing (CBT). It appears that it will be a soft adoption of CBT meaning only the administration will be computer based. They are planning that the development and grading will continue to be performed in the same manner, at least for the foreseeable future. Board staff will still be responsible for supplying ASBOG with a list of eligible candidates, twice a year. The Board will be provided the results and continue to be responsible for the distribution to the candidates. The Board will no longer be responsible for collecting the ASBOG fees; the candidates will pay them directly to ASBOG. Because of this change, staff is currently evaluating the regulations for the fees and will bring a rulemaking proposal to the Board in the near future to begin the process to remove the National ASBOG related exam fees from our regulations. ASBOG is optimistic that they will begin offering the CBT administration as early as Spring 2022 examinations, but they are also flexible with extending this time if they need to accommodate member boards that may need to change rules or legislation.

### **F. National Council of Examiners for Engineering and Surveying (NCEES)**

1. 2021 Western Zone Interim Meeting Report – May 13, 2021  
Mr. Moore reported that the Western Zone Vice-President, Scott Bishop from Utah, and Dr. Qureshi as the Assistant Vice-President for the Zone came to the Board office for the meeting, which was conducted virtually. Karl Tonander from the New Mexico Board was elected as 2021-23 Western Zone Secretary-Treasurer.
  
3. 2021 Annual Meeting – August 2021 - Additional Voting Delegate

<b>MOTION:</b>	Dr. Qureshi and Mr. King moved to appoint President Asgari as the additional voting delegate.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi				X	
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

2. Resolution of Cooperation  
Mr. Moore recalled that at the November 2019 Board meeting, the Board discussed the initial draft of the proposed Resolution of Cooperation, which the NCEES Member Board Administrators (MBA) Committee prepared and distributed in hopes that all member boards would sign. Many boards, including our own, had serious concerns with the language. At that time, the Board passed a motion that the Board would communicate with NCEES or the MBA Committee that California strongly objected to the draft of the resolution and California would not sign on to anything that does not explicitly recognize each state’s individual sovereignty over these issues. While California is in favor of increased comity and further cooperation across boards and licensure, this resolution needs significant changes before the Board would consider signing it.

Shortly after the conclusion of the 2021 State of the Council virtual sessions, a revised draft was distributed via email from the 2020-21 MBA Committee explaining that, as part of NCEES' 100-year anniversary celebration, the MBA Committee developed a resolution of cooperation for member boards to sign as a way to reaffirm their commitment to facilitating mobility and promoting uniformity of the licensure process. This is a nonbinding agreement that is designed to serve as guidance for member boards to find ways to reduce barriers to licensure and expedite comity licensure. The MBA Committee indicated its goal was 100% participation and invited each board to download, sign, and return the completed resolution form to NCEES.

Staff does not believe that the revisions that are reflected in the new draft substantially address the Board's previously-communicated concerns. Mr. Moore noted that there were no requests to provide further suggestions for revision. The deadline to return the signed resolution is December 31, 2021. All member boards that complete the signing process before August 1, 2021 will be recognized at the 2021 Annual Meeting and receive a wall plaque to recognize their commitment to licensure mobility.

<b>MOTION:</b>	Ms. Mathieson and Mr. Amistad moved to not sign the Resolution of Cooperation and to direct staff to draft a letter explaining the Board's reasons for not signing it.
<b>VOTE:</b>	9-0-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi				X	
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi			X		
Frank Ruffino	X				
Wilfredo Sanchez	X				

- G. Update on Outreach Efforts  
Mr. Moore reviewed the outreach efforts.

Mr. Moore thanked Ms. Alavi and Ms. Lang for their service and extended his appreciation to President Asgari for his efficiency, effectiveness, and his availability.

**XI. Discussion for an Increase in the Exempt Salary Level of the Executive Officer**

President Asgari reported that the Office of Human Resources reviewed the draft justification and has provided revisions, which are currently being reviewed. There was no further report.

**XII. President’s Report/Board Member Activities**

President Asgari participated in the NCEES Western Zone meeting.

**XIII. Nomination and Election of President and Vice President for Fiscal Year 2021/22**

Dr. Qureshi reported that there were no nominations or self-nominations, and, therefore, the Nominating Committee had to reach out to Board members to encourage participation.

The Nominating Committee nominated Betsy Mathieson to serve as President and Rossana D’Antonio to serve as Vice-President for the term beginning July 1, 2021.

<b>MOTION:</b>	The Nominating Committee and Mr. King moved to elect Ms. Mathieson as Board President and Ms. D’Antonio as Vice-President.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi				X	
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				



**XIV. Approval of Meeting Minutes**

A. Approval of the Minutes of the April 1, 2021, Board Meeting

<b>MOTION:</b>	Ms. Mathieson and Mr. Amistad moved to approve the April 1, 2021, minutes.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi				X	
Fel Amistad	X				
Rossana D’Antonio	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

**XV. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

Ms. Mathieson would like Laurie Racca, Geology Registrar, to be present for the next meeting so other members will have an opportunity to meet her.

Dr. Qureshi suggested having all the Registrars introduce themselves. Mr. Moore will ask them to see if they can make it happen.

**X. Strategic Plan Workshop – Discussion of Board’s Mission Statement, Vision Statement, and Values**

The Board engaged in a Strategic Planning Workshop to develop the Board’s Mission and Vision Statements and Values.

1:35 p.m. Kathy Jones Irish joined the meeting.

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

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]

- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
  - 1. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553

**XVII. Adjournment**

Due to technological limitations, adjournment was not broadcast. Adjournment immediately followed Closed Session, and there were no other items of business discussed.

**PUBLIC PRESENT**

No members of the public identified themselves.

**XI. Closed Session – The Board will meet in Closed Session to discuss, as needed:**

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- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
  - 2. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553



## **XII. Adjournment**

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Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.