



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

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, June 22, 2022, beginning at 9:00 a.m.
and continuing Friday, June 23, 2022, beginning at
9:00 a.m., if necessary

Judge Joseph Rattigan Building
50 D Street, Room #410
Santa Rosa, CA 95404

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BOARD MEETING

JUNE 23-24, 2022

Judge Joseph Rattigan Building
50 D Street, Conference Room 410
Santa Rosa, California, 95404

BOARD MEMBERS

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; Wilfredo Sanchez; and Christina Wong

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I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

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IV. Administration

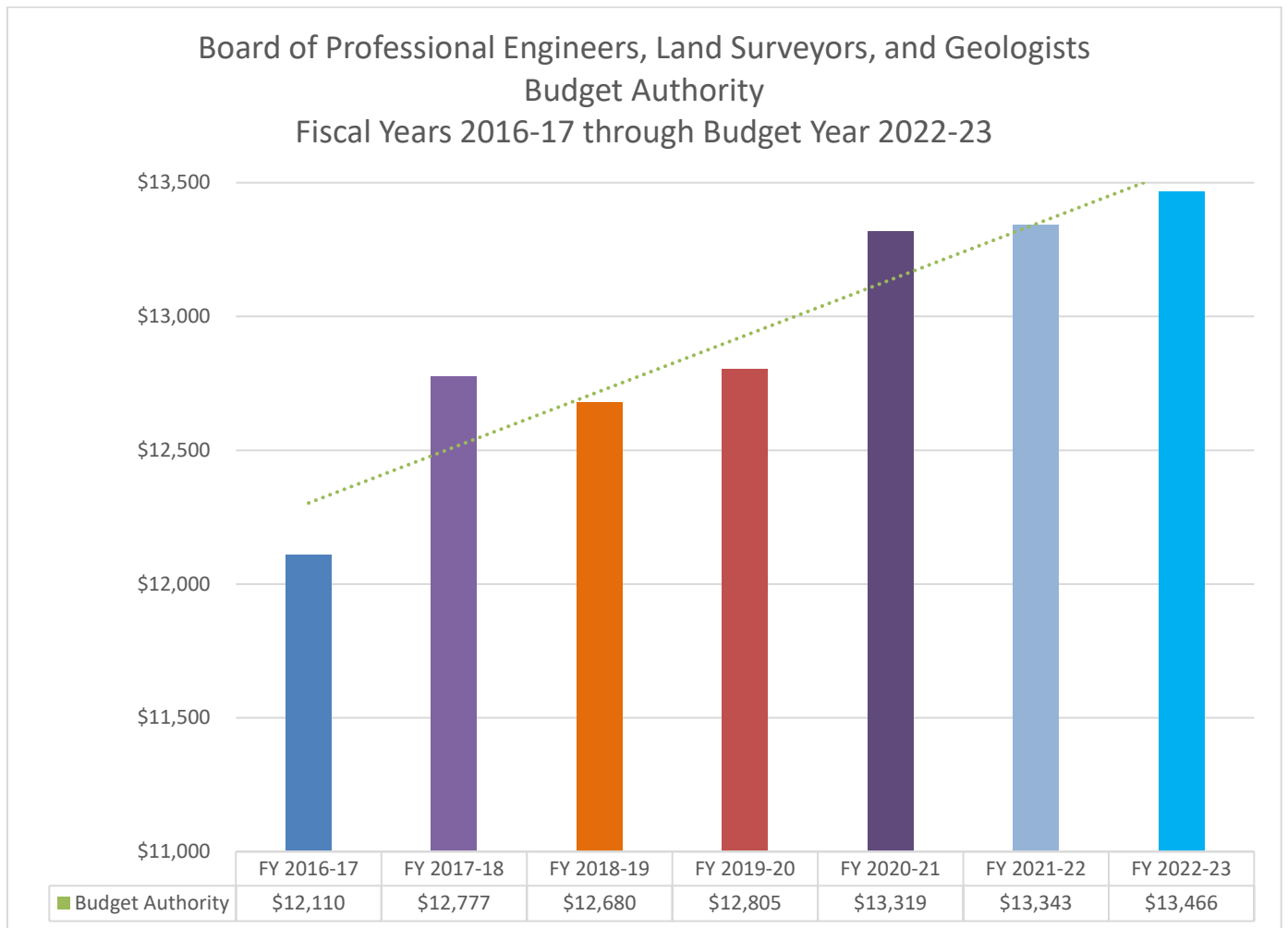
A. Fiscal Year 2021/22 Budget Report

BUDGET AUTHORITY

The Governor's Proposed Budget 2022-23 was published January 10, 2022 and includes \$13,466,000 in appropriations for the Board (1% increase over FY 2021-22). The Board received a reimbursement of \$171,711 in expenses related to contact tracing for COVID-19 that is reflected in FY 2020-21 as an adjustment.

The Board's Budget Authority for FY 2021-22 is \$13,343,000 and includes the General Salary Increase of 4.55%. Board actual expenditures six-year average is 86% of Budget Authority.

The Board's Budget Authority for fiscal year FY 2020-21 was \$13,319,000 which included an adjustment for the 9.23% reduction in staff compensation.



GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$1,276,880 (25%) over prior period.

Current Year Projections
Identifies the revenue amount that BPELSG projects for FY 21-22.

Revenue Category	PRIOR YEAR FY 2020-21 FM 4	CURRENT YEAR FY 2021-22 FM 4	CURRENT YEAR Projections
Delinquent Fees	\$38,696	↑ \$51,464	\$150,076
Other Regulatory Fees	\$32,130	↑ \$39,578	\$102,138
Other Regulatory Licenses & Permits	\$297,960	↑ \$645,747	\$1,743,588
Other Revenue	\$20,822	↓ \$10,486	\$51,328
Renewal Fees	\$3,415,953	↑ \$4,335,166	\$10,269,519
Total	\$3,805,560	↑ \$5,082,440	\$12,316,649

Revenue Category
Provides the name of the line item where our revenues occur.

Prior Year
Revenue collected up to FM 4 in October of 2020.

Arrows
These indicate a change in the current year over prior year. Up/green arrows indicate an increase and down/red arrows indicate a decrease over the prior period.

Current Year
Revenue collected up to FM 4 in October of 2021.

Department of Consumer Affairs
Expenditure Projection Report

Fiscal Month: 4
Fiscal Year: 2021 - 2022
Run Date: 12/09/2021

Fiscal Month
Identifies the expenditures up to October 2021

Fiscal Year
Identifies the current year

Run Date
Identifies the date this report was pulled from QBIRT

CY 21-22 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Governor's Budget
Publication that the Governor presents which identifies the current year authorized expenditures.

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 4 YTD + Encumbrance	CY 21-22 FM 4 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$955,435	\$1,077,755	\$3,425,000	31%	\$3,389,367
	5100 TEMPORARY POSITIONS	\$35,155	\$45,403	\$232,000	20%	\$130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$600	\$38,876	\$36,000	108%	\$48,476
	5150 STAFF BENEFITS	\$559,421	\$618,030	\$1,703,000	36%	\$1,812,693
	PERSONAL SERVICES	\$1,550,611	\$1,780,065	\$5,396,000	33%	\$5,380,536

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$23,898	\$22,392	\$32,000	70%	\$71,871
3	5302 PRINTING	\$24,766	\$69,808	\$26,000	268%	\$33,966
	5304 COMMUNICATIONS	\$4,452	\$3,384	\$15,000	23%	\$20,777

Object Description
Provides the name of the line item where our expenditures occur.

PY 20-21 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Percent of Governor's Budget spent
Identifies the percentage spent at CY 21-22 FM 4 according to the Governor's Budget.

Projections to Year End
Identifies the expenditure amount that BPELSG projects for FY 21-22.

	OPERATING EXPENSES & EQUIPMENT	\$3,239,095	\$2,474,539	\$6,831,000	36%	\$5,308,996
	OVERALL TOTALS	\$4,789,706	\$4,254,604	\$12,227,000	35%	\$10,689,532

*Does not include additional Architecture Revolving Fund Expenses TBD

SURPLUS/(DEFICIT): 13%

Surplus/(Deficit)
Identifies if we have higher revenue and lower expenses (Surplus) or higher expenses and lower revenue (Deficit). This percentage is calculated using (Governor's Budget-Projections to Year End)/ Governor's Budget.

FISCAL YEAR 2021-22

FISCAL MONTH 10 FINANCIAL STATEMENT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$4,032,847 (34%) over prior period.

REVENUE CATEGORY	PRIOR YEAR FY 2020-21 FM 10		CURRENT YEAR FY 2021-22 FM 10	CURRENT YEAR PROJECTIONS
Delinquent Fees	\$101,532	↑	\$125,960	\$150,076
Other Regulatory Fees	\$83,260	↑	\$113,382	\$102,138
Other Regulatory Licenses & Permits	\$1,046,706	↑	\$1,682,700	\$1,743,588
Other Revenue	\$46,179	↓	\$27,385	\$51,328
Renewal Fees	\$6,571,753	↑	\$9,932,850	\$10,269,519
Total	\$7,849,430	↑	\$11,882,277	\$12,316,649

There are no changes in the revenue projections from FM 1.

Total Revenue for FY 2020-21 was \$8,559,000 (92% of total revenue booked by FM 10). Current year FM 10 revenue is 96% of current year projections.

Reimbursements total \$101,144 including \$57,207 for background checks and \$43,937 in cost recovery. Background check expenses are included in General Expense category.

FY 2021-22 Current Year projections include renewal revenue for delinquent licenses and licenses issued during the fiscal year and subject to renewal. FY 2019-20 FM 6 includes \$1,553,268 Revenue in advance. FY 2021-22 FM 6 includes \$2,650,380 Revenue in advance.

Department of Consumer Affairs
Expenditure Projection Report

Fiscal Month: 10

Fiscal Year: 2021 - 2022

Run Date: 5/17/2022

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 10 YTD + Encumbrance	CY 21-22 FM 10 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$2,393,365	\$2,746,530	\$3,589,000	77%	\$3,375,059
	5100 TEMPORARY POSITIONS	\$91,448	\$109,706	\$232,000	47%	\$132,325
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$5,026	\$46,376	\$36,000	129%	\$48,476
	5150 STAFF BENEFITS	\$1,378,864	\$1,557,903	\$1,776,000	88%	\$1,904,941
	PERSONAL SERVICES	\$3,868,703	\$4,460,515	\$5,633,000	79%	\$5,460,801

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$46,528	\$64,639	\$32,000	202%	\$81,237
3	5302 PRINTING	\$44,218	\$88,633	\$26,000	341%	\$79,377
	5304 COMMUNICATIONS	\$16,689	\$12,701	\$15,000	85%	\$20,777
	5306 POSTAGE	\$25,058	\$26,462	\$36,000	74%	\$26,562
	5308 INSURANCE	\$15,655	\$0	\$0	0%	\$660
	53202-204 IN STATE TRAVEL	\$543	\$4,067	\$22,000	18%	\$15,500
	53206-208 OUT OF STATE TRAVEL	\$0	\$1,199	\$0	0%	\$1,900
	5322 TRAINING	\$0	\$2,000	\$15,000	13%	\$2,000
4	5324 FACILITIES*	\$673,017	\$465,166	\$377,000	123%	\$563,286
5	53402-53403 C/P SERVICES (INTERNAL)	\$633,085	\$496,531	\$696,000	71%	\$583,736
6	53404-53405 C/P SERVICES (EXTERNAL)	\$2,165,463	\$1,656,681	\$3,324,000	50%	\$1,795,926
7	5342 DEPARTMENT PRORATA	\$1,562,916	\$1,939,000	\$1,935,000	100%	\$1,935,000
8	5342 DEPARTMENTAL SERVICES	\$10,794	\$18,072	\$27,000	67%	\$27,000
	5344 CONSOLIDATED DATA CENTERS	\$14,154	\$11,350	\$22,000	52%	\$22,000
	5346 INFORMATION TECHNOLOGY	\$110,587	\$167,471	\$166,000	101%	\$104,022
	5362-5368 EQUIPMENT	\$24,385	\$53,080	\$0	0%	\$94,279
9	5390 OTHER ITEMS OF EXPENSE	\$0	\$0	\$3,000	0%	\$0
	54 SPECIAL ITEMS OF EXPENSE	\$0	\$868	\$0	0%	\$1,490
	OPERATING EXPENSES & EQUIPMENT	\$5,343,093	\$5,007,919	\$6,696,000	75%	\$5,354,752
	OVERALL TOTALS	\$9,211,796	\$9,468,434	\$12,329,000	77%	\$10,815,553

*Includes additional \$75k Architecture Revolving Fund Expenses

Expenditure Report Notes

- 1 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: 3.0 SSA/AGPA.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 10 are \$57,207.
- 3 Printing** - Contract with EDD expired June 30, 2020. Historically EDD billing for printing services was delayed up to 18 months. New DCA wide printing contract bills timely and there will be expenses recorded in FY 21-22 for both contracts.
- 4 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.
- 5 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.
- 6 C&P Services External** - Includes all external contracts (examination development, 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).
- 7 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 8 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 9 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.

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

Analysis of Fund Condition

Prepared 6.07.2022

(Dollars in Thousands)

2022-23 Governor's Budget with PY Actuals & CY FM 10 Projections

	PY 2020-21	CY 2021-22	BY 2022-23	BY+1 2023-24
BEGINNING BALANCE	\$ 4,844	\$ 2,352	\$ 3,232	\$ 1,078
Prior Year Adjustment	\$ 36	\$ 171	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,880	\$ 2,523	\$ 3,232	\$ 1,078
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 122	\$ 150	\$ 152	\$ 152
4127400 Renewal fees	\$ 6,707	\$ 10,270	\$ 9,081	\$ 10,584
4129200 Other regulatory fees	\$ 104	\$ 102	\$ 103	\$ 103
4129400 Other regulatory licenses and permits	\$ 1,571	\$ 1,744	\$ 1,761	\$ 1,761
4163000 Income from surplus money investments	\$ 32	\$ -	\$ -	\$ 1
4171400 Escheat of unclaimed checks and warrants	\$ 21	\$ 21	\$ 21	\$ 21
4172500 Miscellaneous revenues	\$ -	\$ 1	\$ 1	\$ 1
4173500 Settlements and Judgments - Other	\$ 2	\$ -	\$ -	\$ -
Totals, Revenues	\$ 8,559	\$ 12,288	\$ 11,119	\$ 12,623
Totals, Revenues and Transfers	\$ 8,559	\$ 12,288	\$ 11,119	\$ 12,623
Totals, Resources	\$ 13,439	\$ 14,811	\$ 14,351	\$ 13,701
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 10,243	\$ 10,714	\$ 12,408	\$ 12,780
8880 Financial Information System for CA (State Operations)	\$ -	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 635	\$ 656	\$ 656	\$ 656
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 11,087	\$ 11,579	\$ 13,273	\$ 13,645
FUND BALANCE				
Reserve for economic uncertainties	\$ 2,352	\$ 3,232	\$ 1,078	\$ 56
Months in Reserve	2.4	2.9	0.9	0.0

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1
- C. ASSUMES INTEREST RATE AT 1.5%.
- D. CY PY ADJUSTMENT IS ESTIMATED REIMBURSEMENT FOR COVID EXPENSES, CONTACT TRACING EMPLOYEES

V. Consideration of Rulemaking Proposals (Possible Action)

- A. Amendments to, Adoption of, and Repeal of Title 16, California Code of Regulations sections 3005, 3024, 3024.5, 3026, and 3031 relating to ASBOG Examination Fees, Abandoned Applications, Postponements, and Examinations
- B. Amendments to and Adoption of Title 16, California Code of Regulations sections 420, 3021, 3023, and 3032 relating to Applications, Computation of Qualifying Work Experience, and Schedules of Examinations
- C. Amendments to and Adoption of Title 16, California Code of Regulations sections 427.10, 427.20, and 427.30 relating to References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers

Amendments to, Adoption of, and Repeal of Title 16, California Code of Regulations sections 3005, 3024, 3024.5, 3026, and 3031 relating to ASBOG Examination Fees, Abandoned Applications, Postponements, and Examinations

At its November 8, 2021, meeting, the Board directed staff to move forward with developing rulemaking proposals relating to removing the references to the Association of State Boards of Geology (ASBOG) examinations fees and updating regulations regarding postponements and abandoned applications for geologists and geophysicists. Board staff has been working with the Regulations Unit within the Department of Consumer Affairs' (DCA) Legal Office to develop the text for these proposals. Based on discussions with the Regulations Unit staff, it was decided that it would be best to combine the rulemaking proposals into one. This rulemaking proposal will make changes to address the following issues:

Once ASBOG begins administering the national Fundamentals of Geology (FG) and Practice of Geology (PG) examinations via computer-based testing (CBT) with the Spring 2023 administration, candidates will register for the examination directly with ASBOG and pay the examination fees directly to ASBOG. As such, Title 16, California Code of Regulations sections (16 CCR) 3005 and 3024 need to be amended to remove references to the ASBOG examination fees, 16 CCR 3026 needs to be repealed since it relates to refunds of examination fees, and 16 CCR 3031 needs to be amended to specify that applicants must follow ASBOG's procedures in registering and paying for and taking the FG and PG examinations. Additionally, 16 CCR 3024 currently also addresses postponements of examinations and abandoned applications but does not correspond with current operating procedures. Therefore, the provisions relating to postponements and abandoned applications need to be updated. It will also provide more clarity to separate these two topics into two separate regulations. As such, 16 CCR 3024 is being amended to address abandoned applications and 16 CCR 3024.5 is being added to address postponement of examinations.

At this time, the Board needs to approve the proposed text and authorize moving forward with this rulemaking proposal. The rulemaking package must be reviewed by DCA and the Business, Consumer Services, and Housing Agency prior to being noticed for the 45-day public comment period.

RECOMMENDED MOTION:

Approve the proposed regulatory text for Title 16, California Code of Regulations sections (16 CCR) 3005, 3024, 3025.4, 3026, and 3031 and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt and repeal the proposed regulations at 16 CCR 3005, 3024, 3024.5, 3026, and 3031, as noticed.

**BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS
PROPOSED REGULATION**

**ASBOG EXAMINATION FEES, ABANDONED APPLICATIONS, POSTPONEMENTS,
AND EXAMINATIONS**

Legend: Added text is indicated with an underline.
Deleted text is indicated by ~~strikeout~~.

1. Amend Section 3005, Article 1, Division 29 of Title 16 of the California Code of Regulations

§ 3005. Fees

(a) The following is the prescribed application fee for:

- (1) Licensure as a Professional Geologist or a Professional Geophysicist \$175
- (2) Certification as a specialty geologist or specialty geophysicist \$175
- (3) Certification as a geologist-in-training \$75

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

- (1) ~~The Practice of Geology national examination \$250~~
- (2) The California specific geologist examination \$175
- (3) ~~The Fundamentals of Geology national examination \$200~~
- (4) (2) Examination for licensure as a geophysicist \$175
- (5) (3) Examination for certification as a specialty geologist or specialty geophysicist \$175

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

(d) The two-year biennial renewal fee for a license that expires on or after January 1, 2021, shall be \$180.

(e) The delinquency fee for renewal of a license is 50% of the renewal fee in effect on the last regular renewal date.

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

(g) The fee for the retired license shall be \$75. No renewal fee or other fee shall be charged for the retired license.

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

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

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

Note: Authority cited: Sections 7818 and 7887, Business and Professions Code.

Reference: Sections 158, 7844, 7851, 7880, 7881 and 7887, Business and Professions Code.

2. Amend Section 3024, Article 2, Division 29 of Title 16 of the California Code of Regulations

§ 3024. Abandoned Applications.

~~(a) In the absence of special circumstances, the board shall consider an application abandoned when:~~

~~(1) The applicant fails to submit a registration fee within 6 months of the date of the letter of notification that the application has been received and approved or~~

~~(2) The applicant fails to appear for a scheduled examination without obtaining a postponement from the board prior to the date of the examination or without scheduling to take the examination within the next two subsequent examinations as follows:~~

~~(A) An applicant for registration as a geologist shall obtain a postponement no later than fifty (50) days prior to the date of the examination.~~

~~(B) An applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist shall obtain a postponement no later than fifteen (15) days prior to the date of the examination, or~~

~~(3) The applicant fails to respond within 6 months of a board request for additional information concerning the applicant's educational background or professional geological or geophysical work experience.~~

~~(b) An applicant may be granted an emergency postponement not less than five days prior to such examination by the board for good cause.~~

~~(c) The application fee will be retained by the board when an application has been declared abandoned.~~

~~(d) In the event an applicant fails to appear for a scheduled examination without obtaining a postponement from the board, the board shall retain a portion of the examination fee as follows:~~

~~(1) For failure to appear as scheduled for two sections of the national examination the board shall retain \$75.00 of the examination fee.~~

~~(2) For failure to appear as scheduled for one section of the national examination, the board shall retain \$50.00 of the examination fee.~~

~~(3) For failure to appear as scheduled for an examination for registration as a geophysicist or certified engineering geologist or certified hydrogeologist, the Board shall retain \$25.00 of the examination fee.~~

(a) Any of the following actions by an applicant for certification or licensure shall be considered to constitute abandonment of the application with no refund of the application fee:

(1) Failure to provide additional information pursuant to Section 3022.2 within 90 days from the date of a written request by the Board's staff; or,

(2) Failure to complete the examination(s) to which the applicant has been assigned within two (2) years from the date of filing of the application; or,

(3) Failure to appear for the examination(s) at the designated time and place unless a postponement has been obtained in accordance with Section 3024.5; or,

(4) Failure to appear for the examination(s) at the designated time and place after having obtained two postponements in accordance with Section 3024.5.

(b) An application submitted subsequent to an abandoned application shall be treated as a new application.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7818 and 7841, 7841.1, 7841.2, 7842, and 7844, Business and Professions Code.

3. Add Section 3024.5, Article 2, Division 29 of Title 16 of the California Code of Regulations

§ 3024.5. Postponements

(a) The executive officer may grant a postponement, not to exceed two such postponements for each application, to any applicant who for reasonable cause is prevented from appearing for examination at the day or time fixed, provided the applicant's request for postponement and the written request and reason therefor is filed

with the principal office of the board specified in Section 3000 at any time prior to the examination or within the ten (10) day period immediately following the date of such examination.

(b) "Reasonable cause" as used in this section includes any of the following:

(1) Death of an immediate family member of the applicant, when accompanied by documentation, such as a copy of the death certificate.

(2) Illness, including contagious disease, or injury to the applicant or an immediate family member of the applicant, when accompanied by an original letter on letterhead from the health care provider, which includes the date(s), nature of the illness or injury, and the health care provider's signature.

(3) Natural disaster or other declared national, state, or local emergency.

(4) Military service, when accompanied by official military orders.

(5) Jury duty, when accompanied by documentation, such as the summons issued by the court.

(6) Unforeseen circumstances beyond the control of the applicant, including an accident, on the day of the examination that prevent the applicant from appearing at the time and place (testing facility) set for the examination, when accompanied by documentation, such as police reports, witness statements, and photos.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841, 7841.1, 7841.2, 7842, and 7844, Business and Professions Code.

4. Repeal Section 3026, Article 2, Division 29 of Title 16 of the California Code of Regulations

§ 3026. Unqualified Applicant: Refund of Examination Fee.

~~If an applicant for registration as a geologist or geophysicist or certification as a specialty geologist or specialty geophysicist is found by the Board to lack the qualifications required for admission to the examination for such registration, the board shall refund to the applicant the amount of the applicant's examination fee only.~~

~~Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7822, 7841, 7841.1, 7842 and 7887, Business and Professions Code.~~

5. Amend Section 3031, Article 3, Division 29 of Title 16 of the California Code of Regulations

3031. ~~Examination Credit~~ Examinations: Geologist-in-Training, Professional Geologist, Professional Geophysicist and Specialty Certification.

(a) Pursuant to Section 7841.2 of the Code, each applicant for certification as a geologist-in-training shall successfully pass the Fundamentals of Geology examination created and conducted by the National Association of State Boards of Geology, also known as ASBOG, by meeting the requirements set by ASBOG for taking, and receiving a passing score for, that examination. After January 1, 2023, applicants shall directly contact ASBOG, or its designated vendor, if applicable, to obtain a date, time, and place (testing facility) to take the Fundamentals of Geology examination. Applicants shall pay all of ASBOG's required examination fees for examination materials and services directly to ASBOG, or its designated vendor, if applicable, and shall comply with all ASBOG examination and test center policies, procedures, and rules.

~~(a)~~ (b) Each applicant for licensure as a geologist who obtains a passing score on the Fundamentals of Geology and Practice of Geology examinations created by the National Association of State Boards of Geology on or after November 1, 1996, and obtains a passing score as determined by a recognized criterion-referenced method of establishing the pass point in the supplemental California specific examination pursuant to Section 7841~~(d)~~ of the Code shall be deemed to have passed the required examinations for licensure as a professional geologist in California.

(1) Each applicant shall meet the requirements set by ASBOG for taking, and receiving a passing score for, the Fundamentals of Geology and the Practice of Geology examinations. After January 1, 2023, applicants shall directly contact ASBOG, or its designated vendor, if applicable, to obtain a date, time, and place (testing facility) to take the Fundamentals of Geology and the Practice of Geology examinations. Applicants shall pay all of ASBOG's required examination fees for examination materials and services directly to ASBOG, or its designated vendor, if applicable, and shall comply with all ASBOG examination and test center policies, procedures, and rules.

~~(1)~~ (2) ~~Candidates~~ Applicants shall receive credit for obtaining a passing score on the Fundamentals of Geology examination, the Practice of Geology examination, and the supplemental California specific examination as separate examinations and shall be required to ~~submit an application to~~ retake and pass only those examinations previously failed.

(b) (c) Every applicant for licensure as a geophysicist or for certification in any specialty, who obtains a passing score determined by a recognized criterion-reference method of establishing the pass point in the ~~California~~ examination required by Section 7841.1 of the Code or Section 7842 of the Code, respectively, shall be deemed to have passed the ~~California~~ examination required by Section 7841.1 of the Code or Section 7842 of the Code, respectively. Such a passing score may vary moderately with changes in test composition.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841, 7841.1, 7841.2, 7842, and ~~7842.1~~ 7844, Business and Professions Code.

Amendments to Title 16, California Code of Regulations sections 427.10 and 427.30 relating to References for Applicants for Licensure as Professional Engineers, Land Surveyors, and Structural Engineers

At its November 8, 2021, meeting, the Board directed staff to move forward with developing rulemaking proposals relating to removing the forms incorporated by reference in the regulations pertaining to the references provided as part of the applications for licensure as professional engineers, land surveyors, and structural engineers.

Since the forms will no longer be incorporated by reference (and considered part of the regulations), the information to be provided by the individual providing the reference is detailed in the regulations. Additionally, clarifying changes are being made to the language.

At this time, the Board needs to approve the proposed text and authorize moving forward with this rulemaking proposal. The rulemaking package must be reviewed by DCA and the Business, Consumer Services, and Housing Agency prior to being noticed for the 45-day public comment period.

RECOMMENDED MOTION:

Approve the proposed regulatory text for Title 16, California Code of Regulations sections (16 CCR) 427.10 and 427.30 and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at 16 CCR 427.10 and 427.30, as noticed.

427.10. References Requirements for Applicants for Licensure as Professional Engineers and Land Surveyors.

(a) To assist the Board in evaluating qualifications, each applicant for licensure as a professional engineer or a professional land surveyor shall ~~submit completed reference forms from as many~~ furnish to the Board references as may be consistent with the length and character of the professional experience indicated in their application required by Section 420 and meeting the requirements of this section and Section 6751(c)(2) of the Code for professional engineer applicants and Section 8741(d)(2) of the Code for professional land surveyor applicants. Professional engineer applicants shall use the form entitled “Professional Engineer Engagement Record and Reference Form (PE09)(2017),” hereby incorporated by reference. Professional Land Surveyor applicants shall use the form entitled “Professional Land Surveyor Engagement Record and Reference Form (LS09)(2017),” hereby incorporated by reference. Professional land surveyor applicants may also use the form entitled “Log Book for Professional Land Surveyor Applicants (LB09)(2017),” hereby incorporated by reference, as an optional supplement to the “Professional Land Surveyor Engagement Record and Reference Form (LS09)(2017).”

(b) The applicant for licensure as a professional engineer or a professional land surveyor shall furnish ~~not less than the number of~~ references required hereafter:

(1) ~~An applicant for a license as a professional land surveyor or as a professional engineer shall refer to from~~ not less than four persons who are authorized to practice in the discipline for which the applicant is applying and who have personal knowledge of the applicant’s qualifying experience, none of whom is a relative either by birth or marriage.

(2) ~~(c)~~ Nothing herein contained shall be construed to limit authority of the Board to seek such other information pertinent to the education and experience of the applicant as may be required to verify his or her qualifications. The Board may waive the requirement that only ~~registered or~~ licensed individuals give references for the applicants in disciplines other than civil engineering or land surveying when the applicants have no association with ~~registered or~~ licensed individuals in their work environment.

(d) Individuals furnishing references for professional engineer applicants shall include the following information:

(1) The reference’s name and contact information, including address, telephone number, and email address.

(2) The discipline of engineering in which the reference is licensed, the license number, the license expiration date, and the state in which the license was issued, or a statement that the reference is legally exempt from licensure or not required to be licensed.

(3) The nature of the reference’s professional and personal relationships with the applicant.

(4) Verification of the engineering work experience of the applicant, including dates of employment.

(5) Verification that the reference has personal knowledge of and has personally reviewed the applicant’s engineering work.

(6) A determination as to whether the reference considers the applicant to be technically qualified to be licensed as a professional engineer, including the areas in which the reference, from personal knowledge, verifies that the applicant has the appropriate experience.

(7) The following statement, with signature and date:

“I certify under penalty of perjury that these statements are true and correct to the best of my knowledge and that I have personally reviewed and examined the applicant’s engineering work.”

(e) Individuals furnishing references for professional land surveyor applicants shall include the following information:

(1) The reference's name and contact information, including address, telephone number, and email address.

(2) The license number, the license expiration date, and the state in which the license was issued, or a statement that the reference is legally exempt from licensure or not required to be licensed.

(3) The nature of the reference's professional and personal relationships with the applicant.

(4) Verification of the land surveying work experience of the applicant, including dates of employment and responsible field and office training.

(5) Verification that the reference has personal knowledge of and has personally reviewed the applicant's land surveying work.

(6) A determination as to whether the reference considers the applicant to be technically qualified to be licensed as a professional land surveyor.

(7) The following statement, with signature and date:

"I certify under penalty of perjury that I have read and understand the laws, rules, and regulations regarding licensure as a Professional Land Surveyor in California relative to this applicant's qualifications and that the foregoing information accurately reflects my opinion and knowledge of the applicant's qualifications, professional integrity, ability, and fitness to be licensed as a Professional Land Surveyor in California. I also certify under penalty of perjury that I am authorized to practice land surveying and that the foregoing statements are true and correct to the best of my knowledge."

Note: Authority cited: Sections 6716 and 8710, Business and Professions Code. Reference: Sections 6751, 6752, 8741, 8742, and 8743, Business and Professions Code.

427.30. References Requirements for Applicants for the Structural Engineer Authority.

~~(a) A~~ To assist the Board in evaluating qualifications, an applicant for authority to use the title "structural engineer" shall submit furnish references to the Board as may be consistent with the length and character of the professional experience indicated in their application required by Section 420 and meeting the requirements of this section and Section 426.10(b).

~~(b) The applicant shall furnish at least three completed reference forms, using the form entitled "Structural Engineer Engagement Record and Reference Form (SE09)(2017)," hereby incorporated by reference, references from individuals who hold current, valid California licenses as civil engineers and who are authorized by the Board to use the title "structural engineer," or equivalent thereto, none of whom is related to the applicant by birth or marriage. Each reference shall have personal knowledge of the applicant's qualifying experience and shall have examined the applicant's work. It is preferred that at least one of the references has been a direct supervisor for a period of not less than six months.~~

~~(b) (c) "Equivalent thereto" as used in this section, means a professional engineer who is authorized to use the title "structural engineer" practice structural engineering in a another state, which has a comity agreement with this state related to "structural engineering."~~

~~Reference forms completed by a "structural engineer" registered outside of this state but registered or licensed in a state which has a comity agreement with the State of California shall be notarized.~~

(e) (d) Nothing contained in this section shall limit the authority of the Board to require that an applicant submit additional references, employment verifications and other information pertinent to the applicant's education and/or experience to verify that the applicant meets the minimum qualifications as defined in Sections 426.10, 426.11, and/or 426.13.

(e) Individuals furnishing references for professional engineer applicants shall include the following information:

(1) The reference's name and contact information, including address, telephone number, and email address.

(2) The discipline of engineering in which the reference is licensed, the license number, the license expiration date, and the state in which the license was issued, or a statement that the reference is legally exempt from licensure or not required to be licensed.

(3) The nature of the reference's professional and personal relationships with the applicant.

(4) Verification of the work experience of the applicant, including dates of employment.

(5) Verification that the reference has personal knowledge of and has personally reviewed the applicant's work.

(6) A determination as to whether the reference considers the applicant to have adequate experience and the technical ability to design and analyze structural components and structural systems and, therefore, use the title "Structural Engineer."

(7) Verification, from the reference's personal knowledge, that the applicant has the appropriate structural design or plan checking experience in one or more of the areas specified in Section 426.11.

(8) The following statement, with signature and date:

"I certify under penalty of perjury that these statements are true and correct to the best of my knowledge and that I have personal knowledge of the applicant's structural engineering work."

Note: Authority cited: Section 6716, Business and Professions Code. Reference: Sections 6736 and 6763, Business and Professions Code.



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 999-3600 Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.bpelsg.ca.gov



PROFESSIONAL ENGINEER ENGAGEMENT RECORD AND REFERENCE FORM

This form must be submitted for each engagement claimed as qualifying experience. Each engagement being claimed as qualifying experience must be summarized on a separate Engagement Record and Reference Form. "SEE ATTACHED" and resumés are not acceptable in lieu of this form. **Part A of this form must be typed, or it will be returned to applicant.**

The original of this form must be mailed to the Board Office postmarked by the Final Filing Date. Failure to have all documents in the Board Office by the final filing date will result in the Applicant not being set to the current examination.

A copy of the Information Collection, Access, and Disclosure Notice must be provided by the applicant to the reference.

PART A – TO BE COMPLETED BY THE APPLICANT				
I, the Applicant, hereby demonstrate qualifying experience as required by the Business and Professions Code and the California Code of Regulations, as detailed below.				
Last Name		First Name		Middle Name
Address of Record (Mailing Address):		City	State	Zip Code Country
Birth Date (MM/DD/YYYY):		E-Mail Address:		
Daytime Phone Number (including area code & extension):		Evening Phone Number (including area code):		Cell-Phone Number (including area code):
Engagement Number	EMPLOYMENT DATES (MM/DD/YYYY)	TOTAL TIME WORKED IN MONTHS (for this engagement)	Employer: Employer Address: City/State/Zip: Applicant's Title:	
	From: To:	QUALIFYING EXPERIENCE IN MONTHS (**SEE NOTE BELOW)	Reference's Name: Reference's Address: City/State/Zip: Reference's Phone (including area code & extension):	
All of the following items must be completed.				
Description of Engineering Tasks & Duties:				
Level of Responsibility:				
Description of Engineering Decisions Made:				
Projects (include project name, location [city/state/country], & type):				

**** Qualifying experience claimed for this Engagement includes only subordinate level engineering work. It does not overlap with credit claimed for education. It does not include overtime, training, orientation, non-engineering work, or summer work while a student. Qualifying experience may be less than the total number of months worked; it is computed by Total Months Worked less Non-Qualifying Experience. Qualifying experience means engineering employment that requires the applicant to use sound judgment in making engineering decisions and contributes to progress towards becoming a Professional Engineer.**

Signature of Applicant _____

Date: _____

I, the Reference, confirm that I have reviewed the information contained on Part A of this form.

Signature of Reference _____

Date: _____

Applicant's Full Name: _____

PART B - TO BE COMPLETED BY REFERENCE

PLEASE PRINT CLEARLY AND COMPLETE THE ENTIRE FORM.
INCOMPLETE FORMS MAY CAUSE THE APPLICANT TO BE DEEMED INELIGIBLE.

You, as the reference, may request additional experience information from the applicant, including the Board's licensing requirements as contained in the Business and Professions Code and the California Code of Regulations. You must personally complete, sign, seal or stamp, and return both Part A and Part B of this form to the applicant in a sealed envelope.

My relation with the Applicant has been/is: Employer/Supervisor In Responsible Charge*
(check all that apply) Co-Worker/Associate* Reviewed Work* Other*

Are you related to this Applicant by blood, marriage, or adoption? YES* NO

Do you verify the Applicant's experience on Part A, including position title and employment dates? YES NO*

Have you personally seen and reviewed the Applicant's engineering work? YES NO*

I have personal knowledge of the Applicant's work experience from the date of _____ to the date of _____

Do you consider the Applicant technically qualified to be licensed as a Professional Engineer? YES NO* DO NOT KNOW*

***Explain in detail all responses marked with an asterisk in this section. Also, include any additional information about the Applicant's engineering experience, capabilities, or limitations. ATTACH ADDITIONAL SHEETS IF NEEDED. If you and the applicant currently have different employers, please explain how you know of the applicant's experience.**

From personal knowledge, I verify that the applicant has the appropriate experience in the following areas (check all that apply):

- Technical Competency _____
- Engineering Judgment _____
- Professional Integrity/Ethics _____
- Project Communications _____
- Independent Decision Making _____
- Coordination of Project Support Staff _____
- Code/Regulatory Knowledge _____
- Responsible Charge Capability _____

PLEASE AFFIX YOUR PROFESSIONAL SEAL OR STAMP HERE

Your Title _____

Your Name _____

Your Company Name _____

Lic No./Exp. Date _____

Address _____

Branch/State/Country _____

City/State/Zip _____

OR - I am legally exempt from licensure because _____

Phone (___) _____ Ext. _____

I certify under penalty of perjury that these statements are true and correct to the best of my knowledge and that I have personally reviewed and examined the applicant's engineering work.

Signature of Reference: _____

Date: _____



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Facsimile: (916) 263-2246

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**PROFESSIONAL LAND SURVEYOR
ENGAGEMENT RECORD AND REFERENCE FORM**

This form must be submitted for each engagement claimed as qualifying experience. Each engagement being claimed as qualifying experience must be summarized on a separate Engagement Record and Reference Form. "SEE ATTACHED" and resumés are not acceptable in lieu of this form. **Part A of this form must be typed, or it will be returned to applicant.**

The original of this form must be mailed to the Board Office postmarked by the Final Filing Date. Failure to have all documents in the Board Office by the final filing date will result in the Applicant not being set to the current examination.

A copy of the Information Collection, Access, and Disclosure Notice must be provided by the applicant to the reference.

PART A – TO BE COMPLETED BY THE APPLICANT				
I, the Applicant, hereby demonstrate qualifying experience as required by the Business and Professions Code and the California Code of Regulations, as detailed below.				
Last Name		First Name		Middle Name
Address of Record (Mailing Address):		City	State	Zip Code Country
Birth Date (MM/DD/YYYY):		E-Mail Address:		
Daytime Phone Number (including area code & extension):		Evening Phone Number (including area code):		Cell Phone Number (including area code):
Engagement Number	TOTAL TIME WORKED IN MONTHS (for this engagement)		Employer's Name:	
	DATES (MM/DD/YYYY)		Employer's Address:	
	TOTAL MONTHS		City/State/Zip:	
From:		To:	Applicant's Title:	
RESPONSIBLE TRAINING		MONTHS		Reference's Name:
How many of the total months above are claimed as responsible field training for this engagement?				Reference's Address:
How many of the total months above are claimed as responsible office training for this engagement?				City/State/Zip:
				Reference's Phone (including area code & extension):
All of the following items must be completed.				
Description of Land Surveying Tasks & Duties:				
Level of Responsibility (i.e., rod person, instrument person, party chief, survey computations, map preparation, etc.):				
Description of Land Surveying Decisions Made:				

** Qualifying experience claimed for this Engagement includes only subordinate level land surveying. It does not overlap with credit claimed for education. It does not include overtime, training, orientation, non-surveying work, or summer work while a student. Qualifying experience may be less than the total number of months worked; it is computed by Total Months Worked less Non-Qualifying Experience. Qualifying experience means land surveying employment that requires the applicant to use sound judgment in making land surveying decisions and contributes to progress towards becoming a Professional Land Surveyor.

Signature of Applicant _____

Date: _____

I, the Reference, confirm that I have reviewed the information contained on Part A of this form.

Signature of Reference _____

Date: _____

Applicant's Full Name: _____

PART B - TO BE COMPLETED BY REFERENCE

PLEASE PRINT CLEARLY AND COMPLETE THE ENTIRE FORM.
INCOMPLETE FORMS MAY CAUSE THE APPLICANT TO BE DEEMED INELIGIBLE.

You, as the reference, may request additional experience information from the applicant, including the Board's licensing requirements as contained in the Business and Professions Code and the California Code of Regulations. You must personally complete, sign, seal or stamp, and return this both Part A and Part B of this form to the applicant in a sealed envelope.

My relation with the Applicant has been/is: Employer/Supervisor In Responsible Charge*
(check all that apply) Co-Worker/Associate* Reviewed Work* Other*

Are you related to this Applicant by blood, marriage, or adoption? YES* NO

Do you verify the Applicant's total experience on Part A, including employment dates?
(Refer to Board Rule 425 [16 CCR §425].) YES NO*

Do you verify the Applicant's responsible field training on Part A, including number of months?
(Refer to Board Rule 425 [16 CCR §425].) YES NO*

Do you verify the Applicant's responsible office training on Part A, including number of months?
(Refer to Board Rule 425 [16 CCR §425].) YES NO*

State the last date you directly or indirectly observed the Applicant performing land surveying duties: _____
I observed the applicant: DIRECTLY INDIRECTLY*

Do you consider the Applicant technically qualified to practice as a licensed Professional Land Surveyor? YES NO* DO NOT KNOW*

***Explain in detail all responses marked with an asterisk in this section. Also, include any additional information about the Applicant's land surveying experience, capabilities, or limitations. ATTACH ADDITIONAL SHEETS IF NEEDED. If you and the applicant currently have different employers, please explain how you know of the applicant's experience.**

Your Name _____
Lic. No./Exp. Date _____
Branch/State _____
Your Title _____
Your Company Name _____
Address _____
City/State/Zip _____
Phone () _____ Ext. _____

PLEASE AFFIX YOUR PROFESSIONAL SEAL OR STAMP HERE

I certify under penalty of perjury that I have read and understand the laws, rules, and regulations regarding licensure as a Professional Land Surveyor relative to this applicant's qualifications and that this document accurately reflects my opinion and knowledge of the applicant's qualifications, professional integrity, ability, and fitness to be licensed as a Professional Land Surveyor. I also certify under penalty of perjury that I am authorized to practice land surveying and that the forgoing statements are true and correct to the best of my knowledge.

Signature of Reference: _____

Date: _____

LOG BOOK FOR PROFESSIONAL LAND SURVEYOR APPLICANTS

THIS FORM MUST BE TYPED OR LEGIBLY PRINTED.

*This form must be signed by both the applicant and the reference. The reference must also affix his or her professional seal or stamp to this form.
Forms that are not properly signed and sealed or stamped will not be accepted by the board.*

This form is to document qualifying work experience in land surveying pursuant to Business and Professions Code sections 8741 and 8742 and Title 16, California Code of Regulations section 425 [Board Rule 425]. Business and Professions Code section 8726 defines the practice of land surveying.

Last Name:		First Name:		Middle Name:		Reference Name:			
Address:						License Number:			
City:		State:		Zip Code:		Issue Date:	Expiration Date:		
DATES OF WORK (MM/DD/YYYY)		SUMMARY OF WORK PERFORMED				GENERAL WORK		RESPONSIBLE TRAINING	
FROM:	TO:					OFFICE (# of Months)	FIELD (# of Months)	OFFICE (# of Months)	FIELD (# of Months)

I, the applicant, certify under penalty of perjury that the information contained on this form is true and correct to the best of my knowledge.

Signature of Applicant: _____ Date: _____

I, the reference, certify under penalty of perjury that the information contained on this form is true and correct to the best of my knowledge and that I have personally reviewed the applicant's land surveying work.

Signature of Reference: _____ Date: _____



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2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833-2944

Telephone: (916) 999-3600 Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.bpelsg.ca.gov



STRUCTURAL ENGINEER ENGAGEMENT RECORD AND REFERENCE FORM

This form must be submitted for each engagement claimed as qualifying experience. Each engagement being claimed as qualifying experience must be summarized on a separate Engagement Record and Reference Form. "SEE ATTACHED" and resumés are not acceptable in lieu of this form. **Part A of this form must be typed, or it will be returned to applicant.**

The original of this form must be mailed to the Board Office postmarked by the Final Filing Date. Failure to have all documents in the Board Office by the final filing date will result in the Applicant not being set to the current examination.

A copy of the Information Collection, Access, and Disclosure Notice must be provided by the applicant to the reference.

PART A – TO BE COMPLETED BY THE APPLICANT				
I, the Applicant, hereby demonstrate qualifying experience as required by the Business and Professions Code and the California Code of Regulations, as detailed below.				
Last Name		First Name		Middle Name
Address of Record (Mailing Address):		City	State	Zip Code Country
Birth Date (MM/DD/YYYY):		E-Mail Address:		
Daytime Phone Number (including area code & extension):		Evening Phone Number (including area code):		Cell Phone Number (including area code):
Engagement Number	EMPLOYMENT DATES (MM/DD/YYYY)	TOTAL TIME WORKED IN MONTHS (for this engagement)	Employer: Employer Address: City/State/Zip:	
	From:	QUALIFYING EXPERIENCE IN MONTHS (**SEE NOTE BELOW)	Applicant's Title:	
	To:		Reference's Name: Reference's Address: City/State/Zip:	
Reference's Phone (including area code & extension):				
All of the following items must be completed.				
Description of Structural Engineering Tasks & Duties:				
Level of Responsibility:				
Description of Structural Engineering Decisions Made:				
Projects (include project name, location [city/state/country], & type):				

**** Qualifying experience claimed for this Engagement is defined as acceptable professional practice in structural engineering for buildings or other structures. Qualifying experience also includes professional level employment performing the checking of structural engineering plans and calculations performed under the immediate supervision of a Structural Engineer licensed in this state or a Structural Engineer licensed in a state that has a comity agreement with the State of California.**

Signature of Applicant _____

Date: _____

I, the Reference, confirm that I have reviewed the information contained on Part A of this form.

Signature of Reference _____

Date: _____

Applicant's Full Name: _____

PART B - TO BE COMPLETED BY REFERENCE

PLEASE PRINT CLEARLY AND COMPLETE THE ENTIRE FORM.
INCOMPLETE FORMS MAY CAUSE THE APPLICANT TO BE DEEMED INELIGIBLE.

You, as the reference, may request additional experience information from the applicant, including the Board's licensing requirements as contained in the Business and Professions Code and the California Code of Regulations. You must personally complete, sign, seal or stamp, and return both Part A and Part B of this form to the applicant in a sealed envelope.

My relation with the Applicant has been/is: (check all that apply)	Employer/Supervisor Co-Worker/Associate*	In Responsible Charge* Reviewed Work*	Other*
Are you related to this Applicant by blood, marriage, or adoption?		YES*	NO
Do you verify the Applicant's structural engineering experience on Part A, including employment dates?		YES	NO*
Have you personally seen and reviewed the Applicant's structural engineering work?		YES	NO*
Do you believe that the Applicant has adequate experience and the technical ability to design and analyze structural components and structural systems and, thus, use the title "Structural Engineer"?	YES	NO*	DO NOT KNOW*

***Explain in detail all responses marked with an asterisk in this section. Also, include any additional information about the Applicant's engineering experience, capabilities, or limitations. ATTACH ADDITIONAL SHEETS IF NEEDED. If you and the applicant currently have different employers, please explain how you know of the applicant's experience.**

From personal knowledge, I verify that the applicant has the appropriate structural design or plan checking experience in the following areas (check only those areas that apply):	PLEASE AFFIX YOUR PROFESSIONAL SEAL OR STAMP HERE
Common Construction Materials: WOOD STEEL MASONRY CONCRETE	
Lateral Forces: WIND SEISMIC	
Framing Systems Foundation Systems Application of Building Codes Multi-Story Buildings or Equivalent Multi-Level Structures	

Your Title _____

Your Company Name _____

Address _____

City/State/Zip _____

Phone (____) _____ Ext. _____

Your Name _____

Lic No./Exp. Date _____

Branch/State _____

OR – I am legally exempt from licensure because _____

Signature of Reference _____

Date: _____

VI. **Legislation**

- A. 2022 Legislative Calendar
- B. Discussion of Legislation for 2022 (**Possible Action**)
 - 2. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.
 - 3. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
 - 4. AB 1733 (Quirk) State bodies: open meetings.
 - 5. AB 1795 (Fong) Open meetings: remote participation.
 - 6. SB 1120 (Jones) Engineering, land surveying, and geology.
 - 7. SB 1237 (Newman) Licenses: military service.
 - 8. SB 1365 (Jones) Licensing boards: procedures.
 - 9. SB 1443 (Roth) The Department of Consumer Affairs.
 - 10. SB 1495 (Committee on Business, Professions and Economic Development) Professions and vocations.

DEADLINES

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

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

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

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

- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3 Legislature **reconvenes** (J.R. 51(a)(4)).
- Jan. 10 Budget must be submitted by Governor (Art. IV, Sec. 12 (a)).
- Jan. 14 Last day for **policy committees** to hear and report to fiscal Committees fiscal bills introduced in their house in 2021 (J.R. 61(b)(1)).
- Jan. 17 Martin Luther King, Jr. Day.
- Jan. 21 Last day for any committee to hear and report to the **Floor** bills introduced in their house in 2021 (J.R. 61(b)(2)).
- Jan. 21 Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31 Last day for each house to pass **bills introduced in 2021** in their house (Art. IV, Sec. 10(c)), (J.R. 61(b)(3)).

- Feb. 18 Last day for bills to be **introduced** (J.R. 61(b)(4)), (J.R. 54(a)).
- Feb. 21 Presidents' Day.

- Apr. 1 Cesar Chavez Day observed
- Apr. 7 **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Apr. 18 Legislature reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 29 Last day for **policy committees** to hear and report to fiscal Committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 6 Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13 Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- May 20 Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- May 23-27 **Floor Session only.** No committee, other than conference or Rules, may meet for any purpose (J.R. 61(b)(10)).
- May 27 Last day for bills to be **passed out of the house of origin** (J.R. 61(b)(11)).
- May 30 Memorial Day.
- May 31 Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by the Rules Committee

JUNE						
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
19	20	21	22	23	24	25
26	27	28	29	<u>30</u>		

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

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

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

June 30 Last day for a legislative measure to qualify for the Nov. 8 General election ballot (Elec. Code Sec. 9040).

July 1 Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins at the end of this day's session if Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

Aug. 1 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 12 Last day for **fiscal committees** to meet and report bills to the Floor (J.R. 61(b)(14)).

Aug. 15 - 31 Floor Session only. No committees, other than conference and Rules, may meet for any purpose (J.R. 61(b)(15)).

Aug. 25 Last day to **amend** bills on the Floor (J.R. 61(b)(16)).

Aug. 31 Last day for **each house to pass bills** (Art. IV, Sec. 10(c)), (J.R. 61(b)(17)).

Final Recess begins at end of this day's session (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2022

Sept. 30

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

Nov. 8

General Election.

Nov. 30

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

Dec. 5

12 m. convening of the 2023-24 Regular Session (Art. IV, Sec. 3(a)).

2023

Jan. 1

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

**AB 646 (Low, D-Campbell; Coauthors: Assembly Members Cunningham, R-San Luis Obispo, and Gipson, D-Gardena; Senator Roth, D-Riverside)
Department of Consumer Affairs: boards: expunged convictions.**

Status/History: 5/4/2022 – Referred to the Senate Committee on Business, Professions & Economic Development and the Committee on Public Safety.

Location: 5/4/2022 – Senate Committee on Business, Professions & Economic Development and the Committee on Public Safety

Introduced: 2/12/2021

Last Amended: 1/24/2022

Board Position: Watch (as of 3/7/2022)

Board Staff Analysis: 6/8/2022

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 reappplies 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.

As amended on January 24, 2022, this bill would require a board to post the information on its online license search system, rather than on its internet website. It would also require the board to charge a fee of \$25 to cover the reasonable regulatory cost associated with administering this section and would provide that the board shall not charge a fee if there is no cost associated.

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 in its online license search system 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 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 if the person is not currently licensed and does not reapply for licensure.

The bill, as amended January 24, 2022, would require the Board to charge a fee of \$25 to the person to cover the reasonable regulatory cost to administer these provisions; it would prohibit the Board from charging the fee if there was no such associated cost. At its March 7, 2022, meeting, the Board took a position of “Watch” on AB 646, as amended January 24, 2022.

This bill, which is sponsored by the author, passed out of its house of origin before the deadline in January 2022. The bill is now in the Senate and has been referred to both the Business, Professions & Economic Development Committee and the Public Safety Committee.

Staff Recommendation: No action needed.

AMENDED IN ASSEMBLY JANUARY 24, 2022

AMENDED IN ASSEMBLY APRIL 14, 2021

AMENDED IN ASSEMBLY APRIL 12, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 646

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

February 12, 2021

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~~ *online license search system* 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~~; *its online license search system*. 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~~ *online license search system* that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would ~~authorize~~ *require* the board to charge a fee of \$25 to the person, ~~not to exceed the cost person to cover the reasonable regulatory cost~~ of administering the bill's ~~provisions~~; *provisions, unless there is no associated cost*. 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~~ *online license search system* that a person's
5 license was revoked because the person was convicted of a crime,
6 upon receiving from the person a certified copy of an expungement
7 order granted pursuant to Section 1203.4 of the Penal Code for the
8 underlying offense, shall, within 90 days of receiving the
9 expungement order, unless it is otherwise prohibited by law, or by
10 other terms or conditions, do either of the following:
11 (1) If the person reapplies for licensure or has been relicensed,
12 post notification of the expungement order and the date thereof on
13 its ~~internet website~~; *online license search system*.
14 (2) If the person is not currently licensed and does not reapply
15 for licensure, remove the initial posting on its ~~internet website~~
16 *online license search system* that the person's license was revoked

1 and information previously posted regarding arrests, charges, and
2 convictions.

3 (b) ~~A~~(1) *Except as provided in paragraph (2), a board within*
4 *the department may shall charge a fee of twenty-five dollars (\$25)*
5 *to a person described in subdivision (a), not to exceed (a) to cover*
6 *the reasonable regulatory cost of associated with administering*
7 *this section. The*

8 (2) *A board shall not charge the fee if there is no cost associated*
9 *with administering this section.*

10 (3) *A board may adopt regulations to implement this subdivision.*
11 *The adoption, amendment, or repeal of a regulation authorized*
12 *by this subdivision is hereby exempted from the rulemaking*
13 *provisions of the Administrative Procedure Act (Chapter 3.5*
14 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
15 *2 of the Government Code).*

16 (4) *The fee shall be deposited by the board into the appropriate*
17 *fund and shall be available only upon appropriation by the*
18 *Legislature.*

19 (c) For purposes of this section, “board” means an entity listed
20 in Section 101.

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

O

AB 1662 (Gipson, D-Gardena)

Licensing boards: disqualification from licensure: criminal conviction.

Status/History: 6/1/2022 – Referred to the Senate Committee on Business, Professions & Economic Development and the Committee on Public Safety. Set for hearing in the Committee on Business, Professions & Economic Development on 6/13/2022.

Location: 6/1/2022 – Senate Committee on Business, Professions & Economic Development and the Committee on Public Safety

Introduced: 1/18/2022

Last Amended: 4/27/2022

Board Position: Watch (as of 5/2/2022)

Board Staff Analysis: 6/8/2022

Bill Summary: Existing law provides for the licensure and regulation of various professions by boards within the Department of Consumer Affairs and authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

As amended on April 27, 2022, this bill would add to a new section to the Business and Professions Code to require a board to establish a process by which prospective applicants may request a preapplication determination as to whether their criminal history could be cause for denial of a completed application for licensure by the board. The bill would provide that the preapplication determination, among other things, may be requested by the prospective applicant at any time prior to the submission of an application and would require the board to include specified written information regarding the criteria used to evaluate criminal history and how the prospective applicant may challenge a denial by the board. The bill would provide that a preapplication determination does not constitute a denial or disqualification of an application and would prohibit requiring a preapplication determination for licensure or for participation in any education or training program. The bill would require a board to publish information regarding its process for requesting a preapplication determination on its internet website and authorize a board to charge a fee, as specified, to be deposited by the board into the appropriate fund and available only upon appropriation by the Legislature.

Affected Laws: An act to add Section 480.7 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: This bill would allow individuals who have been convicted of a crime to submit information regarding the conviction to the Board and request a determination as to whether or not the conviction would be grounds for denial of the license prior to the individual actually submitting an application for licensure and prior to paying any application fee. The bill would require the Board to determine if the individual may be denied licensure based on the information submitted and to notify the individual in writing of the determination.

At its March 7, 2022, meeting, the Board took a position of “Oppose Unless Amended” on AB 1662. The Board has concerns that the language in AB 1662 does not provide sufficient clarity that any preapplication determination by the Board about the effect a conviction may have on a person’s ability to obtain a license must necessarily be an initial, non-binding determination. The bill authorizes prospective applicants, before obtaining the education or experience required for licensure, to seek a determination from the Board regarding whether or not a conviction would disqualify them from licensure. However, the bill does not address what may happen if circumstances change between the time of the preapplication determination and the time when the application is actually submitted. A copy of the letter that was sent to the author detailing these concerns is included for reference.

Based on recommendations from the Assembly Business and Professions Committee at the hearing on the bill on April 26, 2022, the bill was amended. As amended on April 27, 2022, a new section would be added to the Business and Professions Code that would require the Board to establish a process by which prospective applicants may request a preapplication determination as to whether their criminal history could be cause for denial of a completed application for licensure by the Board pursuant to Section 480. Under this process, the individual would be allowed to request a preapplication determination at any time prior to the submission of a completed application and would require the individual to be fingerprinted for a criminal history background check. Furthermore, if the Board were to determine that the applicant’s criminal history could be cause for denial of a completed application, then the Board must provide the applicant, in writing, with the Board’s substantial relationship criteria for determining that a crime is substantially related to the profession; with information on how the applicant can obtain a copy of their complete criminal history and question the accuracy or completion of it as provided in the Penal Code; that the applicant would have the right to appeal the Board’s decision; and with information regarding the criteria for rehabilitation that the Board. The Board would also be required to provide information regarding the process on its website. Additionally, the Board would be allowed to charge a fee to the applicant for the preapplication determination in an amount not to exceed the lesser of \$50 or the reasonable cost of administering this section.

Although the amended language does not explicitly state that the preapplication determination is non-binding, it does indicate that the Board must advise the applicant if the criminal history could be grounds for denial, and, if so, that that applicant would have the right to appeal the denial and what evidence of rehabilitation the Board would consider. The amendments do not address what would happen should a conviction occur between the time of the preapplication determination and submittal of the completed application. Presumably, the Board would still be able to consider any new convictions under the provisions of Section 480 of the Code, but this is not expressly stated.

At its May 2, 2022, meeting, the Board voted to take a position of “Watch” on AB 1662, as amended on April 27, 2022. The bill has passed the Assembly and is now in the Senate. It is scheduled to be heard by the Committee on Business, Professions & Economic Development on June 13, 2022.

Staff Recommendation: No action needed.

AMENDED IN ASSEMBLY APRIL 27, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1662

Introduced by Assembly Member Gipson

January 18, 2022

An act to ~~amend Section 480 of~~ *add Section 480.7* to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1662, as amended, Gipson. Licensing boards: disqualification from licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would ~~authorize a prospective applicant that has been convicted of a crime to submit to a board a request for a preapplication determination that includes information provided by the prospective applicant regarding their criminal conviction. The bill would require a board that receives that request to determine if the prospective applicant would be disqualified from licensure by the board based on the information submitted with the request, and deliver that determination to the prospective applicant.~~ *require a board to establish a process by which prospective applicants may request a preapplication determination as to whether their criminal history could be cause for denial of a completed application for licensure by the board. The bill*

would provide that the preapplication determination, among other things, may be requested by the prospective applicant at any time prior to the submission of an application and would require the board to include specified written information regarding the criteria used to evaluate criminal history and how the prospective applicant may challenge a denial by the board. The bill would provide that a preapplication determination does not constitute a denial or disqualification of an application and would prohibit requiring a preapplication determination for licensure or for participation in any education or training program. The bill would require a board to publish information regarding its process for requesting a preapplication determination on its internet website and authorize a board to charge a fee, as specified, to be deposited by the board into the appropriate fund and 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 480.7 is added to the Business and
2 Professions Code, to read:

3 480.7. (a) A board shall establish a process by which
4 prospective applicants may request a preapplication determination
5 as to whether their criminal history could be cause for denial of
6 a completed application for licensure by the board pursuant to
7 Section 480.

8 (b) The process required by subdivision (a) shall allow for
9 prospective applicants to request a preapplication determination
10 at any time prior to the submission of a completed application
11 through any method through which the board allows for the
12 submission of completed applications.

13 (c) (1) If a prospective applicant requests a preapplication
14 determination, a board designated in subdivision (b) of Section
15 144 may require a prospective applicant to furnish a full set of
16 fingerprints for purposes of conducting a criminal history record
17 check as part of a preapplication determination.

18 (2) Prospective applicants seeking a preapplication
19 determination shall be considered applicants for purposes of
20 Section 144.

1 (3) A board that receives criminal history information as part
2 of a preapplication determination is not required to request
3 subsequent arrest notification service from the Department of
4 Justice pursuant to Section 11105.2 of the Penal Code.

5 (d) If a prospective applicant requests a preapplication
6 determination, a board issuing a license pursuant to Chapter 3
7 (commencing with Section 5500), Chapter 3.5 (commencing with
8 Section 5615), Chapter 10 (commencing with Section 7301),
9 Chapter 20 (commencing with Section 9800), or Chapter 20.3
10 (commencing with Section 9880), of Division 3, or Chapter 3
11 (commencing with Section 19000) or Chapter 3.1 (commencing
12 with Section 19225) of Division 8 may require prospective
13 applicants for licensure under those chapters to disclose criminal
14 conviction history as part of a preapplication determination.

15 (e) A preapplication determination shall not constitute the denial
16 or disqualification of an application for purposes of Section 489
17 or any other law.

18 (f) Upon making a preapplication determination finding that a
19 prospective applicant's criminal history could be cause for denial
20 of a completed application, a board shall provide the prospective
21 applicant with all of the following in writing:

22 (1) A summary of the criteria used by the board to consider
23 whether a crime is considered to be substantially related to the
24 qualifications, functions, or duties of the business or profession it
25 regulates consistent with Section 481.

26 (2) The processes for the applicant to request a copy of the
27 applicant's complete conviction history and question the accuracy
28 or completeness of the record pursuant to Sections 11122 to 11127,
29 inclusive, of the Penal Code.

30 (3) That the applicant would have the right to appeal the board's
31 decision.

32 (4) Any existing procedure the board has for the prospective
33 applicant would have to challenge the decision or to request
34 reconsideration following the denial of a completed application,
35 including a copy of the criteria relating to rehabilitation formulated
36 under Section 482.

37 (g) A board shall publish information regarding its process for
38 requesting a preapplication determination on its internet website.

1 (h) A preapplication determination shall not be a requirement
2 for licensure or for participation in any education or training
3 program.

4 (i) Pursuant to this section, a board may charge a fee to a
5 prospective applicant in an amount not to exceed the lesser of fifty
6 dollars (\$50) or the reasonable cost of administering this section.
7 The fee shall be deposited by the board into the appropriate fund
8 and shall be available only upon appropriation by the Legislature.

9 (j) For purposes of this section, "board" includes each licensing
10 entity listed in Section 101, excluding the Bureau for Private
11 Postsecondary Education and the State Athletic Commission, and
12 the Department of Real Estate.

13 SECTION 1. Section 480 of the Business and Professions Code
14 is amended to read:

15 480. (a) Notwithstanding any provision of this code, a board
16 may deny a license regulated by this code on the grounds that the
17 applicant has been convicted of a crime or has been subject to
18 formal discipline only if either of the following conditions are met:

19 (1) The applicant has been convicted of a crime within the
20 preceding seven years from the date of application that is
21 substantially related to the qualifications, functions, or duties of
22 the business or profession for which the application is made,
23 regardless of whether the applicant was incarcerated for that crime,
24 or the applicant has been convicted of a crime that is substantially
25 related to the qualifications, functions, or duties of the business or
26 profession for which the application is made and for which the
27 applicant is presently incarcerated or for which the applicant was
28 released from incarceration within the preceding seven years from
29 the date of application. However, the preceding seven-year
30 limitation shall not apply in either of the following situations:

31 (A) The applicant was convicted of a serious felony, as defined
32 in Section 1192.7 of the Penal Code or a crime for which
33 registration is required pursuant to paragraph (2) or (3) of
34 subdivision (d) of Section 290 of the Penal Code.

35 (B) The applicant was convicted of a financial crime currently
36 classified as a felony that is directly and adversely related to the
37 fiduciary qualifications, functions, or duties of the business or
38 profession for which the application is made, pursuant to
39 regulations adopted by the board, and for which the applicant is
40 seeking licensure under any of the following:

1 ~~(i) Chapter 6 (commencing with Section 6500) of Division 3.~~
2 ~~(ii) Chapter 9 (commencing with Section 7000) of Division 3.~~
3 ~~(iii) Chapter 11.3 (commencing with Section 7512) of Division~~

4 ~~3.~~

5 ~~(iv) Licensure as a funeral director or cemetery manager under~~
6 ~~Chapter 12 (commencing with Section 7600) of Division 3.~~

7 ~~(v) Division 4 (commencing with Section 10000).~~

8 ~~(2) The applicant has been subjected to formal discipline by a~~
9 ~~licensing board in or outside California within the preceding seven~~
10 ~~years from the date of application based on professional misconduct~~
11 ~~that would have been cause for discipline before the board for~~
12 ~~which the present application is made and that is substantially~~
13 ~~related to the qualifications, functions, or duties of the business or~~
14 ~~profession for which the present application is made. However,~~
15 ~~prior disciplinary action by a licensing board within the preceding~~
16 ~~seven years shall not be the basis for denial of a license if the basis~~
17 ~~for that disciplinary action was a conviction that has been dismissed~~
18 ~~pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425~~
19 ~~of the Penal Code or a comparable dismissal or expungement.~~

20 ~~(b) Notwithstanding any provision of this code, a person shall~~
21 ~~not be denied a license on the basis that the person has been~~
22 ~~convicted of a crime, or on the basis of acts underlying a conviction~~
23 ~~for a crime, if that person has obtained a certificate of rehabilitation~~
24 ~~under Chapter 3.5 (commencing with Section 4852.01) of Title 6~~
25 ~~of Part 3 of the Penal Code, has been granted clemency or a pardon~~
26 ~~by a state or federal executive, or has made a showing of~~
27 ~~rehabilitation pursuant to Section 482.~~

28 ~~(c) Notwithstanding any provision of this code, a person shall~~
29 ~~not be denied a license on the basis of any conviction, or on the~~
30 ~~basis of the acts underlying the conviction, that has been dismissed~~
31 ~~pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425~~
32 ~~of the Penal Code, or a comparable dismissal or expungement. An~~
33 ~~applicant who has a conviction that has been dismissed pursuant~~
34 ~~to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code~~
35 ~~shall provide proof of the dismissal if it is not reflected on the~~
36 ~~report furnished by the Department of Justice.~~

37 ~~(d) Notwithstanding any provision of this code, a board shall~~
38 ~~not deny a license on the basis of an arrest that resulted in a~~
39 ~~disposition other than a conviction, including an arrest that resulted~~
40 ~~in an infraction, citation, or a juvenile adjudication.~~

1 (e) A board may deny a license regulated by this code on the
2 ground that the applicant knowingly made a false statement of fact
3 that is required to be revealed in the application for the license. A
4 board shall not deny a license based solely on an applicant's failure
5 to disclose a fact that would not have been cause for denial of the
6 license had it been disclosed.

7 (f) A board shall follow the following procedures in requesting
8 or acting on an applicant's criminal history information:

9 (1) A board issuing a license pursuant to Chapter 3 (commencing
10 with Section 5500), Chapter 3.5 (commencing with Section 5615),
11 Chapter 10 (commencing with Section 7301), Chapter 20
12 (commencing with Section 9800), or Chapter 20.3 (commencing
13 with Section 9880), of Division 3, or Chapter 3 (commencing with
14 Section 19000) or Chapter 3.1 (commencing with Section 19225)
15 of Division 8 may require applicants for licensure under those
16 chapters to disclose criminal conviction history on an application
17 for licensure.

18 (2) Except as provided in paragraph (1), a board shall not require
19 an applicant for licensure to disclose any information or
20 documentation regarding the applicant's criminal history. However,
21 a board may request mitigating information from an applicant
22 regarding the applicant's criminal history for purposes of
23 determining substantial relation or demonstrating evidence of
24 rehabilitation, provided that the applicant is informed that
25 disclosure is voluntary and that the applicant's decision not to
26 disclose any information shall not be a factor in a board's decision
27 to grant or deny an application for licensure.

28 (3) If a board decides to deny an application for licensure based
29 solely or in part on the applicant's conviction history, the board
30 shall notify the applicant in writing of all of the following:

31 (A) The denial or disqualification of licensure.

32 (B) Any existing procedure the board has for the applicant to
33 challenge the decision or to request reconsideration.

34 (C) That the applicant has the right to appeal the board's
35 decision.

36 (D) The processes for the applicant to request a copy of the
37 applicant's complete conviction history and question the accuracy
38 or completeness of the record pursuant to Sections 11122 to 11127
39 of the Penal Code.

1 ~~(g) (1) A prospective applicant that has been convicted of a~~
2 ~~crime may submit to a board, by mail or email, and at any time,~~
3 ~~including before obtaining any training or education required for~~
4 ~~licensure by that board or before paying any application fee, a~~
5 ~~request for a preapplication determination that includes information~~
6 ~~provided by the prospective applicant regarding their criminal~~
7 ~~conviction.~~

8 ~~(2) Upon receiving a request submitted pursuant to paragraph~~
9 ~~(1), a board shall determine if the prospective applicant may be~~
10 ~~disqualified from licensure by the board based on the information~~
11 ~~submitted with the request, and deliver the determination by mail~~
12 ~~or email to the prospective applicant within a reasonable time.~~

13 ~~(h) (1) For a minimum of three years, each board under this~~
14 ~~code shall retain application forms and other documents submitted~~
15 ~~by an applicant, any notice provided to an applicant, all other~~
16 ~~communications received from and provided to an applicant, and~~
17 ~~criminal history reports of an applicant.~~

18 ~~(2) Each board under this code shall retain the number of~~
19 ~~applications received for each license and the number of~~
20 ~~applications requiring inquiries regarding criminal history. In~~
21 ~~addition, each licensing authority shall retain all of the following~~
22 ~~information:~~

23 ~~(A) The number of applicants with a criminal record who~~
24 ~~received notice of denial or disqualification of licensure.~~

25 ~~(B) The number of applicants with a criminal record who~~
26 ~~provided evidence of mitigation or rehabilitation.~~

27 ~~(C) The number of applicants with a criminal record who~~
28 ~~appealed any denial or disqualification of licensure.~~

29 ~~(D) The final disposition and demographic information,~~
30 ~~consisting of voluntarily provided information on race or gender,~~
31 ~~of any applicant described in subparagraph (A), (B), or (C).~~

32 ~~(3) (A) Each board under this code shall annually make~~
33 ~~available to the public through the board's internet website and~~
34 ~~through a report submitted to the appropriate policy committees~~
35 ~~of the Legislature deidentified information collected pursuant to~~
36 ~~this subdivision. Each board shall ensure confidentiality of the~~
37 ~~individual applicants.~~

38 ~~(B) A report pursuant to subparagraph (A) shall be submitted~~
39 ~~in compliance with Section 9795 of the Government Code.~~

- 1 ~~(i) “Conviction” as used in this section shall have the same~~
2 ~~meaning as defined in Section 7.5.~~
3 ~~(j) This section does not in any way modify or otherwise affect~~
4 ~~the existing authority of the following entities in regard to~~
5 ~~licensure:~~
6 ~~(1) The State Athletic Commission.~~
7 ~~(2) The Bureau for Private Postsecondary Education.~~
8 ~~(3) The California Horse Racing Board.~~

O

AB 1733 (Quirk, D-Hayward)
State bodies: open meetings.

Status/History: 4/20/2022 – Hearing postponed by the Assembly Committee on Governmental Organization.

Location: 6/8/2022 – Committee on Governmental Organization

Introduced: 1/31/2022

Board Position: Support (as of 3/7/2022)

Board Staff Analysis: 6/8/2022

Bill Summary: Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting. The act provides that if the state body elects to conduct a meeting by teleconference, each teleconference location must be identified in the notice and agenda of the meeting and must be accessible to the public, and the agenda must provide an opportunity for members of the public to address the state body at each teleconference location.

The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body. It would also authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting.

Under existing law (the Business and Professions Code), boards are required to meet at least two times each calendar year and at least once in northern California and once in southern California in order to facilitate participation by the public and its licensees. This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options. It would also declare that it is to take effect immediately as an urgency statute.

Affected Laws: An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal

Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

Staff Comment: This bill would allow the Board to continue meeting via teleconference without having to list all of the locations from where a Board member may attend the meeting. It would also require the Board to provide the public with both a physical location and a teleconference option where they can hear, observe, and address the Board.

This bill would facilitate opportunities for members of the public (consumers, applicants, licensees, and other interested parties) to attend meetings of the Board by providing for both a physical location and a teleconference option. It would also allow Board members to attend the meetings from a remote location via teleconference without that location having to be disclosed and open to the public.

At its March 7, 2022, meeting, the Board voted to take a position of “Support” on AB 1733. A copy of the support letter is included for reference.

AB 1733 was scheduled to be heard in the Assembly Committee on Governmental Organization on April 20, 2022. However, the hearing was postponed. Since the bill contains an urgency clause, it does not have to meet the same deadlines as other legislation.

Staff Recommendation: No action needed.

ASSEMBLY BILL

No. 1733

Introduced by Assembly Member Quirk

January 31, 2022

An act to amend Section 101.7 of the Business and Professions Code, and to amend Sections 11122.5, 11123, 11124, 11125, 11125.4, 11128.5, and 11129 of, and to repeal Section 11123.5 of, the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1733, as introduced, Quirk. State bodies: open meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act defines a “meeting” to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains. The act authorizes teleconferenced meetings under specified circumstances, provided that at least one member of the state body is physically present at the location specified in the notice of the meeting, and all votes taken during a teleconferenced meeting are taken by rollcall. The act provides that if the state body elects to conduct a meeting or proceeding by teleconference, the state body is required to post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. The act requires each teleconference location to be identified in the notice and agenda of the meeting or proceeding, and each teleconference

location to be accessible to the public, and the agenda to provide an opportunity for members of the public to address the state body at each teleconference location.

Existing law requires a state body to provide notice of its meeting to any person who requests that notice in writing and to provide notice of the meeting of its internet website at least 10 days in advance of the meeting, as prescribed. Existing law exempts from the 10-day notice requirement, special meetings and emergency meetings in accordance with specified provisions. Existing law authorizes a state body to adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment, and authorizes a state body to similarly continue or recontinue any hearing being held, or noticed, or ordered to be held by a state body at any meeting.

This bill would specify that a “meeting” under the act, includes a meeting held entirely by teleconference. The bill would require all open meetings to be held by teleconference, would allow for use of teleconference in closed sessions, and would remove existing provisions of the act that require each teleconference location to be identified in the notice and agenda and accessible to the public. The bill would instead require the state body to provide a means by which the public may remotely hear, or hear and observe, the meeting and may remotely address the state body via two-way audio-visual platform or two-way telephonic service, as specified, and would require information to be provided in any notice to the public indicating how the public can access the meeting remotely. The bill would require the state body to provide an opportunity for members of the public to address the state body. The bill would require the state body to provide members of the public a physical location to hear, observe, and address the state body, and would authorize the members of the state body to participate in a meeting remotely or at a designated physical meeting location, and specify that physical presence at any physical meeting location is not necessary for the member to be deemed present at the meeting. The bill would require the agenda to be posted 10 days in advance of the meeting, or as provided in accordance with the provisions applicable to a special or emergency meeting, as well as posted on the state body’s internet website and, on the day of the meeting, at any physical meeting location designated in the notice. The bill would also provide that the notice of the meeting is required to specify the means by which a meeting may be accessed by teleconference. The bill would prohibit the notice and agenda from disclosing any information regarding any remote location

from which a member is participating, and require members attending a meeting from a remote location to disclose whether any other individuals 18 years of age or older are present in the room, as specified.

If a state body discovers that a means of remote participation, as defined, required by these provisions has failed during a meeting and cannot be restored, the state body would be required to end or adjourn the meeting and take specified actions to notify participants and communicate when the state body intends to reconvene the meeting and how a member of the public may hear audio of, or observe, the meeting.

This bill would remove certain notice provisions specific to advisory bodies of state boards.

Existing law prohibits a state body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition an internet website or other online platform that may require identification to log into a teleconference.

Existing law limits the purposes for which a state body is authorized to call a special meeting, including, among others, consideration of disciplinary action involving a state officer or employee and consideration of license examinations and applications.

This bill would add to those purposes deliberation on a decision to be reached in a proceeding required to be conducted pursuant to provisions governing administrative adjudicative proceedings or similar provisions of law.

Under existing law, the Department of Consumer Affairs, which is under the control of the Director of Consumer Affairs, is composed of various boards, as defined, that license and regulate various professions and vocations. Existing law requires the boards to meet at least 2 times each calendar year. Existing law requires those boards to meet at least once each calendar year in northern California and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

This bill would exempt a board from the requirement to meet in northern and southern California each once a year if the board's meetings are held entirely by teleconference.

This bill would also make conforming changes.

This bill would declare the Legislature’s intent, consistent with the Governor’s Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

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

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

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

1 SECTION 1. Section 101.7 of the Business and Professions
2 Code is amended to read:
3 101.7. (a) Notwithstanding any other provision of law, boards
4 shall meet at least two times each calendar year. Boards shall meet
5 at least once each calendar year in northern California and once
6 each calendar year in southern California in order to facilitate
7 participation by the public and its ~~licensees~~. *licensees, unless the*
8 *board’s meetings are held entirely by teleconference.*
9 (b) The director has discretion to exempt any board from the
10 requirement in subdivision (a) upon a showing of good cause that
11 the board is not able to meet at least two times in a calendar year.
12 (c) The director may call for a special meeting of the board
13 when a board is not fulfilling its duties.
14 (d) An agency within the department that is required to provide
15 a written notice pursuant to subdivision (a) of Section 11125 of
16 the Government Code, may provide that notice by regular mail,
17 email, or by both regular mail and email. An agency shall give a
18 person who requests a notice the option of receiving the notice by
19 regular mail, email, or by both regular mail and email. The agency
20 shall comply with the requester’s chosen form or forms of notice.
21 (e) An agency that plans to webcast a meeting shall include in
22 the meeting notice required pursuant to subdivision (a) of Section
23 11125 of the Government Code a statement of the board’s intent
24 to webcast the meeting. An agency may webcast a meeting even
25 if the agency fails to include that statement of intent in the notice.
26 SEC. 2. Section 11122.5 of the Government Code is amended
27 to read:

1 11122.5. (a) As used in this article, “meeting” includes any
2 congregation of a majority of the members of a state body at the
3 same time and ~~place~~ *place, including one held entirely by*
4 *teleconference*, to hear, discuss, or deliberate upon any item that
5 is within the subject matter jurisdiction of the state body to which
6 it pertains.

7 (b) (1) A majority of the members of a state body shall not,
8 outside of a meeting authorized by this chapter, use a series of
9 communications of any kind, directly or through intermediaries,
10 to discuss, deliberate, or take action on any item of business that
11 is within the subject matter of the state body.

12 (2) Paragraph (1) shall not be construed to prevent an employee
13 or official of a state agency from engaging in separate
14 conversations or communications outside of a meeting authorized
15 by this chapter with members of a legislative body in order to
16 answer questions or provide information regarding a matter that
17 is within the subject matter jurisdiction of the state agency, if that
18 person does not communicate to members of the legislative body
19 the comments or position of any other member or members of the
20 legislative body.

21 (c) The prohibitions of this article do not apply to any of the
22 following:

23 (1) Individual contacts or conversations between a member of
24 a state body and any other person that do not violate subdivision
25 (b).

26 (2) (A) The attendance of a majority of the members of a state
27 body at a conference or similar gathering open to the public that
28 involves a discussion of issues of general interest to the public or
29 to public agencies of the type represented by the state body, if a
30 majority of the members do not discuss among themselves, other
31 than as part of the scheduled program, business of a specified
32 nature that is within the subject matter jurisdiction of the state
33 body.

34 (B) Subparagraph (A) does not allow members of the public
35 free admission to a conference or similar gathering at which the
36 organizers have required other participants or registrants to pay
37 fees or charges as a condition of attendance.

38 (3) The attendance of a majority of the members of a state body
39 at an open and publicized meeting organized to address a topic of
40 state concern by a person or organization other than the state body,

1 if a majority of the members do not discuss among themselves,
2 other than as part of the scheduled program, business of a specific
3 nature that is within the subject matter jurisdiction of the state
4 body.

5 (4) The attendance of a majority of the members of a state body
6 at an open and noticed meeting of another state body or of a
7 legislative body of a local agency as defined by Section 54951, if
8 a majority of the members do not discuss among themselves, other
9 than as part of the scheduled meeting, business of a specific nature
10 that is within the subject matter jurisdiction of the other state body.

11 (5) The attendance of a majority of the members of a state body
12 at a purely social or ceremonial occasion, if a majority of the
13 members do not discuss among themselves business of a specific
14 nature that is within the subject matter jurisdiction of the state
15 body.

16 (6) The attendance of a majority of the members of a state body
17 at an open and noticed meeting of a standing committee of that
18 body, if the members of the state body who are not members of
19 the standing committee attend only as observers.

20 SEC. 3. Section 11123 of the Government Code is amended
21 to read:

22 11123. (a) All meetings of a state body shall be open and
23 public and all persons shall be permitted to attend any meeting of
24 a state body except as otherwise provided in this article.

25 (b) (1) This article ~~does not prohibit~~ *requires* a state body ~~from~~
26 ~~holding to hold~~ an open ~~or closed~~ meeting by teleconference for
27 the benefit of the public and state ~~body.~~ *body, and allows for use*
28 *of teleconference in closed sessions.* The meeting or proceeding
29 held by teleconference shall otherwise comply with all applicable
30 requirements or laws relating to a specific type of meeting or
31 proceeding, including *all of* the following:

32 (A) ~~The teleconferencing teleconferenced~~ meeting shall comply
33 with all requirements of this article applicable to other meetings.

34 (B) The portion of the teleconferenced meeting that is required
35 to be open to the public *at any physical location specified in the*
36 *notice of the meeting* shall be *visible and* audible to the public at
37 the location specified in the notice of the meeting.

38 (C) ~~If the~~ *The* state body ~~elects to conduct a meeting or~~
39 ~~proceeding by teleconference, it shall post agendas at all~~
40 ~~teleconference locations and shall~~ conduct teleconference meetings

1 in a manner that protects the rights of any party or member of the
2 public appearing before the state body. *The state body shall provide*
3 *a means by which the public may remotely hear audio of the*
4 *meeting or remotely hear and observe the meeting, and a means*
5 *by which the public may remotely address the state body, as*
6 *appropriate, via either a two-way audio-visual platform or a*
7 *two-way telephonic service. Should the state body elect to use a*
8 *two-way telephonic service only, it must also provide live*
9 *webcasting of the open meeting. The applicable teleconference*
10 *phone number or internet website, or other information indicating*
11 *how the public can access the meeting remotely, shall be specified*
12 *in any notice required by this article. Each teleconference location*
13 *shall be identified in the notice and agenda of the meeting or*
14 *proceeding, and each teleconference location shall be accessible*
15 *to the public. The agenda shall provide an opportunity for members*
16 *of the public to remotely address the state body directly pursuant*
17 *to Section 11125.7 at each teleconference location. 11125.7.*

18 (D) *The state body shall provide members of the public with a*
19 *physical location at which the public may hear, observe, and*
20 *address the state body. Each physical location shall be identified*
21 *in the notice of the meeting.*

22 (E) *Members of the public shall be entitled to exercise their*
23 *right to directly address the state body during the teleconferenced*
24 *meeting without being required to submit public comments prior*
25 *to the meeting or in writing.*

26 ~~(D)~~

27 (F) *The members of the state body may remotely participate in*
28 *a meeting. The members of the state body may also be physically*
29 *present and participate at a designated physical meeting location,*
30 *but no member of the state body shall be required to be physically*
31 *present at any physical meeting location designated in the notice*
32 *of the meeting in order to be deemed present at the meeting. All*
33 *votes taken during a teleconferenced meeting shall be by rollcall.*

34 ~~(E)~~ *The portion of the teleconferenced meeting that is closed*
35 *to the public may not include the consideration of any agenda item*
36 *being heard pursuant to Section 11125.5.*

37 ~~(F)~~ *At least one member of the state body shall be physically*
38 *present at the location specified in the notice of the meeting.*

39 (G) *This section does not affect the requirement prescribed by*
40 *this article that the state body post an agenda of a meeting in*

1 accordance with the applicable notice requirements of this article,
2 including Section 11125, requiring the state body post an agenda
3 of a meeting at least 10 days in advance of the meeting, Section
4 11125.4, applicable to special meetings, and Sections 11125.5 and
5 11125.6, applicable to emergency meetings. The state body shall
6 post the agenda on its internet website and, on the day of the
7 meeting, at any physical meeting location designated in the notice
8 of the meeting. The notice and agenda shall not disclose
9 information regarding any remote location from which a member
10 is participating.

11 (H) Upon discovering that a means of remote participation
12 required by this section has failed during a meeting and cannot
13 be restored, the state body shall end or adjourn the meeting in
14 accordance with Section 11128.5. In addition to any other
15 requirements that may apply, the state body shall provide notice
16 of the meeting's end or adjournment on the state body's internet
17 website and by email to any person who has requested notice of
18 meetings of the state body by email under this article. If the meeting
19 will be adjourned and reconvened on the same day, further notice
20 shall be provided by an automated message on a telephone line
21 posted on the state body's agenda, internet website, or by a similar
22 means, that will communicate when the state body intends to
23 reconvene the meeting and how a member of the public may hear
24 audio of the meeting or observe the meeting.

25 (2) For the purposes of this subdivision, "~~teleconference~~" all of
26 the following definitions shall apply:

27 (A) "~~Teleconference~~" means a meeting of a state ~~body, the~~
28 ~~members of which are at different locations, connected~~ body that
29 provides for a connection by electronic means, including by
30 telephone, an internet website, or other online platform, through
31 ~~either audio or both audio and video~~. This section does not prohibit
32 a state body from providing members of the public with additional
33 physical locations in which the public may observe ~~or~~ and address
34 the state body by electronic means, through either audio or both
35 audio and video.

36 (B) "~~Remote location~~" means a location from which a member
37 of a state body participates in a meeting other than any physical
38 meeting location designated in the notice of the meeting. Remote
39 locations need not be accessible to the public.

1 (C) “Remote participation” means participation in a meeting
2 by teleconference at a location other than any physical meeting
3 location designated in the notice of the meeting. Watching or
4 listening to a meeting via webcasting or another similar electronic
5 medium that does not permit members to interactively hear,
6 discuss, or deliberate on matters, does not constitute participation
7 remotely.

8 (D) “Two-way audio-visual platform” means an online platform
9 that provides participants with the ability to participate in a
10 meeting via both an interactive video conference and a two-way
11 telephonic function.

12 (E) “Two-way telephonic service” means a telephone service
13 that does not require internet access, is not provided as part of a
14 two-way audio-visual platform, and allows participants to dial a
15 telephone number to listen and verbally participate.

16 (F) “Webcasting” means a streaming video broadcast online
17 or on television, using streaming media technology to distribute
18 a single content source to many simultaneous listeners and viewers.
19 This section does not prohibit a state body from providing members
20 of the public with additional physical locations in which the public
21 may observe and address the state body by electronic means.

22 (c) The state body shall publicly report any action taken and the
23 vote or abstention on that action of each member present for the
24 action.

25 (d) A state body that is organized within the Department of
26 Consumer Affairs and meets at least two times each calendar year
27 shall be deemed to have met the requirements of subdivision (a)
28 of Section 101.7 of the Business and Professions Code.

29 (e) This section shall not be construed to deny state bodies the
30 ability to encourage full participation by appointees with
31 developmental or other disabilities.

32 (f) If a member of a state body attends a meeting by
33 teleconference from a remote location, the member shall disclose
34 whether any other individuals 18 years of age or older are present
35 in the room at the remote location with the member, and the
36 general nature of the member’s relationship with any such
37 individuals.

38 SEC. 4. Section 11123.5 of the Government Code is repealed.

39 ~~11123.5. (a) In addition to the authorization to hold a meeting~~
40 ~~by teleconference pursuant to subdivision (b) of Section 11123,~~

1 any state body that is an advisory board, advisory commission,
2 advisory committee, advisory subcommittee, or similar
3 multimember advisory body may hold an open meeting by
4 teleconference as described in this section, provided the meeting
5 complies with all of the section's requirements and, except as set
6 forth in this section, it also complies with all other applicable
7 requirements of this article.

8 (b) A member of a state body as described in subdivision (a)
9 who participates in a teleconference meeting from a remote location
10 subject to this section's requirements shall be listed in the minutes
11 of the meeting.

12 (c) The state body shall provide notice to the public at least 24
13 hours before the meeting that identifies any member who will
14 participate remotely by posting the notice on its Internet Web site
15 and by emailing notice to any person who has requested notice of
16 meetings of the state body under this article. The location of a
17 member of a state body who will participate remotely is not
18 required to be disclosed in the public notice or email and need not
19 be accessible to the public. The notice of the meeting shall also
20 identify the primary physical meeting location designated pursuant
21 to subdivision (c).

22 (d) This section does not affect the requirement prescribed by
23 this article that the state body post an agenda of a meeting at least
24 10 days in advance of the meeting. The agenda shall include
25 information regarding the physical meeting location designated
26 pursuant to subdivision (c), but is not required to disclose
27 information regarding any remote location.

28 (e) A state body described in subdivision (a) shall designate the
29 primary physical meeting location in the notice of the meeting
30 where members of the public may physically attend the meeting
31 and participate. A quorum of the members of the state body shall
32 be in attendance at the primary physical meeting location, and
33 members of the state body participating remotely shall not count
34 towards establishing a quorum. All decisions taken during a
35 meeting by teleconference shall be by rollcall vote. The state body
36 shall post the agenda at the primary physical meeting location, but
37 need not post the agenda at a remote location.

38 (f) When a member of a state body described in subdivision (a)
39 participates remotely in a meeting subject to this section's
40 requirements, the state body shall provide a means by which the

1 public may remotely hear audio of the meeting or remotely observe
2 the meeting, including, if available, equal access equivalent to
3 members of the state body participating remotely. The applicable
4 teleconference phone number or Internet Web site, or other
5 information indicating how the public can access the meeting
6 remotely, shall be in the 24-hour notice described in subdivision
7 (a) that is available to the public.

8 (g) Upon discovering that a means of remote access required
9 by subdivision (f) has failed during a meeting, the state body
10 described in subdivision (a) shall end or adjourn the meeting in
11 accordance with Section 11128.5. In addition to any other
12 requirements that may apply, the state body shall provide notice
13 of the meeting's end or adjournment on its Internet Web site and
14 by email to any person who has requested notice of meetings of
15 the state body under this article. If the meeting will be adjourned
16 and reconvened on the same day, further notice shall be provided
17 by an automated message on a telephone line posted on the state
18 body's agenda, or by a similar means, that will communicate when
19 the state body intends to reconvene the meeting and how a member
20 of the public may hear audio of the meeting or observe the meeting.

21 (h) For purposes of this section:

22 (1) "Participate remotely" means participation in a meeting at
23 a location other than the physical location designated in the agenda
24 of the meeting.

25 (2) "Remote location" means a location other than the primary
26 physical location designated in the agenda of a meeting.

27 (3) "Teleconference" has the same meaning as in Section 11123.

28 (i) This section does not limit or affect the ability of a state body
29 to hold a teleconference meeting under another provision of this
30 article.

31 SEC. 5. Section 11124 of the Government Code is amended
32 to read:

33 11124. (a) No person shall be required, as a condition to
34 attendance at a meeting of a state body, to register his or her *the*
35 *person's* name, to provide other information, to complete a
36 questionnaire, or otherwise to fulfill any condition precedent to
37 his or her *the person's* attendance.

38 If

39 (b) If an attendance list, register, questionnaire, or other similar
40 document is posted at or near the entrance to the room where the

1 meeting is to be held, *or electronically posted*, or is circulated to
2 persons present during the meeting, it shall state clearly that the
3 signing, registering, or completion of the document is voluntary,
4 and that all persons may attend the meeting regardless of whether
5 a person signs, registers, or completes the document.

6 *(c) This section does not apply to an internet website or other*
7 *online platform that may require identification to log into a*
8 *teleconference.*

9 SEC. 6. Section 11125 of the Government Code is amended
10 to read:

11 11125. (a) The state body shall provide notice of its meeting
12 to any person who requests that notice in writing. Notice shall be
13 given and also made available on the ~~Internet~~ *state body's internet*
14 *website* at least 10 days in advance of the meeting, and shall include
15 the name, address, and telephone number of any person who can
16 provide further information prior to the meeting, but need not
17 include a list of witnesses expected to appear at the meeting. The
18 written notice shall additionally include the address of the ~~Internet~~
19 *site internet website* where notices required by this article are made
20 available. *The notice shall specify the means by which a meeting*
21 *may be accessed by teleconference in accordance with the*
22 *requirements of subparagraph (C) of paragraph (1) of subdivision*
23 *(b) of Section 11123, including sufficient information necessary*
24 *to access the teleconference. The notice shall also specify any*
25 *designated physical meeting location at which the public may*
26 *observe and address the state body.*

27 (b) The notice of a meeting of a body that is a state body shall
28 include a specific agenda for the meeting, containing a brief
29 description of the items of business to be transacted or discussed
30 in either open or closed session. A brief general description of an
31 item generally need not exceed 20 words. A description of an item
32 to be transacted or discussed in closed session shall include a
33 citation of the specific statutory authority under which a closed
34 session is being held. No item shall be added to the agenda
35 subsequent to the provision of this notice, unless otherwise
36 permitted by this article.

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

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

6 ~~(d)~~

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

13 ~~(e)~~

14 (d) A request for notice of more than one meeting of a state
15 body shall be subject to the provisions of Section 14911.

16 ~~(f)~~

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

27 (f) *State bodies shall conduct meetings subject to this chapter*
28 *consistent with applicable state and federal civil rights laws,*
29 *including, but not limited to, any applicable language access and*
30 *other nondiscrimination obligations.*

31 SEC. 7. Section 11125.4 of the Government Code is amended
32 to read:

33 11125.4. (a) A special meeting may be called at any time by
34 the presiding officer of the state body or by a majority of the
35 members of the state body. A special meeting may only be called
36 for one of the following purposes when compliance with the 10-day
37 notice provisions of Section 11125 would impose a substantial
38 hardship on the state body or when immediate action is required
39 to protect the public interest:

- 1 (1) To consider “pending litigation” as that term is defined in
2 subdivision (e) of Section 11126.
- 3 (2) To consider proposed legislation.
- 4 (3) To consider issuance of a legal opinion.
- 5 (4) To consider disciplinary action involving a state officer or
6 employee.
- 7 (5) To consider the purchase, sale, exchange, or lease of real
8 property.
- 9 (6) To consider license examinations and applications.
- 10 (7) To consider an action on a loan or grant provided pursuant
11 to Division 31 (commencing with Section 50000) of the Health
12 and Safety Code.
- 13 (8) To consider its response to a confidential final draft audit
14 report as permitted by Section 11126.2.
- 15 (9) To provide for an interim executive officer of a state body
16 upon the death, incapacity, or vacancy in the office of the executive
17 officer.
- 18 (10) *To deliberate on a decision to be reached in a proceeding*
19 *required to be conducted pursuant to Chapter 5 (commencing with*
20 *Section 11500) or similar provisions of law.*
- 21 (b) When a special meeting is called pursuant to one of the
22 purposes specified in subdivision (a), the state body shall provide
23 notice of the special meeting to each member of the state body and
24 to all parties that have requested notice of its meetings as soon as
25 is practicable after the decision to call a special meeting has been
26 made, but shall deliver the notice in a manner that allows it to be
27 received by the members and by newspapers of general circulation
28 and radio or television stations at least 48 hours before the time
29 of the special meeting specified in the notice. Notice shall be made
30 available to newspapers of general circulation and radio or
31 television stations by providing that notice to all national press
32 wire services. Notice shall also be made available on the Internet
33 within the time periods required by this section. The notice shall
34 specify the time and place of the special meeting and the business
35 to be transacted. The written notice shall additionally specify the
36 address of the ~~Internet Web site~~ *internet website* where notices
37 required by this article are made available. No other business shall
38 be considered at a special meeting by the state body. The written
39 notice may be dispensed with as to any member who at or prior
40 to the time the meeting convenes files with the clerk or secretary

1 of the state body a written waiver of notice. The waiver may be
2 given by telegram, facsimile transmission, or similar means. The
3 written notice may also be dispensed with as to any member who
4 is actually present at the meeting at the time it convenes. Notice
5 shall be required pursuant to this section regardless of whether any
6 action is taken at the special meeting.

7 (c) At the commencement of any special meeting, the state body
8 must make a finding in open session that the delay necessitated
9 by providing notice 10 days prior to a meeting as required by
10 Section 11125 would cause a substantial hardship on the body or
11 that immediate action is required to protect the public interest. The
12 finding shall set forth the specific facts that constitute the hardship
13 to the body or the impending harm to the public interest. The
14 finding shall be adopted by a two-thirds vote of the body, or, if
15 less than two-thirds of the members are present, a unanimous vote
16 of those members present. The finding shall be made available on
17 the ~~Internet~~. *state body's internet website*. Failure to adopt the
18 finding terminates the meeting.

19 SEC. 8. Section 11128.5 of the Government Code is amended
20 to read:

21 11128.5. The state body may adjourn any regular, adjourned
22 regular, special, or adjourned special meeting to a time and ~~place~~
23 *place, including by teleconference*, specified in the order of
24 adjournment. Less than a quorum may so adjourn from time to
25 time. If all members are absent from any regular or adjourned
26 regular meeting, the clerk or secretary of the state body may declare
27 the meeting adjourned to a stated time and ~~place~~ *place, including*
28 *by teleconference*, and ~~he or she~~ *the clerk or the secretary* shall
29 cause a written notice of the adjournment to be given in the same
30 manner as provided in Section 11125.4 for special meetings, unless
31 that notice is waived as provided for special meetings. A copy of
32 the order or notice of adjournment shall be conspicuously posted
33 *on the state body's internet website, and if applicable*, on or near
34 the door of the place where the regular, adjourned regular, special,
35 or adjourned special meeting was held within 24 hours after the
36 time of the adjournment. When a regular or adjourned regular
37 meeting is adjourned as provided in this section, the resulting
38 adjourned regular meeting is a regular meeting for all purposes.
39 When an order of adjournment of any meeting fails to state the

1 hour at which the adjourned meeting is to be held, it shall be held
2 at the hour specified for regular meetings by law or regulation.

3 SEC. 9. Section 11129 of the Government Code is amended
4 to read:

5 11129. Any hearing being held, or noticed or ordered to be
6 held by a state body at any meeting may by order or notice of
7 continuance be continued or recontinued to any subsequent meeting
8 of the state body in the same manner and to the same extent set
9 forth in Section 11128.5 for the adjournment of meetings. A copy
10 of the order or notice of continuance shall be conspicuously posted
11 *on the state body's internet website, and if applicable*, on or near
12 the door of the place where the hearing was held within 24 hours
13 after the time of the continuance; provided, that if the hearing is
14 continued to a time less than 24 hours after the time specified in
15 the order or notice of hearing, a copy of the order or notice of
16 continuance of hearing shall be posted immediately following the
17 meeting at which the order or declaration of continuance was
18 adopted or made.

19 SEC. 10. It is the intent of the Legislature in enacting this act
20 to improve and enhance public access to state and local agency
21 meetings by allowing broader access through teleconferencing
22 options consistent with the Governor's Executive Order No.
23 N-29-20 dated March 17, 2020, and related executive orders,
24 permitting expanded use of teleconferencing during the COVID-19
25 pandemic.

26 SEC. 11. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or safety within
28 the meaning of Article IV of the California Constitution and shall
29 go into immediate effect. The facts constituting the necessity are:

30 In order to protect public health, expand access to government
31 participation by the public, and increase transparency in state
32 government operations during the COVID-19 pandemic, it is
33 necessary that this act take effect immediately.

O

AB 1795 (V. Fong, R-Bakersfield)
Open meetings: remote participation.

Status/History: 2/18/2022 – Referred to the Assembly Committee on Governmental Organization.

Location: 6/8/2022 – Committee on Governmental Organization

Introduced: 2/7/2022

Board Position: Watch (as of 3/7/2022)

Board Staff Analysis: 6/8/2022

Bill Summary: Existing law, the Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified.

This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

Affected Laws: An act to amend Sections 11123 and 11125.7, of the Government Code, relating to boards and commissions.

Staff Comment: This bill would require the Board to allow members of the public to attend meetings both in person and through “remote participation.” For purposes of this requirement, “remote participation” is defined as “participation in a meeting at a location other than the physical location designated in the agenda of the meeting via electronic communication.” Unlike SB 1733, this bill would not amend the law to allow Board members to attend meetings from remote locations unless those locations were included on the meeting notice and open and accessible to the public.

At its March 7, 2022, meeting, the Board took a position of “Watch” on AB 1795.

This bill did not make it out of its house of origin by the deadline.

Staff Recommendation: No action needed.

ASSEMBLY BILL

No. 1795

Introduced by Assembly Member Fong

February 7, 2022

An act to amend Sections 11123 and 11125.7 of the Government Code, relating to boards and commissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1795, as introduced, Fong. Open meetings: remote participation.

Existing law, the Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified.

This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

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 11123 of the Government Code is
2 amended to read:
3 11123. (a) All meetings of a state body shall be open and
4 public and all persons shall be permitted to attend any meeting of
5 a state ~~body~~ body, including by both in-person and remote
6 participation, except as otherwise provided in this article. For
7 purposes of this subdivision, "remote participation" means
8 participation in a meeting at a location other than the physical

1 *location designated in the agenda of the meeting via electronic*
2 *communication.*

3 (b) (1) This article does not prohibit a state body from holding
4 an open or closed meeting by teleconference for the benefit of the
5 public and state body. The meeting or proceeding held by
6 teleconference shall otherwise comply with all applicable
7 requirements or laws relating to a specific type of meeting or
8 proceeding, including the following:

9 (A) The teleconferencing meeting shall comply with all
10 requirements of this article applicable to other meetings.

11 (B) The portion of the teleconferenced meeting that is required
12 to be open to the public shall be audible to the public at the location
13 specified in the notice of the meeting.

14 (C) If the state body elects to conduct a meeting or proceeding
15 by teleconference, it shall post agendas at all teleconference
16 locations and conduct teleconference meetings in a manner that
17 protects the rights of any party or member of the public appearing
18 before the state body. Each teleconference location shall be
19 identified in the notice and agenda of the meeting or proceeding,
20 and each teleconference location shall be accessible to the public.
21 The agenda shall provide an opportunity for members of the public
22 to address the state body directly pursuant to Section 11125.7 at
23 each teleconference location.

24 (D) All votes taken during a teleconferenced meeting shall be
25 by rollcall.

26 (E) The portion of the teleconferenced meeting that is closed
27 to the public may not include the consideration of any agenda item
28 being heard pursuant to Section 11125.5.

29 (F) At least one member of the state body shall be physically
30 present at the location specified in the notice of the meeting.

31 (2) For the purposes of this subdivision, “teleconference” means
32 a meeting of a state body, the members of which are at different
33 locations, connected by electronic means, through either audio or
34 both audio and video. This section does not prohibit a state body
35 from providing members of the public with additional locations
36 in which the public may observe or address the state body by
37 electronic means, through either audio or both audio and video.

38 (c) The state body shall publicly report any action taken and the
39 vote or abstention on that action of each member present for the
40 action.

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

3 11125.7. (a) Except as otherwise provided in this section, the
4 state body shall provide an opportunity for members of the public
5 to directly address the state ~~body~~ body, *including by both in-person*
6 *and remote participation*, on each agenda item before or during
7 the state body's discussion or consideration of the item. This
8 section is not applicable if the agenda item has already been
9 considered by a committee composed exclusively of members of
10 the state body at a public meeting where interested members of
11 the public were afforded the opportunity to address the committee
12 on the item, before or during the committee's consideration of the
13 item, unless the item has been substantially changed since the
14 committee heard the item, as determined by the state body. Every
15 notice for a special meeting at which action is proposed to be taken
16 on an item shall provide an opportunity for members of the public
17 to directly address the state body concerning that item prior to
18 action on the item. In addition, the notice requirement of Section
19 11125 shall not preclude the acceptance of testimony at meetings,
20 other than emergency meetings, from members of the public if no
21 action is taken by the state body at the same meeting on matters
22 brought before the body by members of the public. *For purposes*
23 *of this subdivision, "remote participation" means participation*
24 *in a meeting at a location other than the physical location*
25 *designated in the agenda of the meeting via electronic*
26 *communication.*

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

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

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

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

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

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

8 (2) Decisions regarding proceedings held pursuant to Chapter
9 5 (commencing with Section 11500), relating to administrative
10 adjudication, or to the conduct of those proceedings.

11 (3) Hearings conducted by the California Victim Compensation
12 Board pursuant to ~~Sections 13963 and 13963.1~~. *Section 13959*.

13 (4) Agenda items that involve decisions of the Public Utilities
14 Commission regarding adjudicatory hearings held pursuant to
15 Chapter 9 (commencing with Section 1701) of Part 1 of Division
16 1 of the Public Utilities Code. For all other agenda items, the
17 commission shall provide members of the public, other than those
18 who have already participated in the proceedings underlying the
19 agenda item, an opportunity to directly address the commission
20 before or during the commission's consideration of the item.

O

SB 1120 (Jones, R-El Cajon)
Engineering, land surveying, and geology.

Status/History: 5/19/2022 – Referred to the Assembly Business and Professions Committee. Set for hearing on 6/14/2022.

Location: 6/8/2022 – Business and Professions Committee

Introduced: 2/16/2022

Amended: 3/15/2022

Board Position: Support (as of 5/2/2022)

Board Staff Analysis: 6/8/2022

Bill Summary: As amended March 2 and 15, 2022:

Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists to license and regulate engineers under the Professional Engineers Act, to license and regulate land surveyors under the Professional Land Surveyors’ Act, and to license and regulate geologists and geophysicists under the Geologist and Geophysicist Act. This bill would require an applicant for certification or licensure with a valid email address to report their email address to the Board at the time of application, require a license or certificate holder with a valid email address to report their email address at the time of renewal, and require applicants and licensees to notify the Board of any change to an email address, as specified. The bill would, in the interest of protecting the privacy of applicants and licensees, prohibit from disclosure all email addresses provided by applicants or licensees.

Existing law (the Professional Engineers Act) requires the Board, within 60 to 90 days before the expiration of a certificate of registration or certificate of authority, to mail notice of the pending expiration to a registrant or authority holder, as specified. This bill would repeal that provision.

Existing law also provides that the Professional Engineers Act and the Professional Land Surveyors’ Act do not prevent an individual or business engaged in any line of endeavor other than the practice of civil, electrical, or mechanical engineering or land surveying, respectively, from employing or contracting with an appropriately licensed individual to perform the respective engineering or land surveying services incidental to the conduct of business. This bill would delete that provision and would make conforming changes.

Existing law (the Public Resources Code) prescribes requirements for the surveying and mapping of plane coordinates within the state, as described. Existing law establishes the system of plane coordinates that has been established by the National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California, as described, known as the “California Coordinate System of 1983.” This bill would provide that the California portion of the system of plane coordinates defined as the State Plane Coordinate System of 2022 shall be known as the “California Coordinate System of 2022,” as provided, and make other conforming changes.

Affected Laws: An act to amend Sections 6738, 6787, 8729, and 8792 of, to add Sections 6767, 7856, and 8753 to, and to repeal Section 6795.1 of, the Business and Professions Code, and

Sections 8801 and 8813.1 of the Public Resources Code, relating to engineering, land surveying, and geology.

Staff Comment: Senator Brian Jones agreed to carry the Board’s legislative proposals relating to requiring applicants and licensees to provide the Board with an email address (if they have one) and engineering and land surveying businesses.

The other language in this bill would update the Public Resources Code to include references to the “California Coordinate System of 2022.” This portion is sponsored by the California Land Surveyors Association (CLSA). These proposed changes do not impact the Board or its operations.

At its March 7, 2022, meeting, the Board took a position of “Support” on SB 1120, as amended March 2, 2022.

SB 1120 was amended on March 15, 2022, to remove a provision that would have authorized the Board to require applicants and licensees to confirm the filed email address was current, as the Board deemed necessary. It was determined that this provision was not necessary and could be viewed as requiring the Board to audit the email addresses, thus creating a potential workload issue. At its May 2, 2022, meeting, the Board took a position of “Support” on SB 1120, as amended March 15, 2022.

The bill passed the Senate floor on consent. It is now in the Assembly Business and Professions Committee; it is scheduled to be heard on June 14, 2022.

Staff Recommendation: No action needed.

AMENDED IN SENATE MARCH 15, 2022

AMENDED IN SENATE MARCH 2, 2022

SENATE BILL

No. 1120

Introduced by Senator Jones

February 16, 2022

An act to amend Sections 6738, 6787, 8729, and 8792 of, to add Sections 6767, 7856, and 8753 to, and to repeal Section 6795.1 of, the Business and Professions Code, and to amend Sections 8801 and 8813.1 of the Public Resources Code, relating to engineering, land surveying, and geology.

LEGISLATIVE COUNSEL'S DIGEST

SB 1120, as amended, Jones. Engineering, land surveying, and geology.

(1) Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to license and regulate engineers under the Professional Engineers Act, to license and regulate land surveyors under the Professional Land Surveyors' Act, and to license and regulate geologists and geophysicists under the Geologist and Geophysicist Act. Existing law makes any violation of those acts a misdemeanor.

This bill would require an applicant for licensure as an engineer, land surveyor, ~~or geologist~~ *geologist*, or geophysicist, or an applicant for certification as an engineer-, land surveyor-, or geologist-in-training, with a valid email address to report their email address to the board at the time of application, require a license or certificate holder to report their email address at the time of renewal, and require applicants and ~~licensees~~ *certificate or license holders* to notify the board of any change to an email address, as specified. ~~The bill would authorize the board to~~

~~require applicants and licensees to confirm that the filed email address is current, as the board deems necessary. The bill would, bill, in the interest of protecting the privacy of applicants and licensees, certificate or license holders, would prohibit from the public disclosure all email addresses provided by applicants or licensees. of their email addresses pursuant to specified law, except as provided.~~

By expanding the application of a crime under the Professional Engineers Act, the Professional Land Surveyors' Act, and the Geologist and Geophysicist Act, the bill would impose a state-mandated local program.

(2) Existing law requires the board, within 60 to 90 days before the expiration of a certificate of registration or certificate of authority, to mail notice of the pending expiration to a registrant or authority holder, as specified.

This bill would repeal that provision.

(3) Existing law also provides that the Professional Engineers Act and the Professional Land Surveyors' Act do not prevent an individual or business engaged in any line of endeavor other than the practice of civil, electrical, or mechanical engineering or land surveying, respectively, from employing or contracting with an appropriately licensed individual to perform the respective engineering or land surveying services incidental to the conduct of business.

This bill would delete that provision and would make conforming changes.

(4) Existing law prescribes requirements for the surveying and mapping of plane coordinates within the state, as described. Existing law establishes the system of plane coordinates that has been established by the National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California, as described, known as the "California Coordinate System of 1983."

This bill would provide that the California portion of the system of plane coordinates defined as the State Plane Coordinate System of 2022 shall be known as the "California Coordinate System of 2022," as provided.

(5) Existing law requires any survey that uses or establishes California Coordinate System of 1983 (CCS83) values to meet specified requirements, including that the survey be referenced to and have field-observed statistically independent connections to one or more horizontal reference stations, as specified.

This bill would, starting January 1, 2023, instead require any survey that establishes a CCS83 value to be referenced to and shall have field-observed statistically independent connections to two or more horizontal reference stations. The bill would make conforming and nonsubstantive changes.

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

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

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 6738 of the Business and Professions
2 Code, as amended by Section 1 of Chapter 150 of the Statutes of
3 2018, is amended to read:

4 6738. (a) This chapter does not prohibit one or more civil,
5 electrical, or mechanical engineers from practicing or offering to
6 practice, within the scope of their license, civil (including
7 geotechnical and structural), electrical, or mechanical engineering
8 as a sole proprietorship, partnership, limited liability partnership,
9 firm, or corporation (hereinafter called business), if all of the
10 following requirements are met:

11 (1) A civil, electrical, or mechanical engineer currently licensed
12 in this state is an owner, partner, or officer in charge of the
13 engineering practice of the business.

14 (2) All civil, electrical, or mechanical engineering services are
15 performed by, or under the responsible charge of, a professional
16 engineer licensed in the appropriate branch of professional
17 engineering.

18 (3) If the business name of a California engineering business
19 contains the name of any person, then that person shall be licensed

1 as a professional engineer, a licensed land surveyor, a licensed
2 architect, or a geologist registered under the Geologist and
3 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).
4 Any offer, promotion, or advertisement by the business that
5 contains the name of any individual in the business, other than by
6 use of the name of an individual in the business name, shall clearly
7 and specifically designate the license or registration discipline of
8 each individual named.

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

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

26 (d) A person not licensed under this chapter may also be a
27 partner or an officer of a civil, electrical, or mechanical engineering
28 business if the requirements of subdivision (a) are met. This section
29 does not permit a person who is not licensed under this chapter to
30 be the sole owner of a civil, electrical, or mechanical engineering
31 business, unless otherwise exempt under this chapter.

32 (e) This section shall not prevent the use of the name of any
33 business engaged in rendering civil, electrical, or mechanical
34 engineering services, including the use by any lawful successor
35 or survivor, that lawfully was in existence on December 31, 1987.
36 However, the business is subject to paragraphs (1) and (2) of
37 subdivision (a).

38 (f) A business engaged in rendering civil, electrical, or
39 mechanical engineering services may use in its name the name of

1 a deceased or retired person provided all of the following
2 conditions are satisfied:

3 (1) The person's name had been used in the name of the
4 business, or a predecessor in interest of the business, before and
5 after the death or retirement of the person.

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

9 (3) The person shall have been licensed as a professional
10 engineer, or a land surveyor, or an architect, or a geologist, (A) by
11 the appropriate licensing board if that person is operating a place
12 of business or practice in this state, or (B) by the applicable state
13 board if no place of business existed in this state.

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

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

22 (g) This section does not affect the provisions of Sections 6731.2
23 and 8726.1.

24 (h) A current organization record form shall be filed with the
25 board for all businesses engaged in rendering civil, electrical, or
26 mechanical engineering services.

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

29 SEC. 2. Section 6738 of the Business and Professions Code,
30 as amended by Section 2 of Chapter 150 of the Statutes of 2018,
31 is amended to read:

32 6738. (a) This chapter does not prohibit one or more civil,
33 electrical, or mechanical engineers from practicing or offering to
34 practice within the scope of their license civil (including
35 geotechnical and structural), electrical, or mechanical engineering
36 as a sole proprietorship, partnership, firm, or corporation
37 (hereinafter called business), if all of the following requirements
38 are met:

1 (1) A civil, electrical, or mechanical engineer currently licensed
2 in this state is an owner, partner, or officer in charge of the
3 engineering practice of the business.

4 (2) All civil, electrical, or mechanical engineering services are
5 performed by, or under the responsible charge of, a professional
6 engineer licensed in the appropriate branch of professional
7 engineering.

8 (3) If the business name of a California engineering business
9 contains the name of any person, then that person shall be licensed
10 as a professional engineer, a licensed land surveyor, a licensed
11 architect, or a geologist registered under the Geologist and
12 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).
13 Any offer, promotion, or advertisement by the business that
14 contains the name of any individual in the business, other than by
15 use of the name of an individual in the business name, shall clearly
16 and specifically designate the license or registration discipline of
17 each individual named.

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

31 (c) The business name of a California engineering business may
32 be a fictitious name. However, if the fictitious name includes the
33 name of any person, the requirements of paragraph (3) of
34 subdivision (a) shall be met.

35 (d) A person not licensed under this chapter may also be a
36 partner or an officer of a civil, electrical, or mechanical engineering
37 business if the requirements of subdivision (a) are met. This section
38 does not permit a person who is not licensed under this chapter to
39 be the sole owner of a civil, electrical, or mechanical engineering
40 business, unless otherwise exempt under this chapter.

1 (e) This section shall not prevent the use of the name of any
2 business engaged in rendering civil, electrical, or mechanical
3 engineering services, including the use by any lawful successor
4 or survivor, that lawfully was in existence on December 31, 1987.
5 However, the business is subject to paragraphs (1) and (2) of
6 subdivision (a).

7 (f) A business engaged in rendering civil, electrical, or
8 mechanical engineering services may use in its name the name of
9 a deceased or retired person provided all of the following
10 conditions are satisfied:

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

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

17 (3) The person shall have been licensed as a professional
18 engineer, or a land surveyor, or an architect, or a geologist, (A) by
19 the appropriate licensing board if that person is operating a place
20 of business or practice in this state, or (B) by the applicable state
21 board if no place of business existed in this state.

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

28 (5) The business shall be subject to the provisions of paragraphs
29 (1) and (2) of subdivision (a).

30 (g) This section does not affect the provisions of Sections 6731.2
31 and 8726.1.

32 (h) A current organization record form shall be filed with the
33 board for all businesses engaged in rendering civil, electrical, or
34 mechanical engineering services.

35 (i) This section shall become operative on January 1, 2026.

36 SEC. 3. Section 6767 is added to the Business and Professions
37 Code, to read:

38 6767. (a) Each applicant for licensure or certification who has
39 a valid email address shall report to the board that email address
40 at the time of application.

1 (b) Each certificate or license holder who has a valid email
2 address shall report that email address to the board at the time of
3 renewal.

4 (c) Each applicant or certificate or license holder shall notify
5 the board within 30 days of any change to their email address on
6 file with the board. ~~The board may periodically, as it determines~~
7 ~~necessary, require applicants and certificate or license holders to~~
8 ~~confirm that their email address on file with the board is current.~~

9 (d) In the interest of protecting the privacy of applicants and
10 certificate or license holders, the email address provided to the
11 board pursuant to this chapter shall not be considered a public
12 record and shall not be disclosed pursuant to Section 27 or pursuant
13 to a request under the California Public Records Act (Division 10
14 (commencing with Section 7920.000) of Title 1 of the Government
15 Code), unless required pursuant to a court order by a court of
16 competent jurisdiction.

17 SEC. 4. Section 6787 of the Business and Professions Code is
18 amended to read:

19 6787. A person who does any of the following is guilty of a
20 misdemeanor:

21 (a) Unless the person is exempt from licensure under this
22 chapter, practices or offers to practice civil, electrical, or
23 mechanical engineering in this state according to this chapter
24 without legal authorization.

25 (b) Presents or attempts to file as the person's own the certificate
26 of licensure of a licensed professional engineer unless they are the
27 person named on the certificate of licensure.

28 (c) Gives false evidence of any kind to the board, or to any board
29 member, in obtaining a certificate of licensure.

30 (d) Impersonates or uses the seal, signature, or license number
31 of a licensed professional engineer or uses a false license number.

32 (e) Uses an expired, suspended, surrendered, or revoked license.

33 (f) Represents themselves as, or uses the title of, a licensed or
34 registered civil, electrical, or mechanical engineer, or any other
35 title whereby that person could be considered as practicing or
36 offering to practice civil, electrical, or mechanical engineering in
37 any of its branches, unless they are correspondingly qualified by
38 licensure as a civil, electrical, or mechanical engineer under this
39 chapter.

1 (g) Unless appropriately licensed, manages, or conducts as
2 manager, proprietor, or agent, any place of business from which
3 civil, electrical, or mechanical engineering work is solicited,
4 performed, or practiced, except as authorized pursuant to Section
5 8726.1.

6 (h) Uses the title, or any combination of that title, of
7 “professional engineer,” “licensed engineer,” “registered engineer,”
8 or the branch titles specified in Section 6732, or the authority titles
9 specified in Sections 6736 and 6736.1, or “engineer-in-training,”
10 or makes use of any abbreviation of that title that might lead to
11 the belief that the person is a licensed engineer, is authorized to
12 use the titles specified in Section 6736 or 6736.1, or holds a
13 certificate as an engineer-in-training, without being licensed,
14 authorized, or certified as required by this chapter.

15 (i) Uses the title “consulting engineer” without being licensed
16 as required by this chapter or without being authorized to use that
17 title pursuant to legislation enacted at the 1963, 1965, or 1968
18 Regular Session.

19 (j) Violates any provision of this chapter.

20 SEC. 5. Section 6795.1 of the Business and Professions Code
21 is repealed.

22 SEC. 6. Section 7856 is added to the Business and Professions
23 Code, to read:

24 7856. (a) Each applicant for licensure or certification who has
25 a valid email address shall report to the board that email address
26 at the time of application.

27 (b) Each certificate or license holder who has a valid email
28 address shall report that email address to the board at the time of
29 renewal.

30 (c) Each applicant or certificate or license holder shall notify
31 the board within 30 days of any change to their email address on
32 file with the board. ~~The board may periodically, as it determines~~
33 ~~necessary, require applicants and certificate or license holders to~~
34 ~~confirm that their email address on file with the board is current.~~

35 (d) In the interest of protecting the privacy of applicants and
36 certificate or license holders, the email address provided to the
37 board pursuant to this chapter shall not be considered a public
38 record and shall not be disclosed pursuant to Section 27 or pursuant
39 to a request under the California Public Records Act (Division 10
40 commencing with Section 7920.000) of Title 1 of the Government

1 Code), unless required pursuant to a court order by a court of
2 competent jurisdiction.

3 SEC. 7. Section 8729 of the Business and Professions Code,
4 as amended by Section 3 of Chapter 150 of the Statutes of 2018,
5 is amended to read:

6 8729. (a) This chapter does not prohibit one or more licensed
7 land surveyors or civil engineers licensed in this state before 1982
8 (hereinafter called civil engineers) from practicing or offering to
9 practice, within the scope of their licensure, land surveying as a
10 sole proprietorship, partnership, limited liability partnership, firm,
11 or corporation (hereinafter called business), if the following
12 conditions are satisfied:

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

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

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

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

38 (c) The business name of a California land surveying business
39 may be a fictitious name. However, if the fictitious name includes

1 the names of any person, the requirements of paragraph (3) of
2 subdivision (a) shall be met.

3 (d) A person not licensed under this chapter or licensed as a
4 civil engineer in this state before 1982 may also be a partner or an
5 officer of a land surveying business if the conditions of subdivision
6 (a) are satisfied. This section does not permit a person who is not
7 licensed under this chapter or licensed as a civil engineer in this
8 state before 1982 to be the sole owner or office of a land surveying
9 business, unless otherwise exempt under this chapter.

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

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

18 (1) The person's name had been used in the name of the
19 business, or a predecessor in interest of the business, before the
20 death or retirement of the person.

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

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

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

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

36 (g) This section does not affect Sections 6731.2 and 8726.1.

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

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

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

6 8729. (a) This chapter does not prohibit one or more licensed
7 land surveyors or civil engineers licensed in this state before 1982
8 (hereinafter called civil engineers) from practicing or offering to
9 practice within the scope of their licensure, land surveying as a
10 sole proprietorship, partnership, firm, or corporation (hereinafter
11 called business), if the following conditions are satisfied:

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

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

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

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

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

1 (d) A person not licensed under this chapter or licensed as a
2 civil engineer in this state before 1982 may also be a partner or an
3 officer of a land surveying business if the conditions of subdivision
4 (a) are satisfied. This section does not permit a person who is not
5 licensed under this chapter or licensed as a civil engineer in this
6 state before 1982 to be the sole owner or office of a land surveying
7 business, unless otherwise exempt under this chapter.

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

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

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

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

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

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

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

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

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

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

39 SEC. 9. Section 8753 is added to the Business and Professions
40 Code, to read:

1 8753. (a) Each applicant for licensure or certification who has
2 a valid email address shall report to the board that email address
3 at the time of application.

4 (b) Each certificate or license holder who has a valid email
5 address shall report that email address to the board at the time of
6 renewal.

7 (c) Each applicant or certificate or license holder shall notify
8 the board within 30 days of any change to their email address on
9 file with the board. ~~The board may periodically, as it determines~~
10 ~~necessary, require applicants and certificate or license holders to~~
11 ~~confirm that their email address on file with the board is current.~~

12 (d) In the interest of protecting the privacy of applicants and
13 certificate or license holders, the email address provided to the
14 board pursuant to this chapter shall not be considered a public
15 record and shall not be disclosed pursuant to Section 27 or pursuant
16 to a request under the California Public Records Act (Division 10
17 (commencing with Section 7920.000) of Title 1 of the Government
18 Code), unless required pursuant to a court order by a court of
19 competent jurisdiction.

20 SEC. 10. Section 8792 of the Business and Professions Code
21 is amended to read:

22 8792. A person who does any of the following is guilty of a
23 misdemeanor:

24 (a) Unless the person is exempt from licensure under this
25 chapter, practices, or offers to practice, land surveying in this state
26 without legal authorization.

27 (b) Presents as their own the license of a professional land
28 surveyor unless they are the person named on the license.

29 (c) Attempts to file as their own any record of survey under the
30 license of a professional land surveyor.

31 (d) Gives false evidence of any kind to the board, or to any
32 board member, in obtaining a license.

33 (e) Impersonates or uses the seal, signature, or license number
34 of a professional land surveyor or who uses a false license number.

35 (f) Uses an expired, suspended, surrendered, or revoked license.

36 (g) Represents themselves as, or uses the title of, professional
37 land surveyor, or any other title whereby that person could be
38 considered as practicing or offering to practice land surveying,
39 unless the person is correspondingly qualified by licensure as a
40 land surveyor under this chapter.

1 (h) Uses the title, or any combination of that title, of
2 “professional land surveyor,” “licensed land surveyor,” “land
3 surveyor,” or the titles specified in Sections 8751 and 8775, or
4 “land surveyor-in-training,” or who makes use of any abbreviation
5 of that title that might lead to the belief that the person is a licensed
6 land surveyor or holds a certificate as a land surveyor-in-training,
7 without being licensed or certified as required by this chapter.

8 (i) Unless appropriately licensed, manages, or conducts as
9 manager, proprietor, or agent, any place of business from which
10 land surveying work is solicited, performed, or practiced, except
11 as authorized pursuant to Section 6731.2.

12 (j) Violates any provision of this chapter.

13 SEC. 11. Section 8801 of the Public Resources Code is
14 amended to read:

15 8801. (a) The system of plane coordinates that has been
16 established by the United States Coast and Geodetic Survey for
17 defining and stating the positions or locations of points on the
18 surface of the earth within the State of California is based on the
19 North American Datum of 1927 and is identified as the “California
20 Coordinate System.” After January 1, 1987, this system shall be
21 known as the “California Coordinate System of 1927.”

22 (b) The system of plane coordinates that has been established
23 by the National Geodetic Survey for defining and stating the
24 positions or locations of points on the surface of the earth within
25 the State of California and that is based on the North American
26 Datum of 1983 shall be known as the “California Coordinate
27 System of 1983.”

28 (c) As used in this chapter, the following definitions apply:

29 (1) “NAD27” means the North American Datum of 1927.

30 (2) “CCS27” means the California Coordinate System of 1927.

31 (3) “NAD83” means the North American Datum of 1983.

32 (4) “CCS83” means the California Coordinate System of 1983.

33 (5) “USC&GS” means the United States Coast and Geodetic
34 Survey.

35 (6) “NGS” means the National Geodetic Survey or its successor.

36 (7) “FGCS” means the Federal Geodetic Control Subcommittee
37 or its successor.

38 (8) “CSRC” means the California Spatial Reference Center or
39 its successor.

1 (9) "CSRN" means the California Spatial Reference Network,
2 as described in Chapter 3 (commencing with Section 8850),
3 "Geodetic Datums and the California Spatial Reference Network."

4 (10) "GPS" means Global Positioning System and includes
5 other, similar space-based systems.

6 (11) "FGDC" means the Federal Geographic Data Committee
7 or its successor.

8 (d) The California portion of the system of plane coordinates
9 defined as the State Plane Coordinate System of 2022 (SPCS2002)
10 as established by NGS and maintained by either NGS or CSRC
11 shall be known as the "California Coordinate System of 2022."

12 (e) The use of the term "State Plane Coordinates" refers only
13 to CCS27 and CCS83 coordinates.

14 SEC. 12. Section 8813.1 of the Public Resources Code is
15 amended to read:

16 8813.1. On and after December 31, 2005, a survey that uses
17 or establishes a CCS83 value or values shall meet all of the
18 following requirements:

19 (a) (1) The survey shall be referenced to and shall have
20 field-observed statistically independent connections to one or more
21 horizontal reference stations, except as provided in paragraph (2),
22 that is or are one of the following:

23 (A) CSRN station.

24 (B) Geodetic control station located outside of the State of
25 California that meets all the requirements for inclusion in the CSRN
26 except that the station is outside California.

27 (C) Existing CCS83 station that is all of the following:

28 (i) Is shown on a map filed with the applicable county surveyor
29 by a public officer, subdivision map, corner record, or record of
30 survey.

31 (ii) Meets all the requirements for inclusion in the CSRN, except
32 that the station and its data are not published by NGS or CSRC.

33 (iii) Has an accuracy, conforming to the applicable CSRN
34 requirements, stated for the station's value.

35 (D) Existing CCS83 station that is all of the following:

36 (i) Is shown on a public map or document that is compiled and
37 maintained by the applicable county surveyor.

38 (ii) Meets all the requirements for inclusion in the CSRN, except
39 that the station and its data are not published by NGS or CSRC.

1 (iii) Has an accuracy, conforming to the applicable CSRN
2 requirements, stated for the station's value.

3 (2) On and after January 1, 2023, for purposes of a survey that
4 establishes a CCS83 value or values, the survey shall be referenced
5 to and shall have field-observed statistically independent
6 connections to two or more horizontal reference stations.

7 (b) If an accuracy is to be claimed for the CCS83 value or values
8 established, the claimed accuracy shall be an accuracy standard
9 published by FGDC or FGCS.

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

19 SEC. 14. The Legislature finds and declares that Sections 3,
20 6, and 9 of this act, which add Sections 6767, 7856, and 8753 to
21 the Business and Professions Code, impose a limitation on the
22 public's right of access to the meetings of public bodies or the
23 writings of public officials and agencies within the meaning of
24 Section 3 of Article I of the California Constitution. Pursuant to
25 that constitutional provision, the Legislature makes the following
26 findings to demonstrate the interest protected by this limitation
27 and the need for protecting that interest:

28 This act balances the public's right to access records of the Board
29 for Professional Engineers, Land Surveyors, and Geologists with
30 the need to protect the privacy of applicants and licensees.

O

SB 1237 (Newman, D-Fullerton)
Licenses: military service.

Status/History: 5/19/2022 – Referred to Assembly Committees on Business and Professions and Military and Veterans Affairs. Set for hearing in Business and Professions on 6/14/2022.

Location: 6/8/2022 – Assembly Committees on Business and Professions and Military and Veterans Affairs

Introduced: 2/17/2022

Amended: 3/30/2022

Board Position: Watch (as of 5/2/2022)

Board Staff Analysis: 6/8/2022

Bill Summary: Existing law requires the licensing boards within the Department of Consumer Affairs, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met.

As introduced, this bill would have required the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California. As amended March 30, 2022, this bill would instead add a provision to define the phrase “called to active duty” as having the same meaning as “active duty” as defined in the United States Military Code.

Affected Laws: An act to amend Section 114.3 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: Business and Professions Code section 114.3 requires the licensing boards to waive the renewal fees, continuing education requirements, and other renewal requirements for any a licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard if 1) the licensee or registrant possessed a current and valid license with the board at the time the licensee or registrant was called to active duty; 2) the renewal requirements are waived only for the period during which the licensee or registrant is on active duty service; and, 3) written documentation that substantiates the licensee or registrant’s active duty service is provided to the board.

This bill, as introduced, would have added a new subdivision to Section 114.3 that would require the Board to waive the renewal fees of a licensee called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee is stationed outside of California. Since Section 114.3 was enacted in 2013, the Board has received a few requests to waive the renewal fees pursuant to this section, which have been granted upon receipt of the required documentation. These waivers have been granted whether the person was stationed inside or outside of California. (The Board does not have continuing education or other renewal requirements beyond payment of the fee.)

SB 1237 was amended March 30, 2022, to remove the new subdivision described above relating to the addition of the phrase “stationed outside of California.” The bill was amended to instead provide a definition of “called to active duty,” as used in the bill. SB 1237 specifies that the phrase “called to active duty” the same meaning as “active duty” as defined in Section 101 of Title 10 of the United States Code and shall also apply to those on active duty with the California National Guard.

The bill has passed out of the Senate and is in the Assembly. It is scheduled to be heard by the Assembly Committee on Business and Professions on June 14, 2022.

Staff Recommendation: No action needed.

AMENDED IN SENATE MARCH 30, 2022

SENATE BILL

No. 1237

Introduced by Senator Newman

February 17, 2022

An act to amend Section 114.3 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1237, as amended, Newman. Licenses: military service.

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate the licensee's or registrant's license without examination or penalty if certain requirements are met.

Existing law requires the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. Existing law, except as specified, prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect.

~~This bill would require the boards to waive the renewal fee of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if the licensee or registrant is stationed outside of California. *define the phrase*~~

“called to active duty” to include active duty in the United States Armed Forces and on duty in the California National Guard, as specified. This bill would also make nonsubstantive changes to those 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 114.3 of the Business and Professions
2 Code is amended to read:

3 114.3. (a) Notwithstanding any other law, every board, as
4 defined in Section 22, within the department shall waive the
5 renewal fees, continuing education requirements, and other renewal
6 requirements as determined by the board, if any are applicable,
7 for a licensee or registrant called to active duty as a member of
8 the United States Armed Forces or the California National Guard
9 if all of the following requirements are met:

10 (1) The licensee or registrant possessed a current and valid
11 license with the board at the time the licensee or registrant was
12 called to active duty.

13 (2) The renewal requirements are waived only for the period
14 during which the licensee or registrant is on active duty service.

15 (3) Written documentation that substantiates the licensee or
16 registrant’s active duty service is provided to the board.

17 (b) *For purposes of this section, the phrase “called to active
18 duty” shall have the same meaning as “active duty” as defined in
19 Section 101 of Title 10 of the United States Code and shall
20 additionally include individuals who are on active duty in the
21 California National Guard, whether due to proclamation of a state
22 of insurrection pursuant to Section 143 of the Military and Veterans
23 Code or due to a proclamation of a state extreme emergency or
24 when the California National Guard is otherwise on active duty
25 pursuant to Section 146 of the Military and Veterans Code.*

26 ~~(b)~~

27 (c) (1) Except as specified in paragraph (2), the licensee or
28 registrant shall not engage in any activities requiring a license
29 during the period that the waivers provided by this section are in
30 effect.

31 (2) If the licensee or registrant will provide services for which
32 the licensee or registrant is licensed while on active duty, the board

1 shall convert the license status to military active and no private
2 practice of any type shall be permitted.

3 ~~(e)~~

4 (d) In order to engage in any activities for which the licensee
5 or registrant is licensed once discharged from active duty, the
6 licensee or registrant shall meet all necessary renewal requirements
7 as determined by the board within six months from the licensee's
8 or registrant's date of discharge from active duty service.

9 ~~(e)~~

10 (e) After a licensee or registrant receives notice of the licensee
11 or registrant's discharge date, the licensee or registrant shall notify
12 the board of their discharge from active duty within 60 days of
13 receiving their notice of discharge.

14 ~~(e) A board shall waive the renewal fees of a licensee or~~
15 ~~registrant called to active duty as a member of the United States~~
16 ~~Armed Forces or the California National Guard if the licensee or~~
17 ~~registrant is stationed outside of California.~~

18 (f) A board may adopt regulations to carry out the provisions
19 of this section.

20 (g) This section shall not apply to any board that has a similar
21 license renewal waiver process statutorily authorized for that board.

O

SB 1365 (Jones, R-El Cajon)
Licensing boards: procedures.

Status/History: 5/19/2022 – Held in Senate Committee on Appropriations under submission.

Location: 6/8/2022 – Senate Committee on Appropriations

Introduced: 2/18/2022

Board Position: Watch (as of 3/7/2022)

Board Staff Analysis: 6/8/2022

Bill Summary: Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs (DCA) and the boards to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would require the boards to publicly post on their websites a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees.

The bill would require DCA to establish a process to assist each board in developing the information to be included on the website, as specified. It would also require DCA to develop a process for each board to use in verifying applicant information and performing background checks of applicants and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents.

The bill would further require the boards to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

Affected Laws: An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

Staff Comment: The Board has regulations that define the criteria that must be considered to determine if a crime is substantially related to the qualifications, functions, and duties of the regulated professions and that define the evidence of rehabilitation the Board must consider before denying issuance of a license. These regulations are available on the Board's website, as are all of the Board's regulations. Board staff currently relies upon information from official court documents regarding convictions, rather than just a list or explanation from the applicants. The Board currently has an informal appeal process for citations; it is likely that the informal appeal process required by this bill could be similar to that process.

The bill was scheduled to be heard in the Senate Appropriations Committee on May 19, 2022; however, it was held under submission. Therefore, it did not make it out of its house of origin by the deadline.

Staff Recommendation: No action needed.

Introduced by Senator JonesFebruary 18, 2022

An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1365, as introduced, Jones. Licensing boards: procedures.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified.

This bill would require each board within the department to publicly post on its internet website a list of criteria used to evaluate applicants with criminal convictions so that potential applicants for licensure may be better informed about their possibilities of gaining licensure before investing time and resources into education, training, and application fees. The bill would require the department to establish a process to assist each board in developing its internet website, as specified.

The bill would also require the department to develop a process for each board to use in verifying applicant information and performing background checks of applicants, and would require that process to require applicants with convictions to provide certified court documents instead of listing convictions on application documents. The bill would further require the board to develop a procedure to provide for an informal appeals process that would occur between an initial license denial and an administrative law hearing.

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 114.6 is added to the Business and
2 Professions Code, to read:
3 114.6. (a) Each board within the department shall publicly
4 post on its internet website a list of criteria used to evaluate
5 applicants with criminal convictions so that potential applicants
6 for licensure may be better informed about their possibilities of
7 gaining licensure before investing time and resources into
8 education, training, and application fees.
9 (b) The department shall do all of the following:
10 (1) (A) Establish a process to assist each board in developing
11 its internet website in compliance with subdivision (a).
12 (B) As part of this process, the department shall disseminate
13 materials to, and serve as a clearing house to, boards in order to
14 provide guidance and best practices in assisting applicants with
15 criminal convictions gain employment.
16 (2) (A) Develop a process for each board to use in verifying
17 applicant information and performing background checks of
18 applicants.
19 (B) In developing this process, the board may examine the model
20 used for performing background checks of applicants established
21 by the Department of Insurance. The process developed shall
22 require applicants with convictions to provide certified court
23 documents instead of listing convictions on application documents.
24 This process shall prevent license denials due to unintentional
25 reporting errors. This process shall also include procedures to
26 expedite the fee-waiver process for any low-income applicant
27 requesting a background check.
28 (3) (A) Develop a procedure to provide for an informal appeals
29 process.
30 (B) In developing this informal appeals process, the department
31 may examine the model for informal appeals used by the Bureau
32 of Security and Investigative Services. The informal appeals

- 1 process shall occur between an initial license denial and an
- 2 administrative law hearing.

O

SB 1443 (Roth, D-Riverside)
The Department of Consumer Affairs.

Status/History: 6/2/2022 – Referred to the Assembly Committee on Business and Professions; set for hearing on 6/28/2022.

Location: 6/8/2022 – Assembly Committee on Business and Professions

Introduced: 2/18/2022

Amended: 5/19/2022

Board Position: Watch, with authorization to change to Support when amended (as of 3/7/2022)

Board Staff Analysis: 6/8/2022

Bill Summary: Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.

This bill would continue in existence several of these boards, bureaus, and commissions until January 1, 2025, and make related conforming changes.

Affected Laws: An act to amend Sections 1601.1, 1616.5, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7573.5, 7576, 7588.8, 7599.80, 7602, 8000, 8005, 9812.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 18602, and 18613 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: The Board’s current sunset date specified in the Professional Engineers Act and the Professional Land Surveyors’ Act is January 1, 2024. This bill would extend that date to January 1, 2025. (There is no sunset date in the Geologist and Geophysicist Act.) Due to the pandemic, the sunset hearings originally scheduled for 2020 were postponed, and the boards and bureaus up for hearing that year were given extensions. However, that created a burdensome hearing calendar for the Legislature the following year. As such, the Legislature has been adjusting the sunset dates of various boards and bureaus each year in order to achieve a more uniform and workable schedule of boards and bureaus subject to review each year.

Extending the Board’s sunset date to 2025 means that the Board’s report will be due at the end of 2023/beginning of 2024, with the sunset review hearing held in 2024.

The section from the Professional Land Surveyors’ Act was overlooked in the introduced version of the bill. The staff of the Senate Business, Professions and Economic Development Committee is aware of this oversight, and the section will be included when the bill is amended in the Appropriations Committee.

At its March 7, 2022, meeting, the Board took a position of “Watch” on SB 1443, as introduced, and authorized staff to change the position to “Support” when the bill is amended to include the Business and Professions Code section 8710.

The bill was amended on May 19, 2022, to include Section 8710. It has passed the Senate and is now in the Assembly. It is scheduled to be heard in the Assembly Committee on Business and Professions on June 28, 2022.

Staff Recommendation: Staff recommends the Board take a position of “Support” on SB 1443, as amended May 19, 2022.

Introduced by Senator Roth

February 18, 2022

An act to amend Sections 1601.1, 1616.5, 5000, 5015.6, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 6981, 7000.5, 7011, 7511.5, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 7573.5, 7576, 7588.8, 7593.1, 7593.5, 7599.80, 7599.345, 7602, 8000, 8005, 8030.2, 8030.4, 8030.6, 8030.8, 8050, 8051, 8710, 9812.5, 9830.5, 9832.5, 9847.5, 9849, 9851, 9853, 9855.9, 9860, 9862.5, 9863, 9873, 18602, and 18613 of the Business and Professions Code, relating to professions and ~~vocations~~: *vocations*, and making an appropriation *therefore*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1443, as amended, Roth. The Department of Consumer Affairs.

Under existing law, the Department of Consumer Affairs is comprised of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations.

This bill would continue in existence several of these boards, bureaus, and commissions, including the Dental Board of California, the California Board of Accountancy, and the California Architects Board, among others, until January 1, 2025, and make related conforming changes.

Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Bureau of Security and Investigative Services and makes violations of those provisions a crime.

Existing law, until January 1, 2024, authorizes the bureau to issue a private investigator license to a limited liability company.

This bill would extend that date to January 1, 2025. By extending the operation of these provisions, the bill would impose a state-mandated local program.

Existing law, the Alarm Company Act, establishes the Bureau of Security and Investigative Services headed by the Chief of the Bureau of Security and Investigative Services within the Department of Consumer Affairs and sets forth its powers and duties over the licensure, registration, and regulation of alarm company operators. Existing law prohibits a person from engaging in the activities of an alarm company operator unless the person holds a valid alarm company operator's license. Existing law makes a violation of these provisions a crime. Existing law authorizes the bureau to establish fees and penalties for licensure and registration. Existing law, beginning on January 1, 2024, prohibits an alarm company operator from conducting business under these provisions as a limited liability company.

This bill would extend that date until January 1, 2025, and make other conforming changes. By extending the operation of these provisions, the bill would impose a state-mandated local program.

Existing law requires, until January 1, 2024, funds generated by fees received by the Court Reporters Board of California, pursuant to specified provisions, in excess of funds needed to support the board's operating budget for the fiscal year, to be transferred from the Court Reporters' Fund and used by the board for the purpose of establishing and maintaining a Transcript Reimbursement Fund, which is continuously appropriated, to provide shorthand reporting services to low-income litigants in civil cases who are unable to otherwise afford those services.

This bill would continue the operation of provisions that provide for funds to be transferred into the Transcript Reimbursement Fund until January 1, 2025, and make other conforming changes. By continuing the transfer of funds into a continuously appropriated fund, the bill would make an appropriation.

Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California. Existing law subjects a person or entity to certain penalties if the person or entity engages in specified acts relating to shorthand reporting, including any act that constitutes shorthand reporting, unless the person or entity is a licensed shorthand reporter, a shorthand reporting corporation,

or one of specified other persons or entities not subject to those provisions. Existing law makes a violation of these provisions a misdemeanor. Existing law, on and after July 1, 2022, and until January 1, 2024, authorizes an entity that is not a shorthand reporting corporation to engage in specified acts if the entity is approved for registration by the board, as specified.

This bill would authorize an entity that is not a shorthand reporting corporation to engage in those specified acts if the entity is approved for registration by the board, as specified, until January 1, 2025. Because a violation of the provisions regulating shorthand reporting is a crime, by expanding the provisions described above to apply to these additional registrants, the bill would expand the scope of a crime and impose a state-mandated local program.

Existing law specifies that there is in the Department of Consumer Affairs a Bureau of Household Goods and Services, under the supervision and control of a director. Existing law, the Electronic and Appliance Repair Dealer Registration Law, regulates service dealers, as defined, and applies its provisions, until January 1, 2023, to service contractors. Among other things, existing law, until January 1, 2023, requires the director to gather evidence of specified violations by any service contractor and to conduct spot check investigations of service contractors throughout the state on a continuous basis. *Existing law establishes the Electronic and Appliance Repair Fund, a continuously appropriated fund, and establishes a specified fee structure that, among other things, specifies the initial registration fee and annual renewal fee for a service dealer or service contractor who does not operate a place of business in this state. Existing law revises those provisions and repeals the provisions applicable to an out-of-state service contractor on January 1, 2023.*

This bill would continue to extend applicability of those provisions to service contractors, and would authorize the continued exercise of specified responsibilities by the director to service contractors until January 1, 2024. *The bill would extend the fee schedule and provisions applicable to an out-of-state service contractor until January 1, 2024. Because the bill would continue the operation of provisions that require service contractors to pay fees that are deposited into a continuously appropriated fund, the Electronic and Appliance Repair Fund, this 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~~^{2/3}. Appropriation: ~~no~~^{yes}. Fiscal committee: yes.
State-mandated local program: ~~no~~^{yes}.

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

1 SECTION 1. Section 1601.1 of the Business and Professions
2 Code is amended to read:

3 1601.1. (a) There shall be in the Department of Consumer
4 Affairs the Dental Board of California in which the administration
5 of this chapter is vested. The board shall consist of eight practicing
6 dentists, one registered dental hygienist, one registered dental
7 assistant, and five public members. Of the eight practicing dentists,
8 one shall be a member of a faculty of any California dental college,
9 and one shall be a dentist practicing in a nonprofit community
10 clinic. The appointing powers, described in Section 1603, may
11 appoint to the board a person who was a member of the prior board.
12 The board shall be organized into standing committees dealing
13 with examinations, enforcement, and other subjects as the board
14 deems appropriate.

15 (b) For purposes of this chapter, any reference in this chapter
16 to the Board of Dental Examiners shall be deemed to refer to the
17 Dental Board of California.

18 (c) The board shall have all authority previously vested in the
19 existing board under this chapter. The board may enforce all
20 disciplinary actions undertaken by the previous board.

21 (d) This section shall remain in effect only until January 1, 2025,
22 and as of that date is repealed. Notwithstanding any other law, the
23 repeal of this section renders the board subject to review by the
24 appropriate policy committees of the Legislature.

25 SEC. 2. Section 1616.5 of the Business and Professions Code
26 is amended to read:

27 1616.5. (a) The board, by and with the approval of the director,
28 may appoint a person exempt from civil service who shall be
29 designated as an executive officer and who shall exercise the
30 powers and perform the duties delegated by the board and vested
31 in the executive officer by this chapter.

1 (b) This section shall remain in effect only until January 1, 2025,
2 and as of that date is repealed.

3 SEC. 3. Section 5000 of the Business and Professions Code is
4 amended to read:

5 5000. (a) There is in the Department of Consumer Affairs the
6 California Board of Accountancy, which consists of 15 members,
7 7 of whom shall be licensees, and 8 of whom shall be public
8 members who shall not be licentiates of the board or registered by
9 the board. The board has the powers and duties conferred by this
10 chapter.

11 (b) The Governor shall appoint four of the public members, and
12 the seven licensee members as provided in this section. The Senate
13 Committee on Rules and the Speaker of the Assembly shall each
14 appoint two public members. In appointing the seven licensee
15 members, the Governor shall appoint individuals representing a
16 cross section of the accounting profession.

17 (c) This section shall remain in effect only until January 1, 2025,
18 and as of that date is repealed.

19 (d) Notwithstanding any other law, the repeal of this section
20 renders the board subject to review by the appropriate policy
21 committees of the Legislature. However, the review of the board
22 shall be limited to reports or studies specified in this chapter and
23 those issues identified by the appropriate policy committees of the
24 Legislature and the board regarding the implementation of new
25 licensing requirements.

26 SEC. 4. Section 5015.6 of the Business and Professions Code
27 is amended to read:

28 5015.6. The board may appoint a person exempt from civil
29 service who shall be designated as an executive officer and who
30 shall exercise the powers and perform the duties delegated by the
31 board and vested in the executive officer by this chapter.

32 This section shall remain in effect only until January 1, 2025,
33 and as of that date is repealed.

34 SEC. 5. Section 5510 of the Business and Professions Code is
35 amended to read:

36 5510. There is in the Department of Consumer Affairs a
37 California Architects Board which consists of 10 members.

38 Any reference in law to the California Board of Architectural
39 Examiners shall mean the California Architects Board.

1 This section shall remain in effect only until January 1, 2025,
2 and as of that date is repealed. Notwithstanding any other law, the
3 repeal of this section renders the board subject to review by the
4 appropriate policy committees of the Legislature.

5 SEC. 6. Section 5517 of the Business and Professions Code is
6 amended to read:

7 5517. The board may appoint a person exempt from civil
8 service who shall be designated as an executive officer and who
9 shall exercise the powers and perform the duties delegated by the
10 board and vested in the executive officer by this chapter.

11 This section shall remain in effect only until January 1, 2025,
12 and as of that date is repealed.

13 SEC. 7. Section 5620 of the Business and Professions Code is
14 amended to read:

15 5620. The duties, powers, purposes, responsibilities, and
16 jurisdiction of the California State Board of Landscape Architects
17 that were succeeded to and vested with the Department of
18 Consumer Affairs in accordance with Chapter 908 of the Statutes
19 of 1994 are hereby transferred to the California Architects Board.
20 The Legislature finds that the purpose for the transfer of power is
21 to promote and enhance the efficiency of state government and
22 that assumption of the powers and duties by the California
23 Architects Board shall not be viewed or construed as a precedent
24 for the establishment of state regulation over a profession or
25 vocation that was not previously regulated by a board, as defined
26 in Section 477.

27 (a) There is in the Department of Consumer Affairs a California
28 Architects Board as defined in Article 2 (commencing with Section
29 5510) of Chapter 3 of Division 3.

30 Whenever in this chapter "board" is used, it refers to the
31 California Architects Board.

32 (b) Except as provided herein, the board may delegate its
33 authority under this chapter to the Landscape Architects Technical
34 Committee.

35 (c) After review of proposed regulations, the board may direct
36 the examining committee to notice and conduct hearings to adopt,
37 amend, or repeal regulations pursuant to Section 5630, provided
38 that the board itself shall take final action to adopt, amend, or
39 repeal those regulations.

1 (d) The board shall not delegate its authority to discipline a
2 landscape architect or to take action against a person who has
3 violated this chapter.

4 (e) This section shall remain in effect only until January 1, 2025,
5 and as of that date is repealed.

6 SEC. 8. Section 5621 of the Business and Professions Code is
7 amended to read:

8 5621. (a) There is hereby created within the jurisdiction of the
9 board, a Landscape Architects Technical Committee, hereinafter
10 referred to in this chapter as the landscape architects committee.

11 (b) The landscape architects committee shall consist of five
12 members who shall be licensed to practice landscape architecture
13 in this state. The Governor shall appoint three of the members.
14 The Senate Committee on Rules and the Speaker of the Assembly
15 shall appoint one member each.

16 (c) The initial members to be appointed by the Governor are as
17 follows: one member for a term of one year; one member for a
18 term of two years; and one member for a term of three years. The
19 Senate Committee on Rules and the Speaker of the Assembly shall
20 initially each appoint one member for a term of four years.
21 Thereafter, appointments shall be made for four-year terms,
22 expiring on June 1 of the fourth year and until the appointment
23 and qualification of the member's successor or until one year shall
24 have elapsed, whichever first occurs. Vacancies shall be filled for
25 the unexpired term.

26 (d) No person shall serve as a member of the landscape
27 architects committee for more than two consecutive terms.

28 (e) This section shall remain in effect only until January 1, 2025,
29 and as of that date is repealed.

30 SEC. 9. Section 5622 of the Business and Professions Code is
31 amended to read:

32 5622. (a) The landscape architects committee may assist the
33 board in the examination of candidates for a landscape architect's
34 license and, after investigation, evaluate and make
35 recommendations regarding potential violations of this chapter.

36 (b) The landscape architects committee may investigate, assist,
37 and make recommendations to the board regarding the regulation
38 of landscape architects in this state.

1 (c) The landscape architects committee may perform duties and
2 functions that have been delegated to it by the board pursuant to
3 Section 5620.

4 (d) The landscape architects committee may send a
5 representative to all meetings of the full board to report on the
6 committee's activities.

7 (e) This section shall remain in effect only until January 1, 2025,
8 and as of that date is repealed.

9 SEC. 10. Section 6710 of the Business and Professions Code
10 is amended to read:

11 6710. (a) There is in the Department of Consumer Affairs a
12 Board for Professional Engineers, Land Surveyors, and Geologists,
13 which consists of 15 members.

14 (b) Any reference in any law or regulation to the Board of
15 Registration for Professional Engineers and Land Surveyors, or
16 the Board for Professional Engineers and Land Surveyors, is
17 deemed to refer to the Board for Professional Engineers, Land
18 Surveyors, and Geologists.

19 (c) This section shall remain in effect only until January 1, 2025,
20 and as of that date is repealed. Notwithstanding any other law, the
21 repeal of this section renders the board subject to review by the
22 appropriate policy committees of the Legislature.

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

25 6714. The board shall appoint an executive officer at a salary
26 to be fixed and determined by the board with the approval of the
27 Director of Finance.

28 This section shall remain in effect only until January 1, 2025,
29 and as of that date is repealed.

30 SEC. 12. Section 6981 of the Business and Professions Code
31 is amended to read:

32 6981. Notwithstanding any other law, the powers and duties
33 of the bureau, as set forth in this chapter, shall be subject to review
34 by the appropriate policy committees of the Legislature. The review
35 shall be performed as if this chapter were scheduled to be repealed
36 as of January 1, 2025.

37 SEC. 13. Section 7000.5 of the Business and Professions Code
38 is amended to read:

39 7000.5. (a) There is in the Department of Consumer Affairs
40 a Contractors State License Board, which consists of 15 members.

1 (b) Notwithstanding any other provision of law, the repeal of
2 this section renders the board subject to review by the appropriate
3 policy committees of the Legislature.

4 (c) This section shall remain in effect only until January 1, 2025,
5 and as of that date is repealed.

6 SEC. 14. Section 7011 of the Business and Professions Code
7 is amended to read:

8 7011. (a) The board, by and with the approval of the director,
9 shall appoint a registrar of contractors and fix the registrar's
10 compensation.

11 (b) The registrar shall be the executive officer and secretary of
12 the board and shall carry out all of the administrative duties as
13 provided in this chapter and as delegated to the registrar by the
14 board.

15 (c) For the purpose of administration of this chapter, there may
16 be appointed a deputy registrar, a chief reviewing and hearing
17 officer, and, subject to Section 159.5, other assistants and
18 subordinates as may be necessary.

19 (d) Appointments shall be made in accordance with the
20 provisions of civil service laws.

21 (e) This section shall remain in effect only until January 1, 2025,
22 and as of that date is repealed.

23 SEC. 15. Section 7511.5 of the Business and Professions Code
24 is amended to read:

25 7511.5. Notwithstanding any other law, the powers and duties
26 of the bureau, as set forth in this chapter, shall be subject to review
27 by the appropriate policy committees of the Legislature. The review
28 shall be performed as if this chapter were scheduled to be repealed
29 as of January 1, 2025.

30 SEC. 16. Section 7512.3 of the Business and Professions Code,
31 as amended by Section 76 of Chapter 312 of the Statutes of 2020,
32 is amended to read:

33 7512.3. (a) As used in this chapter, "person" includes any
34 individual, firm, company, limited liability company, association,
35 organization, partnership, and corporation.

36 (b) This section shall remain in effect only until January 1, ~~2024,~~
37 2025, and as of that date is repealed.

38 SEC. 17. Section 7512.3 of the Business and Professions Code,
39 as amended by Section 77 of Chapter 312 of the Statutes of 2020,
40 is amended to read:

1 7512.3. (a) As used in this chapter, “person” includes any
2 individual, firm, company, association, organization, partnership,
3 and corporation.

4 (b) This section shall become operative on January 1, ~~2024~~,
5 2025.

6 *SEC. 18. Section 7512.14 of the Business and Professions Code*
7 *is amended to read:*

8 7512.14. (a) As used in this chapter, “member” means an
9 individual who is a member of a limited liability company as
10 specified in Section 17704.01 of the Corporations Code.

11 (b) This section shall remain in effect only until January 1, ~~2024~~,
12 2025, and as of that date is repealed.

13 *SEC. 19. Section 7512.15 of the Business and Professions Code*
14 *is amended to read:*

15 7512.15. (a) As used in this chapter, “manager” means an
16 individual designated under an operating agreement of a
17 manager-managed limited liability company who is responsible
18 for performing the management functions for the limited liability
19 company specified in subdivision (c) of Section 17704.07 of the
20 Corporations Code.

21 (b) This section shall remain in effect only until January 1, ~~2024~~,
22 2025, and as of that date is repealed.

23 *SEC. 20. Section 7520.3 of the Business and Professions Code*
24 *is amended to read:*

25 7520.3. (a) As a condition of the issuance, reinstatement,
26 reactivation, or continued valid use of a license under this chapter,
27 a limited liability company shall, in accordance with this section,
28 maintain a policy or policies of insurance against liability imposed
29 on or against it by law for damages arising out of claims based
30 upon acts, errors, or omissions arising out of the private investigator
31 services it provides.

32 (b) The total aggregate limit of liability under the policy or
33 policies of insurance required under this section shall be as follows:

34 (1) For a limited liability company licensee with five or fewer
35 persons named as members pursuant to subdivision (i) of Section
36 7525.1, the aggregate limit shall not be less than one million dollars
37 (\$1,000,000).

38 (2) For a limited liability company licensee with more than five
39 persons named as members pursuant to subdivision (i) of Section
40 7525.1, an additional one hundred thousand dollars (\$100,000) of

1 insurance shall be obtained for each person named as members of
2 the licensee except that the maximum amount of insurance is not
3 required to exceed five million dollars (\$5,000,000) in any one
4 designated period, less amounts paid in defending, settling, or
5 discharging claims as set forth under this section.

6 (c) Prior to the issuance, reinstatement, or reactivation of a
7 limited liability company license as provided under this chapter,
8 the applicant or licensee shall, in the manner prescribed by the
9 bureau, submit the information and documentation required by
10 this section and requested by the bureau, demonstrating compliance
11 with the financial security requirements specified by this section.

12 (d) For any insurance policy secured by a licensee in satisfaction
13 of this section, a Certificate of Liability Insurance, signed by an
14 authorized agent or employee of the insurer, shall be submitted
15 electronically or otherwise to the bureau. The insurer issuing the
16 certificate shall report to the bureau the following information for
17 any policy required under this section: name, license number,
18 policy number, dates that coverage is scheduled to commence and
19 lapse, and cancellation date if applicable. The insurer shall list the
20 bureau as the certificate holder for the purposes of receiving
21 notifications related to the policy's status.

22 (e) (1) If a licensee fails to maintain sufficient insurance as
23 required by this section, or fails to provide proof of the required
24 insurance upon request by the bureau, the license is subject to
25 suspension and shall be automatically suspended pursuant to this
26 subdivision until the date that the licensee provides proof to the
27 bureau of compliance with the insurance coverage requirement.

28 (2) Prior to an automatic suspension, the bureau shall notify the
29 licensee, in writing, that it has 30 days to provide proof to the
30 bureau of having the required insurance or the license shall be
31 automatically suspended.

32 (3) If the licensee fails to provide proof of insurance coverage
33 within this period, the bureau may automatically suspend the
34 license.

35 (f) If the license of a limited liability company is suspended
36 pursuant to subdivision (e), each member of the limited liability
37 company shall be personally liable up to one million dollars
38 (\$1,000,000) each for damages resulting to third parties in
39 connection with the company's performance, during the period of

1 suspension, of any act or contract when a license is required by
2 this chapter.

3 (g) On and after July 1, 2018, a licensee organized as a limited
4 liability company shall report a paid or pending claim against its
5 liability insurance to the bureau, which shall post a notice of the
6 claim on the Department of Consumer Affairs BreZE License
7 Verification Internet Web page.

8 (h) This section shall remain in effect only until January 1, ~~2024,~~
9 2025, and as of that date is repealed.

10 *SEC. 21. Section 7525.1 of the Business and Professions Code,*
11 *as amended by Section 81 of Chapter 312 of the Statutes of 2020,*
12 *is amended to read:*

13 7525.1. An application shall be verified and shall include:

14 (a) The full name and business address of the applicant.

15 (b) The name under which the applicant intends to do business.

16 (c) A statement as to the general nature of the business in which
17 the applicant intends to engage.

18 (d) A verified statement of their experience qualifications.

19 (e) (1) If the applicant is an individual, a qualified manager, a
20 partner of a partnership, an officer of a corporation designated in
21 subdivision (h), or a member, officer, or manager of a limited
22 liability company designated in subdivision (i), one personal
23 identification form provided by the bureau upon which shall appear
24 a photograph taken within one year immediately preceding the
25 date of the filing of the application together with two legible sets
26 of fingerprints, one set of which shall be forwarded to the Federal
27 Bureau of Investigation for purposes of a background check, on a
28 form approved by the Department of Justice, and a personal
29 description of each person, respectively. The identification form
30 shall include residence addresses and employment history for the
31 previous five years and be signed under penalty of perjury.

32 (2) The bureau may impose a fee not to exceed three dollars
33 (\$3) for processing classifiable fingerprint cards submitted by
34 applicants, excluding those submitted into an electronic fingerprint
35 system using electronic fingerprint technology.

36 (f) In addition, if the applicant for a license is an individual, the
37 application shall list all other names known as or used during the
38 past 10 years and shall state that the applicant is to be personally
39 and actively in charge of the business for which the license is
40 sought. If any other qualified manager is to be actively in charge

1 of the business, the application shall be subscribed, verified, and
2 signed by the applicant, under penalty of perjury. If any other
3 person is to be actively in charge of the business, the application
4 shall also be subscribed, verified, and signed by that person under
5 penalty of perjury.

6 (g) If the applicants for a license are copartners, the application
7 shall state the true names and addresses of all partners and the
8 name of the partner to be actively in charge of the business for
9 which the license is sought and list all other names known as or
10 used during the past 10 years. If a qualified manager other than a
11 partner is to be actively in charge of the business, then the
12 application shall be subscribed, verified, and signed by all of the
13 partners under penalty of perjury. If any other person is to be
14 actively in charge of the business, the application shall also be
15 subscribed, verified, and signed by that person, under penalty of
16 perjury, under penalty of perjury by all of the partners and the
17 qualified manager, or by all of the partners or the qualified
18 manager.

19 (h) If the applicant for a license is a corporation, the application
20 shall state the true names and complete residence addresses of the
21 chief executive officer, secretary, chief financial officer, and any
22 other corporate officer who will be active in the business to be
23 licensed. The application shall also state the name and address of
24 the designated person to be actively in charge of the business for
25 which the license is sought. The application shall be subscribed,
26 verified, and signed by a duly authorized officer of the applicant
27 and by the qualified manager thereof, under penalty of perjury.

28 (i) If the applicant for a license is a limited liability company,
29 the application shall state the true name and complete residence
30 address of each member, manager, and any officer who will be
31 active in the business to be licensed. A certified copy of the articles
32 of organization, as filed by the Secretary of State, shall be supplied
33 to the bureau upon request. In the case of a manager-managed
34 limited liability company, the application shall be subscribed,
35 verified, and signed by a manager; otherwise, in the case of a
36 member-managed limited liability company, the application shall
37 be subscribed, verified, and signed by a duly authorized member
38 of the applicant and by the qualified manager thereof. The
39 application shall also state whether any of the members, managers,
40 officers, or the qualified manager has ever used an alias.

1 (j) Any other information, evidence, statements, or documents
2 as may be required by the director.

3 (k) At the discretion of the applicant, a valid email address.

4 (l) This section shall remain in effect only until January 1, ~~2024~~,
5 2025, and as of that date is repealed.

6 *SEC. 22. Section 7525.1 of the Business and Professions Code,*
7 *as amended by Section 82 of Chapter 312 of the Statutes of 2020,*
8 *is amended to read:*

9 7525.1. An application shall be verified and shall include:

10 (a) The full name and business address of the applicant.

11 (b) The name under which the applicant intends to do business.

12 (c) A statement as to the general nature of the business in which
13 the applicant intends to engage.

14 (d) A verified statement of their experience qualifications.

15 (e) (1) If the applicant is an individual, a qualified manager, a
16 partner of a partnership, or an officer of a corporation designated
17 in subdivision (h), one personal identification form provided by
18 the bureau upon which shall appear a photograph taken within one
19 year immediately preceding the date of the filing of the application
20 together with two legible sets of fingerprints, one set of which
21 shall be forwarded to the Federal Bureau of Investigation for
22 purposes of a background check, on a form approved by the
23 Department of Justice, and a personal description of each person,
24 respectively. The identification form shall include residence
25 addresses and employment history for the previous five years and
26 be signed under penalty of perjury.

27 (2) The bureau may impose a fee not to exceed three dollars
28 (\$3) for processing classifiable fingerprint cards submitted by
29 applicants, excluding those submitted into an electronic fingerprint
30 system using electronic fingerprint technology.

31 (f) In addition, if the applicant for a license is an individual, the
32 application shall list all other names known as or used during the
33 past 10 years and shall state that the applicant is to be personally
34 and actively in charge of the business for which the license is
35 sought. If any other qualified manager is to be actively in charge
36 of the business, the application shall be subscribed, verified, and
37 signed by the applicant, under penalty of perjury. If any other
38 person is to be actively in charge of the business, the application
39 shall also be subscribed, verified, and signed by that person under
40 penalty of perjury.

1 (g) If the applicants for a license are copartners, the application
2 shall state the true names and addresses of all partners and the
3 name of the partner to be actively in charge of the business for
4 which the license is sought and list all other names known as or
5 used during the past 10 years. If a qualified manager other than a
6 partner is to be actively in charge of the business, then the
7 application shall be subscribed, verified, and signed by all of the
8 partners under penalty of perjury. If any other person is to be
9 actively in charge of the business, the application shall also be
10 subscribed, verified, and signed under penalty of perjury by that
11 person, by all of the partners and the qualified manager, or by all
12 of the partners or the qualified manager.

13 (h) If the applicant for a license is a corporation, the application
14 shall state the true names and complete residence addresses of the
15 chief executive officer, secretary, chief financial officer, and any
16 other corporate officer who will be active in the business to be
17 licensed. The application shall also state the name and address of
18 the designated person to be actively in charge of the business for
19 which the license is sought. The application shall be subscribed,
20 verified, and signed by a duly authorized officer of the applicant
21 and by the qualified manager thereof, under penalty of perjury.

22 (i) Any other information, evidence, statements, or documents
23 as may be required by the director.

24 (j) At the discretion of the applicant, a valid email address.

25 (k) This section shall become operative on January 1, ~~2024~~.
26 2025.

27 *SEC. 23. Section 7529 of the Business and Professions Code,*
28 *as amended by Section 83 of Chapter 312 of the Statutes of 2020,*
29 *is amended to read:*

30 7529. (a) (1) Upon the issuance of and with each biennial
31 renewal of a license, a license in the form of an enhanced photo
32 identification card of the size, design, and content as may be
33 determined by the director or the director's designee shall be issued
34 by the bureau to each licensee, as follows:

35 (A) If the licensee is an individual, the enhanced photo
36 identification card shall be issued to the licensee and to the
37 licensee's qualified manager.

38 (B) If the licensee is a partnership, the enhanced photo
39 identification card shall be issued to each partner of the partnership

1 licensee active in the business and to the licensee's qualified
2 manager.

3 (C) If the licensee is a corporation, the enhanced photo
4 identification card shall be issued to each officer active in the
5 business and to the licensee's qualified manager.

6 (D) If the licensee is a limited liability company, the enhanced
7 photo identification card shall be issued to each member, officer,
8 and manager of the licensee active in the business and to the
9 licensee's qualified manager.

10 (2) The enhanced photo identification card is evidence that the
11 licensee is licensed pursuant to this chapter. The card shall contain
12 the name of the licensee, license expiration date, and a photograph
13 of the licensee. The enhanced photo identification card shall clearly
14 state that the person is licensed as a private investigator or is the
15 qualified manager or officer of the licensee. The enhanced photo
16 identification card is to be composed of a durable material and
17 may incorporate technologically advanced security features. The
18 bureau may recover its costs in an amount sufficient to reimburse
19 the department's costs for furnishing the enhanced photo
20 identification card. The fee charged shall not exceed the actual
21 direct costs for system development, maintenance, and processing
22 necessary to provide this service. The total amount of costs shall
23 be recovered by including that amount in the fee charged for the
24 initial application of and renewal of licensure. When the position,
25 office, or association with a licensee belonging to a person to whom
26 a card is issued is terminated, the person shall surrender the card
27 to the licensee and, within five days thereafter, the licensee shall
28 mail or deliver the card to the bureau for cancellation. Every
29 person, while engaged in any activity for which licensure is
30 required, shall display the person's valid enhanced photo
31 identification card as provided by regulation.

32 (b) This section shall remain in effect only until January 1, ~~2024,~~
33 ~~2025~~, and as of that date is repealed.

34 *SEC. 24. Section 7529 of the Business and Professions Code,*
35 *as amended by Section 84 of Chapter 312 of the Statutes of 2020,*
36 *is amended to read:*

37 7529. (a) Upon the issuance of and with each biennial renewal
38 of a license, a license in the form of an enhanced photo
39 identification card of the size, design, and content as may be

1 determined by the director or the director's designee shall be issued
2 by the bureau to each licensee, as follows:

3 (1) If the licensee is an individual, the enhanced photo
4 identification card shall be issued to the licensee and to the
5 licensee's qualified manager.

6 (2) If the licensee is a partnership, the enhanced photo
7 identification card shall be issued to each partner of the partnership
8 licensee active in the business and to the licensee's qualified
9 manager.

10 (3) If the licensee is a corporation, the enhanced photo
11 identification card shall be issued to each officer active in the
12 business and to the licensee's qualified manager.

13 (b) The enhanced photo identification card is evidence that the
14 licensee is licensed pursuant to this chapter. The card shall contain
15 the name of the licensee, license expiration date, and a photograph
16 of the licensee. The enhanced photo identification card shall clearly
17 state that the person is licensed as a private investigator or is the
18 qualified manager or officer of the licensee. The enhanced photo
19 identification card is to be composed of a durable material and
20 may incorporate technologically advanced security features. The
21 bureau may recover its costs in an amount sufficient to reimburse
22 the department's costs for furnishing the enhanced photo
23 identification card. The fee charged shall not exceed the actual
24 direct costs for system development, maintenance, and processing
25 necessary to provide this service. The total amount of costs shall
26 be recovered by including that amount in the fee charged for the
27 initial application of and renewal of licensure. When the position,
28 office, or association with a licensee belonging to a person to whom
29 a card is issued is terminated, the person shall surrender the card
30 to the licensee and, within five days thereafter, the licensee shall
31 mail or deliver the card to the bureau for cancellation. Every
32 person, while engaged in any activity for which licensure is
33 required, shall display the person's valid enhanced photo
34 identification card as provided by regulation.

35 (c) This section shall become operative on January 1, ~~2024~~.
36 2025.

37 *SEC. 25. Section 7533.5 of the Business and Professions Code,*
38 *as amended by Section 85 of Chapter 312 of the Statutes of 2020,*
39 *is amended to read:*

1 7533.5. (a) A licensee shall notify the bureau within 30 days
2 of any change in its corporate officers required to be named
3 pursuant to subdivision (h) of Section 7525.1 or members or
4 managers required to be named pursuant to subdivision (i) of
5 Section 7525.1, and of any addition of a new partner.

6 (b) Applications, on forms prescribed by the director, shall be
7 submitted by all new officers, members or managers, and partners.
8 The director may suspend or revoke a license issued under this
9 chapter if the director determines that the new officer, member or
10 manager, or partner of a licensee has committed any of the acts
11 constituting grounds to deny an application for a license or to take
12 disciplinary action against a licensee pursuant to Section 7538 or
13 7538.5, respectively.

14 (c) This section shall remain in effect only until January 1, ~~2024,~~
15 ~~2025~~, and as of that date is repealed.

16 *SEC. 26. Section 7533.5 of the Business and Professions Code,*
17 *as amended by Section 86 of Chapter 312 of the Statutes of 2020,*
18 *is amended to read:*

19 7533.5. (a) A licensee shall notify the bureau within 30 days
20 of any change in its corporate officers required to be named
21 pursuant to subdivision (h) of Section 7525.1, and of any addition
22 of a new partner.

23 (b) Applications, on forms prescribed by the director, shall be
24 submitted by all new officers and partners. The director may
25 suspend or revoke a license issued under this chapter if the director
26 determines that the new officer or partner of a licensee has
27 committed any of the acts constituting grounds to deny an
28 application for a license or to take disciplinary action against a
29 licensee pursuant to Section 7538 or 7538.5, respectively.

30 (c) This section shall become operative on January 1, ~~2024,~~
31 ~~2025~~.

32 *SEC. 27. Section 7538 of the Business and Professions Code,*
33 *as amended by Section 87 of Chapter 312 of the Statutes of 2020,*
34 *is amended to read:*

35 7538. (a) After a hearing the director may deny a license unless
36 the applicant makes a showing satisfactory to the director that the
37 applicant, if an individual, and the applicant's qualified manager
38 have not, or, if the applicant is a person other than an individual,
39 that its qualified manager and each of its officers, partners,
40 members, or managers have not:

1 (1) Committed any act that, if committed by a licensee, would
2 be a ground for the suspension or revocation of a license under
3 this chapter.

4 (2) Committed any act constituting dishonesty or fraud.

5 (3) Committed any act or crime constituting grounds for denial
6 of licensure under Section 480, including illegally using, carrying,
7 or possessing a deadly weapon.

8 (4) Been refused a license under this chapter or had a license
9 revoked.

10 (5) Been an officer, partner, qualified manager, member, or
11 manager of any person who has been refused a license under this
12 chapter or whose license has been revoked.

13 (6) While unlicensed committed, or aided and abetted the
14 commission of, any act for which a license is required by this
15 chapter.

16 (7) Knowingly made any false statement in their application.

17 (b) This section shall remain in effect only until January 1, ~~2024~~,
18 ~~2025~~, and as of that date is repealed.

19 *SEC. 28. Section 7538 of the Business and Professions Code,*
20 *as amended by Section 88 of Chapter 312 of the Statutes of 2020,*
21 *is amended to read:*

22 7538. (a) After a hearing the director may deny a license unless
23 the applicant makes a showing satisfactory to the director that the
24 applicant, if an individual, and the applicant's qualified manager
25 have not, or, if the applicant is a person other than an individual,
26 that its qualified manager and each of its officers and partners have
27 not:

28 (1) Committed any act that, if committed by a licensee, would
29 be a ground for the suspension or revocation of a license under
30 this chapter.

31 (2) Committed any act constituting dishonesty or fraud.

32 (3) Committed any act or crime constituting grounds for denial
33 of licensure under Section 480, including illegally using, carrying,
34 or possessing a deadly weapon.

35 (4) Been refused a license under this chapter or had a license
36 revoked.

37 (5) Been an officer, partner, or qualified manager of any person
38 who has been refused a license under this chapter or whose license
39 has been revoked.

1 (6) While unlicensed committed, or aided and abetted the
2 commission of, any act for which a license is required by this
3 chapter.

4 (7) Knowingly made any false statement in their application.

5 (b) This section shall become operative on January 1, ~~2024~~.
6 2025.

7 *SEC. 29. Section 7538.5 of the Business and Professions Code,*
8 *as amended by Section 89 of Chapter 312 of the Statutes of 2020,*
9 *is amended to read:*

10 7538.5. (a) The director may refuse to issue any license
11 provided for in this chapter to any of the following:

12 (1) An individual who has had any license revoked, has a license
13 currently under suspension, or failed to renew their license while
14 under suspension.

15 (2) An individual who, while acting as a partner of a partnership,
16 an officer or director of a corporation, or a member, manager, or
17 officer of a limited liability company, had their license revoked,
18 has a license currently under suspension, or failed to renew their
19 license while under suspension.

20 (3) An individual who, while acting as a partner of the
21 partnership, an officer, director of the corporation, or a member,
22 manager, or officer of a limited liability company meets both of
23 the following conditions:

24 (A) The individual was a partner of any partnership, an officer
25 or director of any corporation, or a member, manager, or officer
26 of any limited liability company whose license was revoked, is
27 currently under suspension, or was not renewed while under
28 suspension.

29 (B) While acting as a partner, officer, director, member, or
30 manager, they participated in any of the prohibited acts for which
31 the license was revoked or suspended.

32 (4) An individual who is serving or has served as the qualified
33 manager for any licensee that has had its license revoked, is
34 currently under suspension, or failed to renew while under
35 suspension.

36 (b) This section shall remain in effect only until January 1, ~~2024~~,
37 2025, and as of that date is repealed.

38 *SEC. 30. Section 7538.5 of the Business and Professions Code,*
39 *as amended by Section 90 of Chapter 312 of the Statutes of 2020,*
40 *is amended to read:*

1 7538.5. (a) The director may refuse to issue any license
2 provided for in this chapter to any of the following:

3 (1) An individual who has had any license revoked, has a license
4 currently under suspension, or failed to renew their license while
5 under suspension.

6 (2) An individual who, while acting as a partner of a partnership,
7 or an officer or director of a corporation, had their license revoked,
8 has a license currently under suspension, or failed to renew their
9 license while under suspension.

10 (3) An individual, who, while acting as a partner of the
11 partnership, or an officer or director of the corporation, meets both
12 of the following conditions:

13 (A) The individual was a partner of any partnership, or an officer
14 or director of any corporation, whose license was revoked, is
15 currently under suspension, or was not renewed while under
16 suspension.

17 (B) The individual, while acting as a partner, officer, or director,
18 participated in any of the prohibited acts for which the license was
19 revoked or suspended.

20 (4) An individual who is serving or has served as the qualified
21 manager for any licensee that has had its license revoked, is
22 currently under suspension, or failed to renew while under
23 suspension.

24 (b) This section shall become operative on January 1, ~~2024~~.
25 2025.

26 *SEC. 31. Section 7539 of the Business and Professions Code,*
27 *as amended by Section 91 of Chapter 312 of the Statutes of 2020,*
28 *is amended to read:*

29 7539. (a) Any licensee or officer, director, partner, member,
30 manager, or qualified manager of a licensee may divulge to any
31 law enforcement officer or district attorney, or their representative,
32 any information they may acquire as to any criminal offense, but
33 they shall not divulge to any other person, except as otherwise
34 required by law, any information acquired by them except at the
35 direction of the employer or client for whom the information was
36 obtained.

37 (b) A licensee or officer, director, partner, member, manager,
38 qualified manager, or employee of a licensee shall not knowingly
39 make any false report to their employer or client for whom
40 information was being obtained.

1 (c) A written report shall not be submitted to a client except by
2 the licensee, qualified manager, or a person authorized by one or
3 either of them, and the person submitting the report shall exercise
4 diligence in ascertaining whether or not the facts and information
5 in the report are true and correct.

6 (d) A licensee, or officer, director, partner, manager, member,
7 qualified manager, or employee of a licensee shall not use a badge
8 in connection with the official activities of the licensee's business.

9 (e) A licensee, or officer, director, partner, manager, member,
10 qualified manager, or employee of a licensee, shall not use a title,
11 or wear a uniform, or use an insignia, or use an identification card,
12 or make any statement with the intent to give an impression that
13 they are connected in any way with the federal government, a state
14 government, or any political subdivision of a state government.

15 (f) A licensee, or officer, partner, manager, member, qualified
16 manager, or employee of a licensee shall not use any identification
17 to indicate that they are licensed as a private investigator other
18 than the official identification card issued by the bureau or the
19 business card regularly used by the business. However, a licensee
20 may issue an employer identification card.

21 (g) A licensee, or officer, director, partner, manager, member,
22 qualified manager, or employee of a licensee, shall not enter any
23 private building or portion thereof, except premises commonly
24 accessible to the public, without the consent of the owner or of the
25 person in legal possession thereof.

26 (h) A licensee shall not permit an employee or agent in their
27 own name to advertise, engage clients, furnish reports or present
28 bills to clients, or in any manner conduct business for which a
29 license is required under this chapter. All business of the licensee
30 shall be conducted in the name of and under the control of the
31 licensee.

32 (i) A licensee, or officer, director, partner, manager, member,
33 qualified manager, or employee of a licensee shall not knowingly
34 and directly solicit employment from any person who has directly
35 sustained bodily injury or from that person's spouse or other family
36 member to obtain authorization on behalf of the injured person as
37 an investigator to investigate the accident or act that resulted in
38 injury or death to that person or damage to the property of that
39 person. Nothing in this subdivision shall prohibit the soliciting of
40 employment from that injured person's attorney, insurance

1 company, self-insured administrator, insurance adjuster, employer,
2 or any other person having an indirect interest in the investigation
3 of the injury. This subdivision shall not apply to any business agent
4 or attorney employed by a labor organization. A licensee, or officer,
5 director, partner, manager, member, or qualified manager of a
6 licensee shall not pay or compensate any of their employees or
7 agents on the basis of a bonus, bounty, or quota system whereby
8 a premium is placed on the number of employer or client rule
9 violations or infractions purportedly discovered as a result of any
10 investigation made by a licensee.

11 (j) A licensee shall not use a fictitious business name in
12 connection with the official activities of the licensee's business,
13 except as provided by the bureau.

14 (k) This section shall remain in effect only until January 1, ~~2024,~~
15 ~~2025,~~ and as of that date is repealed.

16 *SEC. 32. Section 7539 of the Business and Professions Code,*
17 *as amended by Section 92 of Chapter 312 of the Statutes of 2020,*
18 *is amended to read:*

19 7539. (a) A licensee or officer, director, partner, or qualified
20 manager of a licensee may divulge to any law enforcement officer
21 or district attorney, or their representative, any information they
22 may acquire as to any criminal offense, but they shall not divulge
23 to any other person, except as otherwise required by law, any
24 information acquired by them except at the direction of the
25 employer or client for whom the information was obtained.

26 (b) A licensee or officer, director, partner, qualified manager,
27 or employee of a licensee shall not knowingly make any false
28 report to their employer or client for whom information was being
29 obtained.

30 (c) A written report shall not be submitted to a client except by
31 the licensee, qualified manager, or a person authorized by one or
32 either of them, and the person submitting the report shall exercise
33 diligence in ascertaining whether or not the facts and information
34 in the report are true and correct.

35 (d) A licensee, or officer, director, partner, qualified manager,
36 or employee of a licensee shall not use a badge in connection with
37 the official activities of the licensee's business.

38 (e) A licensee, or officer, director, partner, qualified manager,
39 or employee of a licensee, shall not use a title, or wear a uniform,
40 or use an insignia, or use an identification card, or make any

1 statement with the intent to give an impression that they are
2 connected in any way with the federal government, a state
3 government, or any political subdivision of a state government.

4 (f) A licensee, or officer, partner, qualified manager, or
5 employee of a licensee shall not use any identification to indicate
6 that they are licensed as a private investigator other than the official
7 identification card issued by the bureau or the business card
8 regularly used by the business. However, a licensee may issue an
9 employer identification card.

10 (g) A licensee, or officer, director, partner, qualified manager,
11 or employee of a licensee, shall not enter any private building or
12 portion thereof, except premises commonly accessible to the public,
13 without the consent of the owner or of the person in legal
14 possession thereof.

15 (h) A licensee shall not permit an employee or agent in their
16 own name to advertise, engage clients, furnish reports or present
17 bills to clients, or in any manner conduct business for which a
18 license is required under this chapter. All business of the licensee
19 shall be conducted in the name of and under the control of the
20 licensee.

21 (i) A licensee, or officer, director, partner, qualified manager,
22 or employee of a licensee, shall not knowingly and directly solicit
23 employment from any person who has directly sustained bodily
24 injury or from that person's spouse or other family member to
25 obtain authorization on behalf of the injured person as an
26 investigator to investigate the accident or act that resulted in injury
27 or death to that person or damage to the property of that person.
28 This subdivision does not prohibit the soliciting of employment
29 from that injured person's attorney, insurance company,
30 self-insured administrator, insurance adjuster, employer, or any
31 other person having an indirect interest in the investigation of the
32 injury. This subdivision does not apply to any business agent or
33 attorney employed by a labor organization. A licensee, officer,
34 director, partner, or qualified manager of a licensee shall not pay
35 or compensate any of their employees or agents on the basis of a
36 bonus, bounty, or quota system whereby a premium is placed on
37 the number of employer or client rule violations or infractions
38 purportedly discovered as a result of any investigation made by a
39 licensee.

1 (j) A licensee shall not use a fictitious business name in
2 connection with the official activities of the licensee's business,
3 except as provided by the bureau.

4 (k) This section shall become operative on January 1, ~~2024~~.
5 2025.

6 ~~SEC. 16.~~

7 *SEC. 33.* Section 7573.5 of the Business and Professions Code
8 is amended to read:

9 7573.5. Notwithstanding any other law, the powers and duties
10 of the bureau, as set forth in this chapter, shall be subject to review
11 by the appropriate policy committees of the Legislature. The review
12 shall be performed as if this chapter were scheduled to be repealed
13 as of January 1, 2025.

14 ~~SEC. 17.~~

15 *SEC. 34.* Section 7576 of the Business and Professions Code
16 is amended to read:

17 7576. Notwithstanding any other law, the powers and duties
18 of the bureau, as set forth in this chapter, shall be subject to review
19 by the appropriate policy committees of the Legislature. The review
20 shall be performed as if this chapter were scheduled to be repealed
21 as of January 1, 2025.

22 ~~SEC. 18.~~

23 *SEC. 35.* Section 7588.8 of the Business and Professions Code
24 is amended to read:

25 7588.8. Notwithstanding any other law, the powers and duties
26 of the bureau, as set forth in this chapter, shall be subject to review
27 by the appropriate policy committees of the Legislature. The review
28 shall be performed as if this chapter were scheduled to be repealed
29 as of January 1, 2025.

30 *SEC. 36.* *Section 7593.1 of the Business and Professions Code,*
31 *as amended by Section 23 of Chapter 376 of the Statutes of 2021,*
32 *is amended to read:*

33 7593.1. (a) Each individual applicant, partner of a partnership,
34 designated officer of a corporation, member, officer, or manager
35 of a limited liability company, and a qualified manager shall submit
36 with the application one personal identification form provided by
37 the chief, with two legible sets of fingerprints, one set of which
38 shall be forwarded to the Federal Bureau of Investigation for
39 purposes of a background check, and personal description of each
40 such person, respectively. The identification form shall include

1 residence addresses and employment history for the previous five
2 years.

3 (b) The bureau may impose a fee not to exceed three dollars
4 (\$3) for processing classifiable fingerprint cards submitted by
5 applicants excluding those submitted into an electronic fingerprint
6 system using electronic fingerprint technology.

7 (c) This section shall remain in effect only until January 1, ~~2024~~,
8 2025, and as of that date is repealed.

9 *SEC. 37. Section 7593.1 of the Business and Professions Code,*
10 *as amended by Section 24 of Chapter 376 of the Statutes of 2021,*
11 *is amended to read:*

12 7593.1. (a) Each individual applicant, partner of a partnership,
13 designated officer of a corporation, and a qualified manager shall
14 submit with the application, one personal identification form
15 provided by the chief, with two legible sets of fingerprints, one
16 set of which shall be forwarded to the Federal Bureau of
17 Investigation for purposes of a background check, and personal
18 description of each such person, respectively. The identification
19 form shall include residence addresses and employment history
20 for the previous five years.

21 (b) The bureau may impose a fee not to exceed three dollars
22 (\$3) for processing classifiable fingerprint cards submitted by
23 applicants excluding those submitted into an electronic fingerprint
24 system using electronic fingerprint technology.

25 (c) This section shall become operative on January 1, ~~2024~~.
26 2025.

27 *SEC. 38. Section 7593.5 of the Business and Professions Code*
28 *is amended to read:*

29 7593.5. (a) If the applicant for a license is a limited liability
30 company, the application shall state the true names and complete
31 residence addresses of each member, manager, and any other
32 officer who will be active in the business to be licensed. A copy
33 of the articles of organization issued by the Secretary of State shall
34 be supplied to the bureau upon request. The application shall also
35 state the name and address of the designated person to be actively
36 in charge of the business for which the license is sought. The
37 application shall be subscribed, verified, and signed by a duly
38 authorized member of the applicant under penalty of perjury.

39 (b) This section shall remain in effect only until January 1, ~~2024~~,
40 2025, and as of that date is repealed.

1 ~~SEC. 19.~~

2 ~~SEC. 39.~~ Section 7599.80 of the Business and Professions Code
3 is amended to read:

4 7599.80. Notwithstanding any other law, the powers and duties
5 of the bureau, as set forth in this chapter, shall be subject to review
6 by the appropriate policy committees of the Legislature. The review
7 shall be performed as if this chapter were scheduled to be repealed
8 as of January 1, 2025.

9 ~~SEC. 40.~~ *Section 7599.345 of the Business and Professions*
10 *Code is amended to read:*

11 7599.345. Notwithstanding any other law, commencing January
12 1, ~~2024~~, 2025, a licensee shall not conduct business under this
13 chapter as a limited liability company.

14 ~~SEC. 20.~~

15 ~~SEC. 41.~~ Section 7602 of the Business and Professions Code
16 is amended to read:

17 7602. (a) (1) There is in the department the Cemetery and
18 Funeral Bureau, under the supervision and control of the director.

19 (2) The director may appoint a chief at a salary to be fixed and
20 determined by the director, with the approval of the Director of
21 Finance. The duty of enforcing and administering this chapter is
22 vested in the chief, and the chief is responsible to the director. The
23 chief shall serve at the pleasure of the director.

24 (3) Every power granted or duty imposed upon the director
25 under this chapter may be exercised or performed in the name of
26 the director by a deputy director or by the chief, subject to
27 conditions and limitations the director may prescribe.

28 (b) Notwithstanding any other law, the powers and duties of the
29 bureau, as set forth in this chapter, shall be subject to review by
30 the appropriate policy committees of the Legislature. The review
31 shall be performed as if this chapter is scheduled to be repealed
32 on January 1, 2025.

33 ~~SEC. 21.~~

34 ~~SEC. 42.~~ Section 8000 of the Business and Professions Code
35 is amended to read:

36 8000. (a) There is in the Department of Consumer Affairs a
37 Court Reporters Board of California, which consists of five
38 members, three of whom shall be public members and two of
39 whom shall be holders of certificates issued under this chapter
40 who have been actively engaged as shorthand reporters within this

1 state for at least five years immediately preceding their
2 appointment.

3 (b) This section shall remain in effect only until January 1, 2025,
4 and as of that date is repealed.

5 (c) Notwithstanding any other law, repeal of this section renders
6 the board subject to review by the appropriate policy committees
7 of the Legislature.

8 ~~SEC. 22.~~

9 *SEC. 43.* Section 8005 of the Business and Professions Code
10 is amended to read:

11 8005. (a) The Court Reporters Board of California is charged
12 with the executive functions necessary for effectuating the purposes
13 of this chapter. It may appoint committees as it deems necessary
14 or proper. The board may appoint, prescribe the duties, and fix the
15 salary of an executive officer. Except as provided by Section 159.5,
16 the board may also employ other employees as may be necessary,
17 subject to civil service and other law.

18 (b) This section shall remain in effect only until January 1, 2025,
19 and as of that date is repealed.

20 *SEC. 44.* Section 8030.2 of the Business and Professions Code
21 is amended to read:

22 8030.2. (a) (1) To provide shorthand reporting services to
23 low-income litigants in civil cases, who are unable to otherwise
24 afford those services, funds generated by fees received by the board
25 pursuant to subdivision (c) of Section 8031 in excess of funds
26 needed to support the board's operating budget for the fiscal year
27 in which a transfer described below is made shall be used by the
28 board for the purpose of establishing and maintaining a Transcript
29 Reimbursement Fund. The Transcript Reimbursement Fund shall
30 be funded by a transfer of funds from the Court Reporters' Fund
31 in the amount of three hundred thousand dollars (\$300,000)
32 annually. The board is authorized to transfer funds in increments
33 of one hundred thousand dollars (\$100,000) for a total of three
34 hundred thousand dollars (\$300,000). Notwithstanding any other
35 provision of this article, a transfer to the Transcript Reimbursement
36 Fund in excess of the fund balance established at the beginning of
37 each fiscal year shall not be made by the board if the transfer will
38 result in the reduction of the balance of the Court Reporters' Fund
39 to an amount less than six months' operating budget.

1 (2) If funds are appropriated to the Transcript Reimbursement
2 Fund from a source other than fees received by the board pursuant
3 to subdivision (c) of Section 8031, those funds shall not be subject
4 to the annual transfer limit of three hundred thousand dollars
5 (\$300,000) described in paragraph (1).

6 (b) Refunds and unexpended funds that are anticipated to remain
7 in the Transcript Reimbursement Fund at the end of the fiscal year
8 shall be considered by the board in establishing the fee assessment
9 pursuant to Section 8031 so that the assessment shall maintain the
10 level of funding for the Transcript Reimbursement Fund, as
11 specified in subdivision (a), in the following fiscal year.

12 (c) The Transcript Reimbursement Fund is hereby created in
13 the State Treasury. Notwithstanding Section 13340 of the
14 Government Code, moneys in the Transcript Reimbursement Fund
15 are continuously appropriated for the purposes of this chapter.

16 (d) (1) Applicants who have been reimbursed pursuant to this
17 chapter for services provided to litigants and who are awarded
18 court costs or attorney's fees by judgment or by settlement
19 agreement shall refund the full amount of that reimbursement to
20 the fund within 90 days of receipt of the award or settlement.

21 (2) An applicant appearing pro se who has been reimbursed for
22 services provided to litigants under this chapter shall refund the
23 full amount reimbursed if a court orders the applicant's fee waiver
24 withdrawn or denied retroactively pursuant to Section 68636 of
25 the Government Code, within 90 days of the court's order
26 withdrawing or denying the fee waiver.

27 (e) Subject to the limitations of this chapter, the board shall
28 maintain the fund at a level that is sufficient to pay all qualified
29 claims. To accomplish this objective, the board shall utilize all
30 refunds, unexpended funds, fees, and any other moneys received
31 by the board.

32 (f) Notwithstanding Section 16346 of the Government Code,
33 all unencumbered funds remaining in the Transcript
34 Reimbursement Fund as of January 1, ~~2024~~, 2025, shall be
35 transferred to the Court Reporters' Fund.

36 (g) This section shall remain in effect only until January 1, ~~2024~~,
37 2025, and as of that date is repealed.

38 *SEC. 45. Section 8030.4 of the Business and Professions Code*
39 *is amended to read:*

40 8030.4. As used in this chapter:

1 (a) “Applicant” means a qualified legal services project,
2 qualified support center, other qualified project, or pro bono
3 attorney applying to receive funds from the Transcript
4 Reimbursement Fund established by this chapter. The term
5 “applicant” includes an indigent person appearing pro se to
6 represent themselves at any stage of the case and applying to receive
7 funds from the Transcript Reimbursement Fund established in
8 Section 8030.2.

9 (b) “Case” means a single legal proceeding from its inception,
10 through all levels of hearing, trial, and appeal, until its ultimate
11 conclusion and disposition.

12 (c) “Certified shorthand reporter” means a shorthand reporter
13 certified pursuant to Article 3 (commencing with Section 8020)
14 performing shorthand reporting services pursuant to Section 8017.

15 (d) “Developmentally Disabled Assistance Act” means the
16 Developmentally Disabled Assistance and Bill of Rights Act of
17 1975 (Public Law 94-103), as amended.

18 (e) “Fee-generating case” means any case or matter that, if
19 undertaken on behalf of an eligible client by an attorney in private
20 practice, reasonably may be expected to result in payment of a fee
21 for legal services from an award to a client, from public funds, or
22 from an opposing party. A reasonable expectation as to payment
23 of a legal fee exists wherever a client enters into a contingent fee
24 agreement with the client’s lawyer. If there is no contingent fee
25 agreement, a case is not considered fee generating if adequate
26 representation is deemed to be unavailable because of the
27 occurrence of any of the following circumstances:

28 (1) If the applicant has determined that referral is not possible
29 because of any of the following:

30 (A) The case has been rejected by the local lawyer referral
31 service, or if there is no such service, by two private attorneys who
32 have experience in the subject matter of the case.

33 (B) Neither the referral service nor any lawyer will consider the
34 case without payment of a consultation fee.

35 (C) The case is of the type that private attorneys in the area
36 ordinarily do not accept, or do not accept without prepayment of
37 a fee.

38 (D) Emergency circumstances compel immediate action before
39 referral can be made, but the client is advised that, if appropriate

1 and consistent with professional responsibility, referral will be
2 attempted at a later time.

3 (2) If recovery of damages is not the principal object of the case
4 and a request for damages is merely ancillary to an action for
5 equitable or other nonpecuniary relief or inclusion of a
6 counterclaim requesting damages is necessary for effective defense
7 or because of applicable rules governing joinder of counterclaims.

8 (3) If a court appoints an applicant or an employee of an
9 applicant pursuant to a statute or a court rule or practice of equal
10 applicability to all attorneys in the jurisdiction.

11 (4) In any case involving the rights of a claimant under a
12 public-supported benefit program for which entitlement to benefit
13 is based on need.

14 (f) (1) "Indigent person" means any of the following:

15 (A) A person whose income is 125 percent or less of the current
16 poverty threshold established by the United States Office of
17 Management and Budget.

18 (B) A person who is eligible for supplemental security income.

19 (C) A person who is eligible for, or receiving, free services
20 under the federal Older Americans Act or the Developmentally
21 Disabled Assistance Act.

22 (D) A person whose income is 75 percent or less of the
23 maximum level of income for lower income households as defined
24 in Section 50079.5 of the Health and Safety Code, for purposes of
25 a program that provides legal assistance by an attorney in private
26 practice on a pro bono basis.

27 (E) A person who qualifies for a waiver of fees pursuant to
28 Section 68632 of the Government Code.

29 (2) For the purposes of this subdivision, the income of a person
30 who is disabled shall be determined after deducting the costs of
31 medical and other disability-related special expenses.

32 (g) "Lawyer referral service" means a lawyer referral program
33 authorized by the State Bar of California pursuant to the rules of
34 professional conduct.

35 (h) "Legal Services Corporation" means the Legal Services
36 Corporation established under the Legal Services Corporation Act
37 of 1974 (Public Law 93-355), as amended.

38 (i) "Older Americans Act" means the Older Americans Act of
39 1965 (Public Law 89-73), as amended.

1 (j) “Other qualified project” means a nonprofit organization
2 formed for charitable or other public purposes, that does not receive
3 funds from the Legal Services Corporation or pursuant to the
4 federal Older Americans Act, and provides free legal services to
5 indigent persons.

6 (k) “Pro bono attorney” means any attorney, law firm, or legal
7 corporation, licensed to practice law in this state, that undertakes,
8 without charge to the party, the representation of an indigent
9 person, referred by a qualified legal services project, qualified
10 support center, or other qualified project, in a case not considered
11 to be fee generating, as defined in this chapter.

12 (l) “Qualified legal services project” means a nonprofit project,
13 incorporated and operated exclusively in California, that provides
14 as its primary purpose and function legal services without charge
15 to indigent persons, has a board of directors or advisory board
16 composed of both attorneys and consumers of legal services, and
17 provides for community participation in legal services
18 programming. A legal services project funded, either in whole or
19 in part, by the Legal Services Corporation or with the federal Older
20 Americans Act funds is presumed to be a qualified legal services
21 project for the purposes of this chapter.

22 (m) “Qualified support center” means an incorporated nonprofit
23 legal services center that has an office or offices in California that
24 provide legal services or technical assistance without charge to
25 qualified legal services projects and their clients on a multicounty
26 basis in California. A support center funded, either in whole or in
27 part, by the Legal Services Corporation or with the federal Older
28 Americans Act funds is presumed to be a qualified legal services
29 project for the purposes of this chapter.

30 (n) “Rules of professional conduct” means those rules adopted
31 by the State Bar of California pursuant to Sections 6076 and 6077.

32 (o) “Supplemental security income recipient” means an
33 individual receiving or eligible to receive payments under Title
34 XVI of the Social Security Act (Public Law 92-603), as amended,
35 or payment under Chapter 3 (commencing with Section 12000) of
36 Part 3 of Division 9 of the Welfare and Institutions Code.

37 (p) “Vexatious litigant” means a person as defined in subdivision
38 (b) of Section 391 of the Code of Civil Procedure.

39 (q) This section shall remain in effect only until January 1, ~~2024,~~
40 2025, and as of that date is repealed.

1 *SEC. 46. Section 8030.6 of the Business and Professions Code*
2 *is amended to read:*

3 8030.6. (a) The board shall disburse funds from the Transcript
4 Reimbursement Fund for the costs, exclusive of per diem charges
5 by official reporters, of preparing either an original transcript and
6 one copy thereof, or where appropriate, a copy of the transcript,
7 of court or deposition proceedings, or both, incurred as a
8 contractual obligation between the shorthand reporter and the
9 applicant, for litigation conducted in California. If there is no
10 deposition transcript, the board may reimburse the applicant or the
11 certified shorthand reporter designated in the application for per
12 diem costs. The rate of per diem for depositions shall not exceed
13 seventy-five dollars (\$75) for one-half day, or one hundred
14 twenty-five dollars (\$125) for a full day. If a transcript is ordered
15 within one year of the date of the deposition, but subsequent to
16 the per diem having been reimbursed by the Transcript
17 Reimbursement Fund, the amount of the per diem shall be deducted
18 from the regular customary charges for a transcript. Reimbursement
19 may be obtained pursuant to the following provisions:

20 (1) The applicant or certified shorthand reporter shall promptly
21 submit to the board the certified shorthand reporter's invoice for
22 transcripts together with the appropriate documentation as is
23 required by this chapter.

24 (2) Except as provided in paragraph (3), the board shall promptly
25 determine if the applicant or the certified shorthand reporter is
26 entitled to reimbursement under this chapter and shall make
27 payment as follows:

28 (A) Regular customary charges for preparation of original
29 deposition transcripts and one copy thereof, or a copy of the
30 transcripts.

31 (B) Regular customary charges for expedited deposition
32 transcripts up to a maximum of two thousand five hundred dollars
33 (\$2,500) per case.

34 (C) Regular customary charges for the preparation of original
35 transcripts and one copy thereof, or a copy of transcripts of court
36 proceedings.

37 (D) Regular customary charges for expedited or daily charges
38 for preparation of original transcripts and one copy thereof or a
39 copy of transcripts of court proceedings.

1 (E) The charges shall not include notary or handling fees. The
2 charges may include actual shipping costs and exhibits, except
3 that the cost of exhibits may not exceed thirty-five cents (\$0.35)
4 each or a total of thirty-five dollars (\$35) per transcript.

5 (3) The maximum amount reimbursable by the fund under
6 paragraph (2) shall not exceed thirty thousand dollars (\$30,000)
7 per case per year.

8 (4) A vexatious litigant shall be ineligible to receive funds from
9 the Transcript Reimbursement Fund. However, a vexatious litigant
10 may become eligible to receive funds if the vexatious litigant is
11 no longer subject to the provisions of Title 3A (*commencing with*
12 *Section 391*) of Part 2 of the Code of Civil Procedure pursuant to
13 Section 391.8 of Code of Civil Procedure.

14 (5) Disbursements to cover the costs of providing transcripts to
15 all applicants appearing pro se pursuant to this section shall not
16 exceed two thousand five hundred dollars (\$2,500) per case.

17 (6) If entitled, and funds are available, the board shall disburse
18 the appropriate sum to the applicant or the certified shorthand
19 reporter when the documentation described in Section 8030.8
20 accompanies the application. A notice shall be sent to the recipient
21 requiring the recipient to file a notice with the court in which the
22 action is pending stating the sum of reimbursement paid pursuant
23 to this section. The notice filed with the court shall also state that
24 if the sum is subsequently included in any award of costs made in
25 the action, that the sum is to be ordered refunded by the applicant
26 to the Transcript Reimbursement Fund whenever the sum is
27 actually recovered as costs. The court shall not consider whether
28 payment has been made from the Transcript Reimbursement Fund
29 in determining the appropriateness of any award of costs to the
30 parties. The board shall also notify the applicant that the reimbursed
31 sum has been paid to the certified shorthand reporter and shall
32 notify the applicant of the duty to refund any of the sum actually
33 recovered as costs in the action.

34 (7) If not entitled, the board shall return a copy of the invoice
35 to the applicant and the designated certified shorthand reporter
36 together with a notice stating the grounds for denial.

37 (8) The board shall complete its actions under this section within
38 30 days of receipt of the invoice and all required documentation,
39 including a completed application.

1 (9) Applications for reimbursements from the fund shall be filed
2 on a first-come-first-served basis.

3 (10) Applications for reimbursement that cannot be paid from
4 the fund due to insufficiency of the fund for that fiscal year shall
5 be held over until the next fiscal year to be paid out of the renewed
6 fund. Applications held over shall be given a priority standing in
7 the next fiscal year.

8 (b) This section shall remain in effect only until January 1, ~~2024,~~
9 ~~2025~~, and as of that date is repealed.

10 *SEC. 47. Section 8030.8 of the Business and Professions Code*
11 *is amended to read:*

12 8030.8. (a) For purposes of this chapter, documentation
13 accompanying an invoice is sufficient to establish entitlement for
14 reimbursement from the Transcript Reimbursement Fund if it is
15 filed with the executive officer on an application form prescribed
16 by the board that is complete in all respects, and that establishes
17 all of the following:

18 (1) The case name and number and that the litigant or litigants
19 requesting the reimbursement are indigent persons. If the applicant
20 is an indigent person appearing pro se the application shall be
21 accompanied by a copy of the fee waiver form approved by the
22 court in the matter for which the applicant seeks reimbursement.

23 (2) The applicant is qualified under the provisions of this
24 chapter.

25 (3) The case is not a fee-generating case, as defined in Section
26 8030.4.

27 (4) The invoice or other documentation shall evidence that the
28 certified shorthand reporter to be reimbursed was, at the time the
29 services were rendered, a duly licensed certified shorthand reporter.

30 (5) The invoice shall be accompanied by a statement, signed by
31 the applicant, stating that the charges are for transcripts actually
32 provided as indicated on the invoice.

33 (6) The applicant has acknowledged, in writing, that as a
34 condition of entitlement for reimbursement that the applicant agrees
35 to refund the entire amount disbursed from the Transcript
36 Reimbursement Fund from any costs or attorney's fees awarded
37 to the applicant by the court or provided for in any settlement
38 agreement in the case.

39 (7) The certified shorthand reporter's invoice for transcripts
40 shall include separate itemizations of charges claimed, as follows:

1 (A) Total charges and rates for customary services in preparation
2 of an original transcript and one copy or a copy of the transcript
3 of depositions.

4 (B) Total charges and rates for expedited deposition transcripts.

5 (C) Total charges and rates in connection with transcription of
6 court proceedings.

7 (b) For an applicant claiming to be eligible pursuant to
8 subdivision (j), (l), or (m) of Section 8030.4, a letter from the
9 director of the project or center, certifying that the project or center
10 meets the standards set forth in one of those subdivisions and that
11 the litigant or litigants are indigent persons, is sufficient
12 documentation to establish eligibility.

13 (c) For an applicant claiming to be eligible pursuant to
14 subdivision (k) of Section 8030.4, a letter certifying that the
15 applicant meets the requirements of that subdivision, that the case
16 is not a fee-generating case, as defined in subdivision (e) of Section
17 8030.4, and that the litigant or litigants are indigent persons,
18 together with a letter from the director of a project or center defined
19 in subdivision (j), (l), or (m) of Section 8030.4 certifying that the
20 litigant or litigants had been referred by that project or center to
21 the applicant, is sufficient documentation to establish eligibility.

22 (d) The applicant may receive reimbursement directly from the
23 board if the applicant has previously paid the certified shorthand
24 reporter for transcripts as provided in Section 8030.6. To receive
25 payment directly, the applicant shall submit, in addition to all other
26 required documentation, an itemized statement signed by the
27 certified shorthand reporter performing the services that describes
28 payment for transcripts in accordance with the requirements of
29 Section 8030.6.

30 (e) The board may prescribe appropriate forms to be used by
31 applicants and certified shorthand reporters to facilitate these
32 requirements.

33 (f) This chapter does not restrict the contractual obligation or
34 payment for services, including, but not limited to, billing the
35 applicant directly, during the pendency of the claim.

36 (g) This section shall remain in effect only until January 1, ~~2024~~,
37 2025, and as of that date is repealed.

38 *SEC. 48. Section 8050 of the Business and Professions Code,*
39 *as amended by Section 2 of Chapter 214 of the Statutes of 2021,*
40 *is amended to read:*

1 8050. (a) It is the intent of the Legislature to enhance the
2 regulation of licensed shorthand reporters and shorthand reporting
3 corporations pursuant to this section, by imposing specific penalties
4 in addition to other remedies permitted by this chapter that seek
5 to discourage practices that are inconsistent with the integrity and
6 impartiality required of officers of the court, to promote
7 competition based upon the quality and price of shorthand reporting
8 services, and to ensure consistent regulation of corporations owned
9 by certificate holders and those not owned by certificate holders.

10 (b) This section shall apply to an individual or entity that does
11 any of the following:

12 (1) Any act that constitutes shorthand reporting that occurs
13 wholly or partly in this state.

14 (2) Employs, independently contracts with, or recruits a licensed
15 shorthand reporter to report or transcribe deposition testimony in
16 a court proceeding or in a deposition.

17 (3) Contracts with a resident of this state by mail or otherwise
18 that requires either party to perform licensed shorthand reporting
19 wholly or partly in this state.

20 (4) Independently contracts with or is employed by an entity
21 that does any of the acts described in paragraphs (1) to (3),
22 inclusive.

23 (c) (1) This section does not apply to an individual, whether
24 acting as an individual or as an officer, director, or shareholder of
25 a shorthand reporting corporation, as defined in Section 8040, who
26 possesses a valid license, issued pursuant to Section 8018 or a
27 valid registration issued pursuant to Section 8051, that may be
28 revoked or suspended by the board, or to a shorthand reporting
29 corporation that is in compliance with Section 8044.

30 (2) This section does not apply to a court, a party to litigation,
31 an attorney of a party, or a full-time employee of a party or the
32 attorney of a party, who provides or contracts for certified
33 shorthand reporting for purposes related to the litigation.

34 (d) An individual or entity described in subdivision (b) shall
35 not do any of the following:

36 (1) Seek compensation for a transcript that is in violation of the
37 minimum transcript format standards set forth in Section 2473 of
38 Article 8 of Division 24 of Title 16 of the California Code of
39 Regulations.

1 (2) Seek compensation for a certified court transcript applying
2 fees higher than those set out in Section 69950 of the Government
3 Code.

4 (3) Make a transcript available to one party in advance of other
5 parties, as described in subdivision (d) of Section 2025.510 of the
6 Code of Civil Procedure, or offer or provide a service to only one
7 party as described in subdivision (b) of Section 2025.320 of the
8 Code of Civil Procedure.

9 (4) Fail to promptly notify a party of a request for preparation
10 of all or any part of a transcript, excerpts, or expedites for one
11 party without the other parties' knowledge, as described in
12 paragraph (5) of subdivision (b) of Section 2475 of Article 8 of
13 Division 24 of Title 16 of the California Code of Regulations.

14 (e) Nothing in this section shall be construed to prohibit a
15 licensed shorthand reporter, shorthand reporting corporation, or
16 an individual or entity described in subdivision (b), from offering
17 or providing long-term or multicase volume discounts or services
18 ancillary to reporting and transcribing a deposition, arbitration, or
19 judicial proceeding in contracts that are subject to laws related to
20 shorthand reporting.

21 (f) An individual or entity that violates this section shall be
22 subject to a civil fine not exceeding ten thousand dollars (\$10,000)
23 per violation.

24 (g) The Attorney General, a district attorney, a city attorney, or
25 the board may bring a civil action for a violation of this section,
26 including an action for injunctive relief and any other appropriate
27 relief, and shall be entitled, if they are the prevailing party, to
28 recover reasonable attorney's fees.

29 (h) This section shall remain in effect only until January 1, ~~2024,~~
30 ~~2025,~~ and as of that date is repealed.

31 *SEC. 49. Section 8050 of the Business and Professions Code,*
32 *as added by Section 3 of Chapter 214 of the Statutes of 2021, is*
33 *amended to read:*

34 8050. (a) It is the intent of the Legislature to enhance the
35 regulation of licensed shorthand reporters and shorthand reporting
36 corporations pursuant to this section, by imposing specific penalties
37 in addition to other remedies permitted by this chapter that seek
38 to discourage practices that are inconsistent with the integrity and
39 impartiality required of officers of the court and to promote

1 competition based upon the quality and price of shorthand reporting
2 services.

3 (b) This section shall apply to an individual or entity that does
4 any of the following:

5 (1) Any act that constitutes shorthand reporting that occurs
6 wholly or partly in this state.

7 (2) Employs, independently contracts with, or recruits a licensed
8 shorthand reporter to report or transcribe deposition testimony in
9 a court proceeding or in a deposition.

10 (3) Contracts with a resident of this state by mail or otherwise
11 that requires either party to perform licensed shorthand reporting
12 wholly or partly in this state.

13 (4) Independently contracts with or is employed by an entity
14 that does any of the acts described in paragraphs (1) to (3),
15 inclusive.

16 (c) (1) This section does not apply to an individual, whether
17 acting as an individual or as an officer, director, or shareholder of
18 a shorthand reporting corporation, as defined in Section 8040, who
19 possesses a valid license, issued pursuant to Section 8018, that
20 may be revoked or suspended by the board, or to a shorthand
21 reporting corporation that is in compliance with Section 8044.

22 (2) This section does not apply to a court, a party to litigation,
23 an attorney of the party, or a full-time employee of the party or
24 the attorney of the party, who provides or contracts for certified
25 shorthand reporting for purposes related to the litigation.

26 (d) An individual or entity described in subdivision (b) shall
27 not do any of the following:

28 (1) Seek compensation for a transcript that is in violation of the
29 minimum transcript format standards set forth in Section 2473 of
30 Article 8 of Division 24 of Title 16 of the California Code of
31 Regulations.

32 (2) Seek compensation for a certified court transcript applying
33 fees other than those set out in Section 69950 of the Government
34 Code.

35 (3) Make a transcript available to one party in advance of other
36 parties, as described in subdivision (d) of Section 2025.510 of the
37 Code of Civil Procedure, or offer or provide a service to only one
38 party as described in subdivision (b) of Section 2025.320 of the
39 Code of Civil Procedure.

1 (4) Fail to promptly notify a party of a request for preparation
2 of all or any part of a transcript, excerpts, or expedites for one
3 party without the other parties' knowledge, as described in
4 paragraph (5) of subdivision (b) of Section 2475 of Article 8 of
5 Division 24 of Title 16 of the California Code of Regulations.

6 (e) Nothing in this section shall be construed to prohibit a
7 licensed shorthand reporter, shorthand reporting corporation, or
8 an individual or entity described in subdivision (b), from offering
9 or providing long-term or multicase volume discounts or services
10 ancillary to reporting and transcribing a deposition, arbitration, or
11 judicial proceeding in contracts that are subject to laws related to
12 shorthand reporting.

13 (f) An individual or entity that violates this section shall be
14 subject to a civil fine not exceeding ten thousand dollars (\$10,000)
15 per violation.

16 (g) The Attorney General, a district attorney, a city attorney, or
17 the board may bring a civil action for a violation of this section,
18 including an action for injunctive relief and any other appropriate
19 relief, and shall be entitled, if they are the prevailing party, to
20 recover reasonable attorney's fees.

21 (h) This section shall become operative on January 1, ~~2024~~.
22 2025.

23 *SEC. 50. Section 8051 of the Business and Professions Code*
24 *is amended to read:*

25 8051. (a) On and after July 1, 2022, an entity that is not a
26 shorthand reporting corporation may, wherever incorporated in
27 the United States, engage in the conduct described in subdivision
28 (b) of Section 8050 if it is approved for registration by the board
29 after meeting all of the following requirements:

30 (1) The entity pays an annual registration fee to the board, in
31 an amount determined by the board, not to exceed five hundred
32 dollars (\$500). The fee shall not exceed the board's cost of
33 administering this section.

34 (2) The entity has designated a board-certified reporter-in-charge
35 who is a full-time employee of the registered entity and a resident
36 of California, and who holds a currently valid California license
37 at all times as a certified shorthand reporter where the certificate
38 holder has no restrictions on their license and is not subject to a
39 pending board accusation or investigation at the time of the entity's
40 application for registration. The reporter-in-charge shall be

1 responsible to the board for an entity's compliance with all state
2 laws and regulations pertaining to and within the scope of the
3 practice of certified shorthand reporting and any acts of the entity
4 pertaining to and within the scope of the practice of a certificate
5 holder shall be deemed acts of the reporter-in-charge. Nothing in
6 this paragraph shall be construed as permitting the board to restrict,
7 suspend, or revoke the license of a reporter-in-charge for conduct
8 committed or directed by another person unless the
9 reporter-in-charge had knowledge of or knowingly participated in
10 such conduct.

11 (3) The entity agrees in the registration to abide by the laws,
12 regulations, and standards of practice applicable to businesses that
13 render shorthand reporting services pursuant to Section 13401 of
14 the Corporations Code, except for the requirements of Sections
15 8040 and 8044.

16 (b) An entity shall provide the board with all of the following
17 information for consideration of initial registration pursuant to
18 subdivision (a):

19 (1) The name and certificate number of the entity's certified
20 reporter-in-charge.

21 (2) Whether the entity, a controlling officer or parent corporation
22 of the entity, the entity's reporter-in-charge, or any of its officers,
23 employees, or independent contractors, has been subject to any
24 enforcement action, relating to the provision of court reporting
25 services, by a state or federal agency within five years before
26 submitting the initial registration. If so, the entity shall provide
27 the board a copy of the operative complaint with the initial
28 registration.

29 (3) Whether the entity, within five years before submitting the
30 registration, has settled, or been adjudged to have liability for, a
31 civil complaint alleging the entity or the entity's reporter-in-charge
32 engaged in misconduct relating to the provision of court reporting
33 services for more than fifty thousand dollars (\$50,000).

34 (4) Any additional documentation the board reasonably deems
35 necessary for consideration in the initial registration process.

36 (c) Within 90 days of receiving a completed application for
37 initial registration, including any disclosures made pursuant to
38 subdivision (b), the board shall either approve the entity's
39 registration or deny the application upon a finding that a substantial
40 risk would be posed to the public, which shall be subsequently

1 provided to the applicant in writing with specificity as to the basis
2 of that finding.

3 (d) A registration issued by the board pursuant to this section
4 shall be valid for one year, at which time it may be approved for
5 renewal by the board upon meeting the requirements of subdivision
6 (a).

7 (e) A registered entity shall notify the board in writing within
8 30 days of the date when a reporter-in-charge ceases to act as the
9 reporter-in-charge and propose another certificate holder to take
10 over as the reporter-in-charge. The proposed replacement
11 reporter-in-charge shall be subject to approval by the board. If
12 disapproved, the entity shall propose another replacement within
13 15 days of the date of disapproval and shall continue to name
14 proposed replacements until a reporter-in-charge is approved by
15 the board.

16 (f) The board shall revoke the registration of an entity if the
17 board determines the entity:

18 (1) Engaged, in whole or in part, through officers, employees,
19 or independent contractors that are not certificate holders, in acts
20 that are within the scope of practice of a certificate holder, unless
21 otherwise permitted by law.

22 (2) Directed or authorized the reporter-in-charge to violate state
23 laws or regulations pertaining to shorthand reporting or offering
24 financial incentives to the reporter-in-charge for engaging in acts
25 that violate state law.

26 (g) In addition to revoking an entity's registration as required
27 by subdivision (f), a registration issued under this section may be
28 revoked, suspended, denied, restricted, or subjected to other
29 disciplinary action as the board deems fit for violations of the laws
30 or regulations pertaining to shorthand reporting by the entity's
31 officers, employees, or independent contractors, including the
32 issuance of citations and fines.

33 (h) The board shall consider suspending the registration of an
34 entity for a minimum of one year if the license of its
35 reporter-in-charge is suspended or revoked for violating this section
36 more than twice in a consecutive five-year period.

37 (i) An entity shall have the right to reasonable notice and
38 opportunity to comment to and before the board regarding any
39 determination to deny or revoke registration before that
40 determination becomes final. An entity may seek review of a board

1 decision to deny or revoke registration under this section either in
2 an administrative hearing under Chapter 5 (commencing with
3 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
4 Code or through an action brought pursuant to Section 1085 of the
5 Code of Civil Procedure.

6 (j) A certificate holder shall not engage in the practice of
7 shorthand reporting on behalf of an entity that the reporter knows
8 or should know is not registered with the board and shall verify
9 whether a person or entity is registered with the board before
10 engaging in the practice of shorthand reporting on behalf of that
11 person or entity.

12 (k) The board shall create and make available on its internet
13 website a directory of registered entities. The board shall not take
14 action against a certificate holder solely for a violation of
15 subdivision (j) if the certificate holder reasonably relied on the
16 board's directory stating that the entity was registered at the time.

17 (l) The board may adopt regulations to implement this section.

18 (m) This section shall remain in effect only until January 1,
19 ~~2024~~, 2025, and as of that date is repealed.

20 *SEC. 51. Section 8710 of the Business and Professions Code*
21 *is amended to read:*

22 8710. (a) The Board for Professional Engineers, Land
23 Surveyors, and Geologists is vested with power to administer the
24 provisions and requirements of this chapter, and may make and
25 enforce rules and regulations that are reasonably necessary to carry
26 out its provisions.

27 (b) The board may adopt rules and regulations of professional
28 conduct that are not inconsistent with state and federal law. The
29 rules and regulations may include definitions of incompetence and
30 negligence. Every person who holds a license or certificate issued
31 by the board pursuant to this chapter, or a license or certificate
32 issued to a civil engineer pursuant to Chapter 7 (commencing with
33 Section 6700), shall be governed by these rules and regulations.

34 (c) This section shall remain in effect only until January 1, ~~2024~~,
35 2025, and as of that date is repealed. Notwithstanding any other
36 law, the repeal of this section renders the board subject to review
37 by the appropriate policy committees of the Legislature.

38 ~~SEC. 23.~~

39 *SEC. 52. Section 9812.5 of the Business and Professions Code*
40 *is amended to read:*

1 9812.5. The director shall gather evidence of violations of this
2 chapter and of any regulation established hereunder by any service
3 contractor, whether registered or not, and by any employee, partner,
4 officer, or member of any service contractor. The director shall,
5 on their own initiative, conduct spot check investigations of service
6 contractors throughout the state on a continuous basis.

7 This section shall remain in effect only until January 1, 2024,
8 and as of that date is repealed.

9 *SEC. 53. Section 9830.5 of the Business and Professions Code*
10 *is amended to read:*

11 9830.5. (a) Each service contractor shall pay the fee required
12 by this chapter for each place of business operated by ~~him or her~~
13 *them* in this state and shall register with the bureau upon forms
14 prescribed by the director. The forms shall contain sufficient
15 information to identify the service contractor, including name,
16 address, retail seller's permit number, if a permit is required under
17 the Sales and Use Tax Law (Part 1 (commencing with Section
18 6001) of Division 2 of the Revenue and Taxation Code), a copy
19 of the certificate of qualification as filed with the Secretary of State
20 if the service contractor is a foreign corporation, and other
21 identifying data to be prescribed by the bureau. If the business is
22 to be carried on under a fictitious name, that fictitious name shall
23 be stated. If the service contractor is a partnership, identifying data
24 shall be stated for each partner. If the service contractor is a private
25 company that does not file an annual report on Form 10-K with
26 the Securities and Exchange Commission, data shall be included
27 for each of the officers and directors of the company as well as for
28 the individual in charge of each place of the service contractor's
29 business in the State of California, subject to any regulations the
30 director may adopt. If the service contractor is a publicly held
31 corporation or a private company that files an annual report on
32 Form 10-K with the Securities and Exchange Commission, it shall
33 be sufficient for purposes of providing data for each of the officers
34 and directors of the corporation or company to file with the director
35 the most recent annual report on Form 10-K that is filed with the
36 Securities and Exchange Commission.

37 (b) A service contractor who does not operate a place of business
38 in this state but who sells, issues, or administers service contracts
39 in this state, shall hold a valid registration issued by the bureau

1 and shall pay the registration fee required by this chapter as if ~~he~~
2 ~~or she~~ they had a place of business in this state.

3 (c) This section shall remain in effect only until January 1, ~~2023,~~
4 2024, and as of that date is repealed.

5 ~~SEC. 24.~~

6 *SEC. 54.* Section 9832.5 of the Business and Professions Code
7 is amended to read:

8 9832.5. (a) Registrations issued under this chapter shall expire
9 no more than 12 months after the issue date. The expiration date
10 of registrations shall be set by the director in a manner to best
11 distribute renewal procedures throughout the year.

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

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

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

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

29 (f) This section shall remain in effect only until January 1, 2024,
30 and as of that date is repealed.

31 ~~SEC. 25.~~

32 *SEC. 55.* Section 9847.5 of the Business and Professions Code
33 is amended to read:

34 9847.5. (a) Each service contractor shall maintain those records
35 as are required by the regulations adopted to carry out the
36 provisions of this chapter for a period of at least three years. These
37 records shall be open for reasonable inspection by the director or
38 other law enforcement officials.

39 (b) This section shall remain in effect only until January 1, 2024,
40 and as of that date is repealed.

1 ~~SEC. 26.~~

2 *SEC. 56.* Section 9849 of the Business and Professions Code,
3 as amended by Section 12 of Chapter 578 of the Statutes of 2018,
4 is amended to read:

5 9849. (a) The expiration of a valid registration shall not deprive
6 the director of jurisdiction to proceed with any investigation or
7 hearing on a cease and desist order against a service dealer or
8 service contractor or to render a decision to suspend, revoke, or
9 place on probation a registration.

10 (b) This section shall remain in effect only until January 1, 2024,
11 and as of that date is repealed.

12 ~~SEC. 27.~~

13 *SEC. 57.* Section 9849 of the Business and Professions Code,
14 as amended by Section 13 of Chapter 578 of the Statutes of 2018,
15 is amended to read:

16 9849. (a) The expiration of a valid registration shall not deprive
17 the director of jurisdiction to proceed with any investigation or
18 hearing on a cease and desist order against a service dealer or to
19 render a decision to suspend, revoke, or place on probation a
20 registration.

21 (b) This section shall become operative on January 1, 2024.

22 ~~SEC. 28.~~

23 *SEC. 58.* Section 9851 of the Business and Professions Code,
24 as amended by Section 14 of Chapter 578 of the Statutes of 2018,
25 is amended to read:

26 9851. (a) The superior court in and for the county wherein any
27 person carries on, or attempts to carry on, business as a service
28 dealer or service contractor in violation of the provisions of this
29 chapter, or any regulation thereunder, shall, on application of the
30 director, issue an injunction or other appropriate order restraining
31 that conduct.

32 (b) The proceedings under this section shall be governed by
33 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
34 the Code of Civil Procedure, except that the director shall not be
35 required to allege facts necessary to show or tending to show lack
36 of an adequate remedy at law or irreparable injury.

37 (c) This section shall remain in effect only until January 1, 2024,
38 and as of that date is repealed.

1 ~~SEC. 29.~~

2 *SEC. 59.* Section 9851 of the Business and Professions Code,
3 as amended by Section 15 of Chapter 578 of the Statutes of 2018,
4 is amended to read:

5 9851. (a) The superior court in and for the county wherein any
6 person carries on, or attempts to carry on, business as a service
7 dealer in violation of the provisions of this chapter, or any
8 regulation thereunder, shall, on application of the director, issue
9 an injunction or other appropriate order restraining that conduct.

10 (b) The proceedings under this section shall be governed by
11 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
12 the Code of Civil Procedure, except that the director shall not be
13 required to allege facts necessary to show or tending to show lack
14 of an adequate remedy at law or irreparable injury.

15 (c) This section shall become operative on January 1, 2024.

16 ~~SEC. 30.~~

17 *SEC. 60.* Section 9853 of the Business and Professions Code,
18 as amended by Section 16 of Chapter 578 of the Statutes of 2018,
19 is amended to read:

20 9853. (a) A plea or verdict of guilty or a conviction following
21 a plea of nolo contendere made to a charge substantially related
22 to the qualifications, functions, and duties of a service dealer or
23 service contractor is deemed to be a conviction within the meaning
24 of this article. The director may suspend, revoke, or place on
25 probation a registration, or may deny registration, when the time
26 for appeal has elapsed, or the judgment of conviction has been
27 affirmed on appeal or when an order granting probation is made
28 suspending the imposition of sentence, irrespective of a subsequent
29 order under Section 1203.4 of the Penal Code, allowing that person
30 to withdraw their plea of guilty and to enter a plea of not guilty,
31 or setting aside the verdict of guilty, or dismissing the accusation,
32 information, or indictment.

33 (b) This section shall remain in effect only until January 1, 2024,
34 and as of that date is repealed.

35 ~~SEC. 31.~~

36 *SEC. 61.* Section 9853 of the Business and Professions Code,
37 as amended by Section 17 of Chapter 578 of the Statutes of 2018,
38 is amended to read:

39 9853. (a) A plea or verdict of guilty or a conviction following
40 a plea of nolo contendere made to a charge substantially related

1 to the qualifications, functions, and duties of a service dealer is
2 deemed to be a conviction within the meaning of this article. The
3 director may suspend, revoke, or place on probation a registration,
4 or may deny registration, when the time for appeal has elapsed, or
5 the judgment of conviction has been affirmed on appeal or when
6 an order granting probation is made suspending the imposition of
7 sentence, irrespective of a subsequent order under Section 1203.4
8 of the Penal Code allowing that person to withdraw their plea of
9 guilty and to enter a plea of not guilty, or setting aside the verdict
10 of guilty, or dismissing the accusation, information, or indictment.

11 (b) This section shall become operative January 1, 2024.

12 ~~SEC. 32.~~

13 *SEC. 62.* Section 9855.9 of the Business and Professions Code
14 is amended to read:

15 9855.9. This article shall remain in effect only until January
16 1, 2024, and as of that date is repealed.

17 ~~SEC. 33.~~

18 *SEC. 63.* Section 9860 of the Business and Professions Code,
19 as amended by Section 22 of Chapter 578 of the Statutes of 2018,
20 is amended to read:

21 9860. (a) The director shall establish procedures for accepting
22 complaints from the public against any service dealer or service
23 contractor.

24 (b) This section shall remain in effect only until January 1, 2024,
25 and as of that date is repealed.

26 ~~SEC. 34.~~

27 *SEC. 64.* Section 9860 of the Business and Professions Code,
28 as amended by Section 23 of Chapter 578 of the Statutes of 2018,
29 is amended to read:

30 9860. (a) The director shall establish procedures for accepting
31 complaints from the public against any service dealer.

32 (b) This section shall become operative on January 1, 2024.

33 ~~SEC. 35.~~

34 *SEC. 65.* Section 9862.5 of the Business and Professions Code
35 is amended to read:

36 9862.5. (a) If a complaint indicates a possible violation of this
37 chapter or of the regulations adopted pursuant to this chapter, the
38 director may advise the service contractor of the contents of the
39 complaint and, if the service contractor is so advised, the director

1 shall make a summary investigation of the facts after the service
2 contractor has had reasonable opportunity to reply thereto.

3 (b) This section shall remain in effect only until January 1, 2024,
4 and as of that date is repealed.

5 ~~SEC. 36.~~

6 *SEC. 66.* Section 9863 of the Business and Professions Code,
7 as amended by Section 25 of Chapter 578 of the Statutes of 2018,
8 is amended to read:

9 9863. (a) If, upon summary investigation, it appears probable
10 to the director that a violation of this chapter, or the regulations
11 thereunder, has occurred, the director, in their discretion, may
12 suggest measures that in the director's judgment would compensate
13 the complainant for the damages they suffered as a result of the
14 alleged violation. If the service dealer or service contractor accepts
15 the director's suggestions and performs accordingly, the director
16 shall give that fact due consideration in any subsequent disciplinary
17 proceeding. If the service dealer or service contractor declines to
18 abide by the suggestions of the director, the director may
19 investigate further and may institute disciplinary proceedings in
20 accordance with the provisions of this chapter.

21 (b) This section shall remain in effect only until January 1, 2024,
22 and as of that date is repealed.

23 ~~SEC. 37.~~

24 *SEC. 67.* Section 9863 of the Business and Professions Code,
25 as amended by Section 26 of Chapter 578 of the Statutes of 2018,
26 is amended to read:

27 9863. (a) If, upon summary investigation, it appears probable
28 to the director that a violation of this chapter, or the regulations
29 thereunder, has occurred, the director, in their discretion, may
30 suggest measures that in the director's judgment would compensate
31 the complainant for the damages they suffered as a result of the
32 alleged violation. If the service dealer accepts the director's
33 suggestions and performs accordingly, the director shall give that
34 fact due consideration in any subsequent disciplinary proceeding.
35 If the service dealer declines to abide by the suggestions of the
36 director, the director may investigate further and may institute
37 disciplinary proceedings in accordance with the provisions of this
38 chapter.

39 (b) This section shall become operative on January 1, 2024.

1 *SEC. 68. Section 9873 of the Business and Professions Code,*
2 *as added by Section 3 of Chapter 29 of the Statutes of 2019, is*
3 *amended to read:*

4 9873. The fees prescribed by this chapter shall be set by the
5 director by regulation, according to the following schedule:

6 (a) (1) The initial registration fee for an electronic repair
7 industry service dealer or for an appliance repair industry service
8 dealer is not more than two hundred five dollars (\$205) for each
9 place of business in this state. The initial registration fee for a
10 service contractor is not more than ninety-five dollars (\$95) for
11 each place of business in this state.

12 (2) The initial registration fee for a person who engages in
13 business as both an electronic repair industry service dealer and
14 an appliance repair industry service dealer is not more than four
15 hundred five dollars (\$405) for each place of business in this state.
16 The initial registration fee for a person who is a service contractor
17 and engages in business as either an electronic repair industry
18 service dealer or an appliance repair industry service dealer is not
19 more than three hundred dollars (\$300) for each place of business
20 in this state.

21 (3) The initial registration fee for a person who engages in both
22 the electronic repair industry and the appliance repair industry as
23 a service dealer and is a service contractor is not more than five
24 hundred dollars (\$500) for each place of business in this state.

25 (4) A service dealer or service contractor who does not operate
26 a place of business in this state, but engages in the electronic repair
27 industry or the appliance repair industry, or sells, issues, or
28 administers service contracts in this state, shall pay the registration
29 fee specified herein as if that service dealer or service contractor
30 had a place of business in this state.

31 (b) (1) The annual registration renewal fee for an electronic
32 repair industry service dealer or for an appliance repair industry
33 service dealer is not more than two hundred five dollars (\$205)
34 for each place of business in this state, if renewed prior to its
35 expiration date. The annual registration renewal fee for a service
36 contractor is ninety-five dollars (\$95) for each place of business
37 in this state, if renewed prior to its expiration date.

38 (2) The annual renewal fee for a service dealer who engages in
39 the business as both an electronic repair industry service dealer

1 and an appliance repair industry service dealer is not more than
2 four hundred dollars (\$400) for each place of business in this state.

3 (3) The annual renewal fee for a service dealer who engages in
4 the electronic repair industry and the appliance repair industry and
5 is a service contractor is not more than four hundred seventy-five
6 dollars (\$475) for each place of business in this state.

7 (4) A service dealer or service contractor who does not operate
8 a place of business in this state, but who engages in the electronic
9 repair industry or the appliance repair industry, or sells or issues
10 service contracts in this state, shall pay the renewal fee specified
11 herein as if that service dealer or service contractor had a place of
12 business in this state.

13 (c) The delinquency fee is an amount equal to 50 percent of the
14 renewal fee for a license in effect on the date of renewal of the
15 license, except as otherwise provided in Section 163.5.

16 (d) This section shall remain in effect only until January 1,
17 ~~2023~~, 2024, and as of that date is repealed.

18 *SEC. 69. Section 9873 of the Business and Professions Code,*
19 *as added by Section 4 of Chapter 29 of the Statutes of 2019, is*
20 *amended to read:*

21 9873. The fees prescribed by this chapter shall be set by the
22 director by regulation, according to the following schedule:

23 (a) The initial registration fee for an electronic repair industry
24 service dealer or for an appliance repair industry service dealer is
25 not more than two hundred five dollars (\$205) for each place of
26 business in this state. The initial registration fee for a person who
27 engages in business as both an electronic repair industry service
28 dealer and an appliance repair industry service dealer is not more
29 than four hundred five dollars (\$405).

30 (b) The annual registration renewal fee for an electronic repair
31 industry service dealer or for an appliance repair industry service
32 dealer is not more than two hundred five dollars (\$205) for each
33 place of business in this state, if renewed prior to its expiration
34 date. The annual renewal fee for a service dealer who engages in
35 the business as both an electronic repair industry service dealer
36 and an appliance repair industry service dealer is not more than
37 four hundred dollars (\$400).

38 (c) The delinquency fee is an amount equal to 50 percent of the
39 renewal fee for a license in effect on the date of renewal of the
40 license, except as otherwise provided in Section 163.5.

1 (d) This section shall become operative on January 1, ~~2023~~.
2 2024.

3 ~~SEC. 38.~~

4 *SEC. 70.* Section 18602 of the Business and Professions Code
5 is amended to read:

6 18602. (a) Except as provided in this section, there is in the
7 Department of Consumer Affairs the State Athletic Commission,
8 which consists of seven members. Five members shall be appointed
9 by the Governor, one member shall be appointed by the Senate
10 Committee on Rules, and one member shall be appointed by the
11 Speaker of the Assembly.

12 The members of the commission appointed by the Governor are
13 subject to confirmation by the Senate pursuant to Section 1322 of
14 the Government Code.

15 No person who is currently licensed, or who was licensed within
16 the last two years, under this chapter may be appointed or
17 reappointed to, or serve on, the commission.

18 (b) In appointing commissioners under this section, the
19 Governor, the Senate Committee on Rules, and the Speaker of the
20 Assembly shall make every effort to ensure that at least four of
21 the members of the commission shall have experience and
22 demonstrate expertise in one of the following areas:

23 (1) A licensed physician or surgeon having expertise or
24 specializing in neurology, neurosurgery, head trauma, or sports
25 medicine. Sports medicine includes, but is not limited to,
26 physiology, kinesiology, or other aspects of sports medicine.

27 (2) Financial management.

28 (3) Public safety.

29 (4) Past experience in the activity regulated by this chapter,
30 either as a contestant, a referee or official, a promoter, or a venue
31 operator.

32 (c) Each member of the commission shall be appointed for a
33 term of four years. All terms shall end on January 1. Vacancies
34 occurring prior to the expiration of the term shall be filled by
35 appointment for the unexpired term. No commission member may
36 serve more than two consecutive terms.

37 (d) Notwithstanding any other provision of this chapter,
38 members first appointed shall be subject to the following terms:

39 (1) The Governor shall appoint two members for two years, two
40 members for three years, and one member for four years.

1 (2) The Senate Committee on Rules shall appoint one member
2 for four years.

3 (3) The Speaker of the Assembly shall appoint one member for
4 four years.

5 (e) (1) This section shall remain in effect only until January 1,
6 2025, and as of that date is repealed.

7 (2) Notwithstanding any other law, the repeal of this section
8 renders the board subject to review by the appropriate policy
9 committees of the Legislature.

10 ~~SEC. 39.~~

11 *SEC. 71.* Section 18613 of the Business and Professions Code
12 is amended to read:

13 18613. (a) (1) The commission shall appoint a person exempt
14 from civil service who shall be designated as an executive officer
15 and who shall exercise the powers and perform the duties delegated
16 by the commission and vested in the executive officer by this
17 chapter. The appointment of the executive officer is subject to the
18 approval of the Director of Consumer Affairs.

19 (2) The commission may employ a chief athletic inspector. If
20 the commission employs a chief athletic inspector, the chief athletic
21 inspector shall exercise the powers and perform the duties delegated
22 by the commission and authorized by the executive officer related
23 to the regulation of events under this chapter.

24 (3) The commission may employ an assistant chief athletic
25 inspector. If the commission employs an assistant chief athletic
26 inspector, the assistant chief athletic inspector shall assist the chief
27 athletic inspector in exercising the powers and performing the
28 duties delegated by the commission and authorized by the executive
29 officer related to the regulation of events under this chapter.

30 (4) The commission may employ in accordance with Section
31 154 other personnel as may be necessary for the administration of
32 this chapter.

33 (b) This section shall remain in effect only until January 1, 2025,
34 and as of that date is repealed.

35 *SEC. 72. No reimbursement is required by this act pursuant*
36 *to Section 6 of Article XIII B of the California Constitution because*
37 *the only costs that may be incurred by a local agency or school*
38 *district will be incurred because this act creates a new crime or*
39 *infraction, eliminates a crime or infraction, or changes the penalty*
40 *for a crime or infraction, within the meaning of Section 17556 of*

1 *the Government Code, or changes the definition of a crime within*
2 *the meaning of Section 6 of Article XIII B of the California*
3 *Constitution.*

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**SB 1495 (Senate Committee on Business, Professions and Economic Development)
Professions and vocations**

Status/History: 6/2/2022 – Referred to the Assembly Committee on Business and Professions; set for hearing on 6/28/2022.

Location: 6/8/2022 – Assembly Committee on Business and Professions

Introduced: 3/15/2022

Board Position: Support (as of 5/2/2022)

Board Staff Analysis: 6/8/2022

Bill Summary: This bill makes numerous technical and clarifying provisions related to programs within the Department of Consumer Affairs (DCA), including to Business and Professions Code section 7841.2 relating to Geologist-in-Training certificate applications.

Affected Laws: An act to amend Sections 1753.55, 1910.5, 1922, 1926, 1926.01, 1926.05, 1936.1, 2240, 2401, 2435.1, 2516, 2725.4, 2746.55, 2786.3, 3502.4, 3520, 3537.10, 3537.15, 3537.25, 3537.30, 3537.35, 3537.40, 3537.50, 4846.5, 4980.03, 4996.20, 4999.12, 7841.2, 10083.2, 10140.6, 10153.2, 10159.5, 10165, 10166.01, 10166.02, 10166.03, 10166.04, 10166.06, 10166.07, 10166.08, 10166.10, 10166.15, 10166.16, 10166.17, 10235.5, 10236.4, and 12303 of, and to amend and repeal Section 10151 of, the Business and Professions Code, relating to professions and vocations.

Staff Comment: This bill is the Senate Committee on Business, Professions and Economic Development’s omnibus bill for this legislative session. It includes the Board’s proposal to amend Business and Professions Code section 7841.2 relating to Geologist-in-Training certificate applications.

At its May 2, 2022, meeting, the Board took a position of “Support” on SB 1495. The bill has passed out of the Senate and is now in the Assembly. It is scheduled to be heard in the Assembly Business and Professions Committee on June 28, 2022.

Staff Recommendation: No action needed.

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 15, 2022

An act to amend Sections 1753.55, 1910.5, 1922, 1926, 1926.01, 1926.05, 1936.1, 2240, 2401, 2435.1, 2516, 2725.4, 2746.55, 2786.3, 3502.4, 3520, 3537.10, 3537.15, 3537.25, 3537.30, 3537.35, 3537.40, 3537.50, 4846.5, 4980.03, 4996.20, 4999.12, 7841.2, 10083.2, 10140.6, 10153.2, 10159.5, 10165, 10166.01, 10166.02, 10166.03, 10166.04, 10166.06, 10166.07, 10166.08, 10166.10, 10166.15, 10166.16, 10166.17, 10235.5, 10236.4, and 12303 of, and to amend and repeal Section 10151 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1495, as introduced, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Chapter 143 of the Statutes of 2021 renamed the Office of Statewide Health Planning and Development as the Department of Health Care Access and Information, and requires any reference to the office to be deemed a reference to the department.

This bill would update the name of the department in provisions relating to healing arts that reference the office.

(2) Existing law, the Dental Practice Act, establishes the Dental Hygiene Board of California within the Department of Consumer Affairs for the licensure and regulation of dental hygienists. Under existing law, a licensee is required, as a condition of license renewal, to submit, and certify under penalty of perjury, assurances satisfactory to the board

that they will, during the succeeding 2-year period, inform themselves of the developments in the practice of dental hygiene occurring since the original issuance of their licenses, as specified.

Under this bill, the assurances required as a condition of license renewal would be that the licensee had, during the preceding 2-year period, informed themselves of those developments, as specified. By changing what assurances a licensee is required to submit to the board, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

(3) Existing law, the Physician Assistant Practice Act, establishes the Physician Assistant Board for the licensure and regulation of physician assistants. Existing law creates the Physician Assistant Fund and makes all money in the fund available, upon appropriation of the Legislature, to carry out the provisions of the act. Existing law requires the Medical Board of California to report to the Controller the amount and source of all collections made under the act and to pay all those sums into the State Treasury, where they are required to be credited to the fund. Chapter 649 of the Statutes of 2021 removed the provision that placed the Physician Assistant Board within the jurisdiction of the Medical Board of California.

This bill would remove those reporting and payment requirements from the Medical Board of California, and would, instead, impose them on the Physician Assistant Board.

(4) Existing law, the Veterinary Medicine Practice Act, establishes the Veterinary Medical Board in the Department of Consumer Affairs for the licensure and regulation of veterinarians. Existing law requires a licensee to biennially apply for renewal of their license, and requires the board to issue renewal to those applicants that have completed a minimum of 36 hours of continuing education in the preceding 2 years. Existing law generally requires continuing education hours to be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by certain entities.

This bill would delete an obsolete provision relating to continuing education hours earned by attending courses sponsored or cosponsored by those entities between January 1, 2000, and January 1, 2001.

(5) Existing law establishes the Board of Behavioral Sciences within the Department of Consumer Affairs, and requires the board to regulate various registrants and licensees under prescribed acts, including the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, the Licensed Professional Clinical Counselor Act, and the

Educational Psychologist Practice Act. Under the Licensed Marriage and Family Therapist Act, the Clinical Social Worker Practice Act, and the Licensed Professional Clinical Counselor Act, applicants for licensure are required to complete a certain amount of supervised experience and direct supervisor contact. Existing law defines “supervisor” for purposes of those acts to mean an individual who meets certain requirements, including, among others, having, for at least 2 years within the 5-year period immediately preceding any supervision, practiced psychotherapy, provided psychological counseling pursuant to a provision of the Educational Psychologist Practice Act, or provided specified direct clinical supervision of psychotherapy.

This bill would correct erroneous cross-references to the provision of the Educational Psychologist Practice Act mentioned above.

(6) Existing law, the Geologist and Geophysicist Act, requires the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to administer its provision relating to the licensure and regulation of geologists and geophysicists. Existing law requires an applicant for certification as a geologist-in-training to meet certain requirements, including either of 2 education requirements fulfilled at a school or university whose curricula whose curricula meet criteria established by the board.

Under the bill, the board would not be required to verify an applicant’s eligibility for certification as a geologist-in-training except that an applicant for certification as a geologist-in-training would be required to sign or acknowledge a statement of eligibility at the time of submission of the application attesting to the completion of the above-described education requirements and the rules of the board. By requiring an applicant to submit an attestation to the board, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

(7) Existing federal law, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (“SAFE Act”), encourages states to establish a Nationwide Mortgage Licensing System and Registry for the residential mortgage industry to increase uniformity, reduce regulatory burden, enhance consumer protection, and reduce fraud, as specified.

Existing state law, the Real Estate Law, governs the licensing and regulation of real estate licensees, as defined, as administered by the Real Estate Commissioner. Existing law, the California Residential Mortgage Lending Act, regulates the business of making residential

mortgage loans and servicing residential mortgage loans, and prohibits a person from engaging in these activities without first obtaining a license from the Commissioner of Financial Protection and Innovation. Existing law, the California Financing Law, provides for the licensure and regulation of finance lenders, brokers, and specified program administrators by the Commissioner of Financial Protection and Innovation.

Existing law requires certain licensees under the Real Estate Law, the California Financing Law, and the California Residential Mortgage Lending Act, including mortgage loan originators, to also be licensed and registered through, and regulated by, the Nationwide Mortgage Licensing System and Registry. Existing law requires the Real Estate Commissioner and the Commissioner of Financial Protection and Innovation to regularly report violations of specified state law provisions implementing the SAFE Act and specified enforcement actions to the Nationwide Mortgage Licensing System and Registry. Existing law authorizes those commissioners to establish relationships or contracts with the Nationwide Mortgage Licensing System and Registry or other entities designated by the Nationwide Mortgage Licensing System and Registry to collect and maintain records and process certain fees.

This bill would instead refer to the Nationwide Mortgage Licensing System and Registry in the provisions of the Real Estate Law as the “Nationwide Multistate Licensing System and Registry.” The bill would make various nonsubstantive changes to the Real Estate Law, including correcting erroneous cross-references.

Existing law requires an applicant for an original real estate broker license examination to successfully complete courses of study in specified subjects, including real estate practice and legal aspects of real estate. Existing law also requires an applicant for a real estate salesperson license examination or for both the examination and license to successfully complete courses of study in specified subjects, including real estate principles and real estate practice. Existing law, beginning January 1, 2023, revises the real estate practice course for an applicant for a real estate broker or salesperson license to include a component on implicit bias, as specified, and revises the legal aspects of real estate course for that applicant to include a component on state and federal fair housing laws, as specified.

This bill would include the component on state and federal fair housing laws in the real estate practice course instead of the legal aspects

of real estate course, and would further delay the revision to the real estate practice course until January 1, 2024.

(8) Under existing law, the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state. Existing law authorizes the department to establish criteria and procedures for certification of laboratories to perform measurement services that are determined by the Secretary of Food and Agriculture to be beyond the existing equipment capabilities of the department, or when warranted by financial or workload considerations.

Existing law requires that the state standards of weights and measures by which all state and county standards of weights and measures are required to be tried, proved, and sealed include, among other specified standards, metrological standards in the possession of laboratories certified to perform measurement services pursuant to the above-described law.

This bill would update the cross-reference to the law governing certification of laboratories to perform measurement services in the above-described provision.

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

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

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

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

1 SECTION 1. Section 1753.55 of the Business and Professions
2 Code is amended to read:
3 1753.55. (a) A registered dental assistant in extended functions
4 is authorized to perform the additional duties as set forth in
5 subdivision (b) pursuant to the order, control, and full professional
6 responsibility of a supervising dentist, if the licensee meets one of
7 the following requirements:
8 (1) Is licensed on or after January 1, 2010.
9 (2) Is licensed ~~prior to~~ *before* January 1, 2010, and has
10 successfully completed a board-approved course in the additional

1 procedures specified in paragraphs (1), (2), (5), and (7) to (11),
2 inclusive, of subdivision (b) of Section 1753.5.

3 (b) (1) Determine which radiographs to perform on a patient
4 who has not received an initial examination by the supervising
5 dentist for the specific purpose of the dentist making a diagnosis
6 and treatment plan for the patient. In these circumstances, the
7 dental assistant in extended functions shall follow protocols
8 established by the supervising dentist. This paragraph only applies
9 in the following settings:

10 (A) In a dental office setting.

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

16 (2) Place protective restorations, which for this purpose are
17 identified as interim therapeutic restorations, and defined as a
18 direct provisional restoration placed to stabilize the tooth until a
19 licensed dentist diagnoses the need for further definitive treatment.
20 An interim therapeutic restoration consists of the removal of soft
21 material from the tooth using only hand instrumentation, without
22 the use of rotary instrumentation, and subsequent placement of an
23 adhesive restorative material. Local anesthesia shall not be
24 necessary for interim therapeutic restoration placement. Interim
25 therapeutic restorations shall be placed only in accordance with
26 both of the following:

27 (A) In either of the following settings:

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

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

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

37 (c) The functions described in subdivision (b) may be performed
38 by a registered dental assistant in extended functions only after
39 completion of a program that includes training in performing those

1 functions, or after providing evidence, satisfactory to the board,
2 of having completed a board-approved course in those functions.

3 (d) No later than January 1, 2018, the board shall adopt
4 regulations to establish requirements for courses of instruction for
5 the procedures authorized to be performed by a registered dental
6 assistant in extended functions pursuant to this section using the
7 competency-based training protocols established by the Health
8 Workforce Pilot Project (HWPP) No. 172 through the ~~Office of~~
9 ~~Statewide Health Planning and Development.~~ *Department of Health*
10 *Care Access and Information.* The board shall submit to the
11 committee proposed regulatory language for the curriculum for
12 the Interim Therapeutic Restoration to the committee for the
13 purpose of promulgating regulations for registered dental hygienists
14 and registered dental hygienists in alternative practice as described
15 in Section 1910.5. The language submitted by the board shall
16 mirror the instructional curriculum for the registered dental
17 assistant in extended functions. Any subsequent amendments to
18 the regulations that are promulgated by the board for the Interim
19 Therapeutic Restoration curriculum shall be submitted to the
20 committee.

21 (e) The board may issue a permit to a registered dental assistant
22 in extended functions who files a completed application, including
23 the fee, to provide the duties specified in this section after the board
24 has determined the registered dental assistant in extended functions
25 has completed the coursework required in subdivision (c).

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

27 SEC. 2. Section 1910.5 of the Business and Professions Code
28 is amended to read:

29 1910.5. (a) In addition to the duties specified in Section 1910,
30 a registered dental hygienist is authorized to perform the following
31 additional duties, as specified:

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

38 (A) In a dental office setting.

39 (B) In a public health setting, using telehealth, as defined by
40 Section 2290.5, for the purpose of communication with the

1 supervising dentist, including, but not limited to, schools, head
2 start and preschool programs, and community clinics.

3 (2) Place protective restorations, which for this purpose are
4 identified as interim therapeutic restorations, and defined as a
5 direct provisional restoration placed to stabilize the tooth until a
6 licensed dentist diagnoses the need for further definitive treatment.
7 An interim therapeutic restoration consists of the removal of soft
8 material from the tooth using only hand instrumentation, without
9 the use of rotary instrumentation, and subsequent placement of an
10 adhesive restorative material. Local anesthesia shall not be
11 necessary for interim therapeutic restoration placement. Interim
12 therapeutic restorations shall be placed only in accordance with
13 both of the following:

14 (A) In either of the following settings:

15 (i) In a dental office setting.

16 (ii) In a public health setting, using telehealth, as defined by
17 Section 2290.5, for the purpose of communication with the
18 supervising dentist, including, but not limited to, schools, head
19 start and preschool programs, and community clinics.

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

22 (b) The functions described in subdivision (a) may be performed
23 by a registered dental hygienist only after completion of a program
24 that includes training in performing those functions, or after
25 providing evidence, satisfactory to the dental hygiene board, of
26 having completed a dental hygiene board-approved course in those
27 functions.

28 (c) No later than January 1, 2018, the dental hygiene board shall
29 adopt regulations to establish requirements for courses of
30 instruction for the procedures authorized to be performed by a
31 registered dental hygienist and registered dental hygienist in
32 alternative practice pursuant to Sections 1910.5 and 1926.05, using
33 the competency-based training protocols established by the Health
34 Workforce Pilot Project (HWPP) No. 172 through the ~~Office of~~
35 ~~Statewide Health Planning and Development.~~ *Department of Health*
36 *Care Access and Information.* The dental hygiene board shall use
37 the curriculum submitted by the board pursuant to Section 1753.55
38 to adopt regulatory language for approval of courses of instruction
39 for the interim therapeutic restoration. Any subsequent amendments
40 to the regulations for the interim therapeutic restoration curriculum

1 that are promulgated by the dental hygiene board shall be agreed
2 upon by the board and the dental hygiene board.

3 (d) This section shall become operative on January 1, 2018.

4 SEC. 3. Section 1922 of the Business and Professions Code is
5 amended to read:

6 1922. The dental hygiene board shall license as a registered
7 dental hygienist in alternative practice a person who demonstrates
8 satisfactory performance on an examination in California law and
9 ethics required by the dental hygiene board and who completes an
10 application form and pays all application fees required by the dental
11 hygiene board and meets either of the following requirements:

12 (a) Holds a current California license as a registered dental
13 hygienist and meets the following requirements:

14 (1) Has been engaged in the practice of dental hygiene, as
15 defined in Section 1908, as a registered dental hygienist in any
16 setting, including, but not limited to, educational settings and public
17 health settings, for a minimum of 2,000 hours during the
18 immediately preceding 36 months.

19 (2) Has successfully completed a bachelor's degree or its
20 equivalent, recognized as a minimum of 120 semester credit hours
21 or 180 quarter credit hours in postsecondary education, from a
22 college or institution of higher education that is accredited by a
23 national or regional accrediting agency recognized by the United
24 States Department of Education, and a minimum of 150 hours of
25 additional educational requirements, as prescribed by the dental
26 hygiene board by regulation, that are consistent with good dental
27 and dental hygiene practice, including, but not necessarily limited
28 to, dental hygiene technique and theory including gerontology and
29 medical emergencies, and business administration and practice
30 management.

31 (b) Has received a letter of acceptance into the employment
32 utilization phase of the Health Workforce Pilot Project No. 155
33 established by the ~~Office of Statewide Health Planning and~~
34 ~~Development~~ *Department of Health Care Access and Information*
35 pursuant to Article 1 (commencing with Section 128125) of
36 Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

37 SEC. 4. Section 1926 of the Business and Professions Code is
38 amended to read:

39 1926. In addition to practices authorized in Section 1925, a
40 registered dental hygienist in alternative practice may perform the

1 duties authorized pursuant to subdivision (a) of Section 1907,
2 subdivision (a) of Section 1908, and subdivisions (a) and (b) of
3 Section 1910 in the following settings:

- 4 (a) Residences of the homebound.
- 5 (b) Schools.
- 6 (c) Residential facilities and other institutions and medical
7 settings that a residential facility patient has been transferred to
8 for outpatient services.
- 9 (d) Dental health professional shortage areas, as certified by the
10 ~~Office of Statewide Health Planning and Development~~ *Department*
11 *of Health Care Access and Information* in accordance with existing
12 office guidelines.
- 13 (e) Dental offices.

14 SEC. 5. Section 1926.01 of the Business and Professions Code
15 is amended to read:

16 1926.01. (a) In addition to practices authorized in Section
17 1925, a registered dental hygienist in alternative practice may
18 perform the duties authorized pursuant to subdivisions (a) and (b)
19 of Section 1909 with documented consultation with a collaborating
20 dentist in the following settings:

- 21 (1) Residences of the homebound.
- 22 (2) Residential facilities and other institutions and medical
23 settings that a residential facility patient has been transferred to
24 for outpatient services.
- 25 (3) Dental health professional shortage areas, as certified by the
26 ~~Office of Statewide Health Planning and Development~~ *Department*
27 *of Health Care Access and Information* in accordance with existing
28 office guidelines.
- 29 (4) Dental offices.

30 (b) The registered dental hygienist in alternative practice shall
31 have all of the following immediately available when services
32 authorized in this section are being performed:

- 33 (1) One additional individual trained in basic life support
34 qualified to administer cardiopulmonary resuscitation during an
35 emergency.
- 36 (2) Equipment and supplies for emergency response, including
37 oxygen.

38 SEC. 6. Section 1926.05 of the Business and Professions Code
39 is amended to read:

1 1926.05. (a) In addition to the duties specified in Section 1926,
2 a registered dental hygienist in alternative practice is authorized
3 to perform the duties pursuant to Section 1910.5, in the following
4 settings:

- 5 (1) Residences of the homebound.
- 6 (2) Schools.
- 7 (3) Residential facilities and other institutions.
- 8 (4) Dental or medical settings.
- 9 (5) Dental health professional shortage areas, as certified by the
10 ~~Office of Statewide Health Planning and Development~~ *Department*
11 *of Health Care Access and Information* in accordance with existing
12 office guidelines.

13 (b) A registered dental hygienist in alternative practice is
14 authorized to perform the duties pursuant to paragraph (2) of
15 subdivision (a) of Section 1910.5 in the settings specified in this
16 section after there has been a diagnosis, treatment plan, and
17 instruction to perform the procedure provided by a dentist.

18 SEC. 7. Section 1936.1 of the Business and Professions Code
19 is amended to read:

20 1936.1. (a) The dental hygiene board shall require, as a
21 condition of license renewal, that licensees submit assurances
22 satisfactory to the dental hygiene board that they ~~will, had,~~ during
23 ~~the succeeding~~ *preceding* two-year period, ~~inform~~ *informed*
24 themselves of the developments in the practice of dental hygiene
25 occurring since the original issuance of their licenses by pursuing
26 one or more courses of study satisfactory to the dental hygiene
27 board, or by other means deemed equivalent by the dental hygiene
28 board. The dental hygiene board shall adopt, amend, and revoke
29 regulations providing for the suspension of the licenses at the end
30 of the two-year period until compliance with the assurances
31 provided for in this section is accomplished. The dental hygiene
32 board shall conduct random audits of at least 5 percent of the
33 licensee population each year to ensure compliance of the
34 continuing education requirement.

35 (b) The dental hygiene board shall also, as a condition of license
36 renewal, require licensees to successfully complete a portion of
37 the required continuing education hours in specific areas adopted
38 in regulations by the dental hygiene board. The dental hygiene
39 board may prescribe this mandatory coursework within the general
40 areas of patient care, health and safety, and law and ethics. The

1 mandatory coursework prescribed by the dental hygiene board
2 shall not exceed seven and one-half hours per renewal period. Any
3 mandatory coursework required by the dental hygiene board shall
4 be credited toward the continuing education requirements
5 established by the dental hygiene board pursuant to subdivision
6 (a).

7 (c) The providers of courses referred to in this section shall be
8 approved by the dental hygiene board. Providers approved by the
9 dental board shall be deemed approved by the dental hygiene board.

10 SEC. 8. Section 2240 of the Business and Professions Code is
11 amended to read:

12 2240. (a) A physician and surgeon who performs a medical
13 procedure outside of a general acute care hospital, as defined in
14 subdivision (a) of Section 1250 of the Health and Safety Code,
15 that results in the death of any patient on whom that medical
16 treatment was performed by the physician and surgeon, or by a
17 person acting under the physician and surgeon's orders or
18 supervision, shall report, in writing on a form prescribed by the
19 board, that occurrence to the board within 15 days after the
20 occurrence.

21 (b) A physician and surgeon who performs a scheduled medical
22 procedure outside of a general acute care hospital, as defined in
23 subdivision (a) of Section 1250 of the Health and Safety Code,
24 that results in the transfer to a hospital or emergency center for
25 medical treatment for a period exceeding 24 hours, of any patient
26 on whom that medical treatment was performed by the physician
27 and surgeon, or by a person acting under the physician and
28 surgeon's orders or supervision, shall report, in writing, on a form
29 prescribed by the board that occurrence, within 15 days after the
30 occurrence. The form shall contain all of the following information:

- 31 (1) Name of the patient's physician in the outpatient setting.
- 32 (2) Name of the physician with hospital privileges.
- 33 (3) Name of the patient and patient identifying information.
- 34 (4) Name of the hospital or emergency center where the patient
35 was transferred.
- 36 (5) Type of outpatient procedures being performed.
- 37 (6) Events triggering the transfer.
- 38 (7) Duration of the hospital stay.
- 39 (8) Final disposition or status, if not released from the hospital,
40 of the patient.

1 (9) Physician's practice specialty and ABMS certification, if
2 applicable.

3 (c) The form described in subdivision (b) shall be constructed
4 in a format to enable the physician and surgeon to transmit the
5 information in paragraphs (5) to (9), inclusive, to the board in a
6 manner that the physician and surgeon and the patient are
7 anonymous and their identifying information is not transmitted to
8 the board. The entire form containing information described in
9 paragraphs (1) to (9), inclusive, shall be placed in the patient's
10 medical record.

11 (d) The board shall aggregate the data and publish an annual
12 report on the information collected pursuant to subdivisions (a)
13 and (b).

14 (e) On and after January 1, 2002, the data required in subdivision
15 (b) shall be sent to the ~~Office of Statewide Health Planning and~~
16 ~~Development (OSHPD)~~ *Department of Health Care Access and*
17 *Information* instead of the board. ~~OSHPD~~ *The Department of*
18 *Health Care Access and Information* may revise the reporting
19 requirements to fit state and national standards, as applicable. The
20 board shall work with ~~OSHPD~~ *the Department of Health Care*
21 *Access and Information* in developing the reporting mechanism
22 to satisfy the data collection requirements of this section.

23 (f) The failure to comply with this section constitutes
24 unprofessional conduct.

25 SEC. 9. Section 2401 of the Business and Professions Code is
26 amended to read:

27 2401. (a) Notwithstanding Section 2400, a clinic operated
28 primarily for the purpose of medical education by a public or
29 private nonprofit university medical school, which is approved by
30 the board or the Osteopathic Medical Board of California, may
31 charge for professional services rendered to teaching patients by
32 licensees who hold academic appointments on the faculty of the
33 university, if the charges are approved by the physician and surgeon
34 in whose name the charges are made.

35 (b) Notwithstanding Section 2400, a clinic operated under
36 subdivision (p) of Section 1206 of the Health and Safety Code
37 may employ licensees and charge for professional services rendered
38 by those licensees. However, the clinic shall not interfere with,
39 control, or otherwise direct the professional judgment of a

1 physician and surgeon in a manner prohibited by Section 2400 or
2 any other law.

3 (c) Notwithstanding Section 2400, a narcotic treatment program
4 operated under Section 11876 of the Health and Safety Code and
5 regulated by the State Department of Health Care Services, may
6 employ licensees and charge for professional services rendered by
7 those licensees. However, the narcotic treatment program shall
8 not interfere with, control, or otherwise direct the professional
9 judgment of a physician and surgeon in a manner prohibited by
10 Section 2400 or any other law.

11 (d) Notwithstanding Section 2400, a hospital that is owned and
12 operated by a licensed charitable organization, that offers only
13 pediatric subspecialty care, that, ~~prior to~~ *before* January 1, 2013,
14 employed licensees on a salary basis, and that has not charged for
15 professional services rendered to patients may, commencing
16 January 1, 2013, charge for professional services rendered to
17 patients, provided the following conditions are met:

18 (1) The hospital does not increase the number of salaried
19 licensees by more than five licensees each year.

20 (2) The hospital does not expand its scope of services beyond
21 pediatric subspecialty care.

22 (3) The hospital accepts each patient needing its scope of
23 services regardless of ~~his or her~~ *the patient's* ability to pay,
24 including whether the patient has any form of health care coverage.

25 (4) The medical staff concur by an affirmative vote that the
26 licensee's employment is in the best interest of the communities
27 served by the hospital.

28 (5) The hospital does not interfere with, control, or otherwise
29 direct a physician and surgeon's professional judgment in a manner
30 prohibited by Section 2400 or any other law.

31 (e) (1) Notwithstanding Section 2400, until January 1, 2024, a
32 federally certified critical access hospital may employ licensees
33 and charge for professional services rendered by those licensees
34 to patients, provided both of the following conditions are met:

35 (A) The medical staff concur by an affirmative vote that the
36 licensee's employment is in the best interest of the communities
37 served by the hospital.

38 (B) The hospital does not interfere with, control, or otherwise
39 direct a physician and surgeon's professional judgment in a manner
40 prohibited by Section 2400 or any other law.

1 (2) (A) On or before July 1, 2023, the ~~Office of Statewide~~
2 ~~Health Planning and Development~~ *Department of Health Care*
3 *Access and Information* shall provide a report to the Legislature
4 containing data about the impact of paragraph (1) on federally
5 certified critical access hospitals and their ability to recruit and
6 retain physicians and surgeons between January 1, 2017, and
7 January 1, 2023, inclusive. This report shall be submitted in
8 compliance with Section 9795 of the Government Code. The
9 requirement for submitting a report imposed under this
10 subparagraph is inoperative on July 1, 2027.

11 (B) The ~~office~~ *Department of Health Care Access and*
12 *Information* shall determine the format of the report, as well as the
13 methods and data elements to be utilized in the development of
14 the report.

15 (C) On and after July 1, 2017, a federally certified critical access
16 hospital that is employing licensees and charging for professional
17 services rendered by those licensees to patients under this section
18 shall submit to the office, on or before July 1 of each year, a report
19 for any year in which that hospital has employed or is employing
20 licensees and charging for professional services rendered by those
21 licensees to patients. The report shall include data elements as
22 required by the office and shall be submitted in a format as required
23 by the ~~office~~. *Department of Health Care Access and Information*.
24 The requirement for submitting reports imposed under this
25 subparagraph shall be inoperative on July 1, 2023.

26 SEC. 10. Section 2435.1 of the Business and Professions Code
27 is amended to read:

28 2435.1. (a) In addition to the fees charged for the initial
29 issuance or biennial renewal of a physician and surgeon's certificate
30 pursuant to Section 2435, and at the time those fees are charged,
31 the board shall charge each applicant or renewing licensee an
32 additional twenty-five dollar (\$25) fee for the purposes of this
33 section.

34 (b) Payment of this twenty-five dollar (\$25) fee shall be
35 voluntary, paid at the time of application for initial licensure or
36 biennial renewal, and due and payable along with the fee for the
37 initial certificate or biennial renewal.

38 (c) The board shall transfer all funds collected pursuant to this
39 section, on a monthly basis, to the ~~Office of Statewide Health~~
40 ~~Planning and Development~~ *Department of Health Care Access*

1 *and Information* to augment the local assistance line item of the
2 annual Budget Act in support of the Song-Brown Family Physician
3 Training Act (Article 1 (commencing with Section 128200) of
4 Chapter 4 of Part 3 of Division 107 of the Health and Safety Code).

5 SEC. 11. Section 2516 of the Business and Professions Code
6 is amended to read:

7 2516. (a) Each licensed midwife who assists, or supervises a
8 student midwife in assisting, in childbirth that occurs in an
9 out-of-hospital setting shall annually report to the ~~Office of~~
10 ~~Statewide Health Planning and Development.~~ *Department of Health*
11 *Care Access and Information*. The report shall be submitted no
12 later than March 30, for the prior calendar year, in a form specified
13 by the board and shall contain all of the following:

14 (1) The midwife's name and license number.

15 (2) The calendar year being reported.

16 (3) The following information with regard to cases in California
17 in which the midwife, or the student midwife supervised by the
18 midwife, assisted during the previous year when the intended place
19 of birth at the onset of care was an out-of-hospital setting:

20 (A) The total number of clients served as primary caregiver at
21 the onset of care.

22 (B) The number by county of live births attended as primary
23 caregiver.

24 (C) The number, by county, of cases of fetal demise, infant
25 deaths, and maternal deaths attended as primary caregiver at the
26 discovery of the demise or death.

27 (D) The number of women whose primary care was transferred
28 to another health care practitioner during the antepartum period,
29 and the reason for each transfer.

30 (E) The number, reason, and outcome for each elective hospital
31 transfer during the intrapartum or postpartum period.

32 (F) The number, reason, and outcome for each urgent or
33 emergency transport of an expectant mother in the antepartum
34 period.

35 (G) The number, reason, and outcome for each urgent or
36 emergency transport of an infant or mother during the intrapartum
37 or immediate postpartum period.

38 (H) The number of planned out-of-hospital births at the onset
39 of labor and the number of births completed in an out-of-hospital
40 setting.

1 (I) The number of planned out-of-hospital births completed in
2 an out-of-hospital setting that were any of the following:
3 (i) Twin births.
4 (ii) Multiple births other than twin births.
5 (iii) Breech births.
6 (iv) Vaginal births after the performance of a cesarean section.
7 (J) A brief description of any complications resulting in the
8 morbidity or mortality of a mother or a neonate.
9 (K) Any other information prescribed by the board in
10 regulations.
11 (b) ~~The Office of Statewide Health Planning and Development~~
12 *Department of Health Care Access and Information* shall maintain
13 the confidentiality of the information submitted pursuant to this
14 section, and shall not permit any law enforcement or regulatory
15 agency to inspect or have copies made of the contents of any
16 reports submitted pursuant to subdivision (a) for any purpose,
17 including, but not limited to, investigations for licensing,
18 certification, or regulatory purposes.
19 (c) ~~The office~~ *Department of Health Care Access and*
20 *Information* shall report to the board, by April 30, those licensees
21 who have met the requirements of subdivision (a) for that year.
22 (d) The board shall send a written notice of noncompliance to
23 each licensee who fails to meet the reporting requirement of
24 subdivision (a). Failure to comply with subdivision (a) will result
25 in the midwife being unable to renew ~~his or her~~ *their* license
26 without first submitting the requisite data to the ~~Office of Statewide~~
27 ~~Health Planning and Development~~ *Department of Health Care*
28 *Access and Information* for the year for which that data was
29 missing or incomplete. The board shall not take any other action
30 against the licensee for failure to comply with subdivision (a).
31 (e) The board, in consultation with the ~~office~~ *Department of*
32 *Health Care Access and Information* and the Midwifery Advisory
33 Council, shall devise a coding system related to data elements that
34 require coding in order to assist in both effective reporting and the
35 aggregation of data pursuant to subdivision (f). The ~~office~~
36 *Department of Health Care Access and Information* shall utilize
37 this coding system in its processing of information collected for
38 purposes of subdivision (f).
39 (f) ~~The office~~ *Department of Health Care Access and*
40 *Information* shall report the aggregate information collected

1 pursuant to this section to the board by July 30 of each year. The
2 board shall include this information in its annual report to the
3 Legislature.

4 (g) The board, with input from the Midwifery Advisory Council,
5 may adjust the data elements required to be reported to better
6 coordinate with other reporting systems, including the reporting
7 system of the Midwives Alliance of North America (MANA),
8 while maintaining the data elements unique to California. To better
9 capture data needed for the report required by this section, the
10 concurrent use of systems, including MANA's, by licensed
11 midwives is encouraged.

12 (h) Notwithstanding any other law, a violation of this section
13 shall not be a crime.

14 SEC. 12. Section 2725.4 of the Business and Professions Code
15 is amended to read:

16 2725.4. ~~Notwithstanding any other provision of this chapter,~~
17 the following shall apply:

18 (a) In order to perform an abortion by aspiration techniques
19 pursuant to Section 2253, a person with a license or certificate to
20 practice as a nurse practitioner or a certified nurse-midwife shall
21 complete training recognized by the Board of Registered Nursing.
22 Beginning January 1, 2014, and until January 1, 2016, the
23 competency-based training protocols established by Health
24 Workforce Pilot Project (HWPP) No. 171 through the ~~Office of~~
25 ~~Statewide Health Planning and Development~~ *Department of Health*
26 *Care Access and Information* shall be used.

27 (b) In order to perform an abortion by aspiration techniques
28 pursuant to Section 2253, a person with a license or certificate to
29 practice as a nurse practitioner or a certified nurse-midwife shall
30 adhere to standardized procedures developed in compliance with
31 subdivision (c) of Section 2725 that specify all of the following:

32 (1) The extent of supervision by a physician and surgeon with
33 relevant training and expertise.

34 (2) Procedures for transferring patients to the care of the
35 physician and surgeon or a hospital.

36 (3) Procedures for obtaining assistance and consultation from
37 a physician and surgeon.

38 (4) Procedures for providing emergency care until physician
39 assistance and consultation are available.

1 (5) The method of periodic review of the provisions of the
2 standardized procedures.

3 (c) A nurse practitioner or certified nurse-midwife who has
4 completed training and achieved clinical competency through
5 HWPP No. 171 shall be authorized to perform abortions by
6 aspiration techniques pursuant to Section 2253, in adherence to
7 standardized procedures described in subdivision (b).

8 (d) It is unprofessional conduct for any nurse practitioner or
9 certified nurse-midwife to perform an abortion by aspiration
10 techniques pursuant to Section 2253 without prior completion of
11 training and validation of clinical competency.

12 SEC. 13. Section 2746.55 of the Business and Professions
13 Code is amended to read:

14 2746.55. (a) For all maternal or neonatal transfers to the
15 hospital setting during labor or the immediate postpartum period,
16 for which the intended place of birth was an out-of-hospital setting
17 at the onset of labor, or for any maternal, fetal, or neonatal death
18 that occurred in the out-of-hospital setting during labor or the
19 immediate postpartum period, and for which the intended birth
20 care provider is a certified nurse-midwife in the out-of-hospital
21 setting, the department shall collect, and the certified nurse-midwife
22 shall be required to submit, within 90 days of the transfer or death,
23 the following data in the form determined by the department. The
24 data shall include all of the following:

25 (1) Attendant's name, for the certified nurse-midwife who
26 attended the patient at the time of transfer, or who attended the
27 patient at the time of maternal, fetal, or neonatal death.

28 (2) Attendant's license number, for the certified nurse-midwife
29 who attended the patient at the time of transfer, or who attended
30 the patient at the time of maternal, fetal, or neonatal death.

31 (3) The child's date of delivery for births attended by the
32 nurse-midwife.

33 (4) The sex of the child, for births attended by the
34 nurse-midwife.

35 (5) The date of birth of the parent giving birth.

36 (6) The date of birth of the parent not giving birth.

37 (7) The residence ZIP Code of the parent giving birth.

38 (8) The residence county of the parent giving birth.

39 (9) The weight of the parent giving birth (prepregnancy weight
40 and delivery weight of parent giving birth).

- 1 (10) The height of the parent giving birth.
- 2 (11) The race and ethnicity of the genetic parents, unless the
- 3 parent declines to disclose.
- 4 (12) The obstetric estimate of gestation (completed weeks), at
- 5 time of transfer.
- 6 (13) The total number of prior live births.
- 7 (14) The principal source of payment code for delivery.
- 8 (15) Any complications and procedures of pregnancy and
- 9 concurrent illnesses up until time of transfer or death.
- 10 (16) Any complications and procedures of labor and delivery
- 11 up until time of transfer or death.
- 12 (17) Any abnormal conditions and clinical procedures related
- 13 to the newborn up until time of transfer or death.
- 14 (18) Fetal presentation at birth, or up until time of transfer.
- 15 (19) Whether this pregnancy is a multiple pregnancy (more than
- 16 one fetus this pregnancy).
- 17 (20) Whether the patient has had a previous cesarean section.
- 18 (21) If the patient had a previous cesarean, indicate how many.
- 19 (22) The intended place of birth at the onset of labor, including,
- 20 but not limited to, home, freestanding birth center, hospital, clinic,
- 21 doctor's office, or other location.
- 22 (23) Whether there was a maternal death.
- 23 (24) Whether there was a fetal death.
- 24 (25) Whether there was a neonatal death.
- 25 (26) Hospital transfer during the intrapartum or postpartum
- 26 period, including, who was transferred (mother, infant, or both)
- 27 and the complications, abnormal conditions, or other indications
- 28 that resulted in the transfer.
- 29 (27) The name of the transfer hospital, or other hospital
- 30 identification method as required, such as the hospital identification
- 31 number.
- 32 (28) The county of the transfer hospital.
- 33 (29) The ZIP Code of the transfer hospital.
- 34 (30) The date of the transfer.
- 35 (31) Other information as prescribed by the State Department
- 36 of Public Health.
- 37 (b) In the event of a maternal, fetal, or neonatal death that
- 38 occurred in an out-of-hospital setting during labor or the immediate
- 39 postpartum period, a certified nurse-midwife shall submit to the

1 department, within 90 days of the death, all of the following data
2 in addition to the data required in subdivision (a):
3 (1) The date of the maternal, neonatal, or fetal death.
4 (2) The place of delivery, for births attended by the
5 nurse-midwife.
6 (3) The county of the place of delivery, for births attended by
7 the nurse-midwife.
8 (4) The ZIP Code of the place of delivery, for births attended
9 by the nurse-midwife.
10 (5) The APGAR scores, for births attended by the
11 nurse-midwife.
12 (6) The birthweight, for births attended by the nurse-midwife.
13 (7) The method of delivery, for births attended by the
14 nurse-midwife.
15 (c) The data submitted pursuant to subdivisions (a) and (b) shall
16 be in addition to the certificate of live birth information required
17 pursuant to Sections 102425 and 102426 of the Health and Safety
18 Code.
19 (d) For those cases that involve a hospital transfer, the
20 department shall link the data submitted by the certified
21 nurse-midwife, pursuant to subdivision (a), to the live birth data
22 reported by hospitals to the department, pursuant to Sections
23 102425 and 102426 of the Health and Safety Code, and to the
24 patient discharge data that reflects the birth hospitalization and
25 reported by hospitals to the ~~Office of Statewide Health Planning~~
26 ~~and Development, Department of Health Care Access and~~
27 *Information*, so that additional data reflecting the outcome can be
28 incorporated into the aggregated reports submitted pursuant to
29 subdivision (i).
30 (e) The department may adjust, improve, or expand the data
31 elements required to be reported pursuant to subdivisions (a) and
32 (b) to better coordinate with other data collection and reporting
33 systems, or in order to collect more accurate data, as long as the
34 minimum data elements in subdivisions (a) and (b) are preserved.
35 (f) The department shall treat the information and data gathered
36 pursuant to this section, for the creation of the reports described
37 in subdivision (i), as confidential records, and shall not permit the
38 disclosure of any patient or certified nurse-midwife information
39 to any law enforcement or regulatory agency for any purpose,
40 including, but not limited to, investigations for licensing,

1 certification, or regulatory purposes. This subdivision shall not
2 prevent the department from responding to inquiries from the
3 Board of Registered Nursing as to whether a licensee has reported
4 pursuant to this section.

5 (g) The information collected by the department pursuant to
6 this section, and not otherwise subject to current confidentiality
7 requirements, shall be treated as confidential records and shall
8 only be made available for use consistent with paragraph (1) of,
9 paragraph (4) of, and subparagraph (A) of paragraph (8) of,
10 subdivision (a) of Section 102430 of the Health and Safety Code
11 and pursuant to the application, review, and approval process
12 established by the department pursuant to Section 102465 of the
13 Health Safety Code.

14 (h) At the time of each certified nurse-midwife's license renewal,
15 the Board of Registered Nursing shall send a written notification
16 to the certified nurse-midwife notifying them of the mandated vital
17 records reporting requirements for out-of-hospital births pursuant
18 to subdivisions (a) and (b) and Section 102415 of the Health and
19 Safety Code and that a violation of this section shall subject the
20 certified nurse-midwife to disciplinary or administrative action by
21 the board.

22 (i) (1) The department shall report to the Legislature on the
23 data collected pursuant to this section. The report shall include the
24 aggregate information, including, but not limited to, birth outcomes
25 of patients under the care of a certified nurse-midwife in an
26 out-of-hospital setting at the onset of labor, collected pursuant to
27 this section and Sections 102425 and 102426 of the Health and
28 Safety Code.

29 (2) The first report, to reflect a 12-month period of time, shall
30 be submitted no later than four and one-half years after the State
31 Department of Public Health receives an appropriation as specified
32 in ~~subdivision~~ *subdivision* (m) and each subsequent report reflecting
33 a 12-month reporting period shall be submitted annually to the
34 Legislature every year thereafter.

35 (3) A report required under this subdivision shall be submitted
36 in compliance with Section 9795 of the Government Code.

37 (j) All reports, including those submitted to the Legislature or
38 made publicly available, shall utilize standard public health
39 reporting practices for accurate dissemination of these data
40 elements, specifically in regards to the reporting of small numbers

1 in a way that does not risk a confidentiality or other disclosure
2 breach. No identifying information in regards to the patient or the
3 nurse-midwife shall be disclosed in the reports submitted pursuant
4 to subdivision (i).

5 (k) A violation of this section shall subject the certified
6 nurse-midwife to disciplinary or administrative action by the Board
7 of Registered Nursing.

8 (l) For purposes of this section, “department” means the State
9 Department of Public Health.

10 (m) This section shall become operative only upon the
11 Legislature making an appropriation to implement the provisions
12 of this section.

13 SEC. 14. Section 2786.3 of the Business and Professions Code
14 is amended to read:

15 2786.3. (a) Until the end of the 2021–22 academic year, and
16 whenever the Governor declares a state of emergency for a county
17 in which an agency or facility used by an approved nursing
18 program for direct patient care clinical practice is located and is
19 no longer available due to the conditions giving rise to the state
20 of emergency, the director of the approved nursing program may
21 submit to a board nursing education consultant requests to do any
22 of the following:

23 (1) Utilize a clinical setting during the state of emergency or
24 until the end of the academic term without the following:

25 (A) Approval by the board.

26 (B) Written agreements with the clinical facility.

27 (C) Submitting evidence of compliance with board regulations
28 relating to the utilization of clinical settings, except as necessary
29 for a board nursing education consultant to ensure course objectives
30 and faculty responsibilities will be met.

31 (2) Utilize preceptorships during the state of emergency or until
32 the end of the academic term without having to maintain written
33 policies relating to the following:

34 (A) Identification of criteria used for preceptor selection.

35 (B) Provision for a preceptor orientation program that covers
36 the policies of the preceptorship and preceptor, student, and faculty
37 responsibilities.

38 (C) Identification of preceptor qualifications for both the primary
39 and the relief preceptor.

1 (D) Description of responsibilities of the faculty, preceptor, and
2 student for the learning experiences and evaluation during
3 preceptorship.

4 (E) Maintenance of preceptor records that includes names of
5 all current preceptors, registered nurse licenses, and dates of
6 preceptorships.

7 (F) Plan for an ongoing evaluation regarding the continued use
8 of preceptors.

9 (3) Request that the approved nursing program be allowed to
10 reduce the required number of direct patient care hours to 50
11 percent in geriatrics and medical-surgical and 25 percent in mental
12 health-psychiatric nursing, obstetrics, and pediatrics if all of the
13 following conditions are met:

14 (A) No alternative agency or facility has a sufficient number of
15 open placements that are available and accessible within 25 miles
16 of the approved nursing program for direct patient care clinical
17 practice hours in the same subject matter area. An approved nursing
18 program shall submit, and not be required to provide more than,
19 the following:

20 (i) The list of alternative agencies or facilities listed within 25
21 miles of the impacted approved nursing program, campus, or
22 location, as applicable, using the facility finder on the ~~Office of~~
23 ~~Statewide Health Planning and Development's~~ *Department of*
24 *Health Care Access and Information's internet website.*

25 (ii) The list of courses impacted by the loss of clinical
26 placements due to the state of emergency and the academic term
27 the courses are offered.

28 (iii) Whether each of the listed alternative agencies or facilities
29 would meet the course objectives for the courses requiring
30 placements.

31 (iv) Whether the approved nursing program has contacted each
32 of the listed alternative agencies or facilities about the availability
33 of clinical placements. The approved nursing program shall not
34 be required to contact a clinical facility that would not meet course
35 objectives.

36 (v) The date of contact or attempted contact.

37 (vi) The number of open placements at each of the listed
38 alternative agencies or facilities that are available for the academic
39 term for each course. If an alternative agency or facility does not
40 respond within 48 hours, the approved nursing program may list

1 the alternative agency or facility as unavailable. If the alternative
2 agency or facility subsequently responds ~~prior to~~ *before* the
3 submission of the request to a board nursing education consultant,
4 the approved nursing program shall update the list to reflect the
5 response.

6 (vii) Whether the open and available placements are accessible
7 to the students and faculty. An open and available placement is
8 accessible if there are no barriers that otherwise prohibit a student
9 from entering the facility, including, but not limited to, the lack
10 of personal protective equipment or cost-prohibitive infectious
11 disease testing. An individual's personal unwillingness to enter an
12 alternative agency or facility does not make a placement
13 inaccessible.

14 (viii) The total number of open and available placements that
15 are accessible to the students and faculty compared to the total
16 number of placements needed.

17 (B) The substitute clinical practice hours not in direct patient
18 care provide a learning experience, as defined by the board
19 consistent with Section 2708.1, that is at least equivalent to the
20 learning experience provided by the direct patient care clinical
21 practice hours.

22 (C) Once the applicable state of emergency has terminated
23 pursuant to Section 8629 of the Government Code, the temporary
24 reduction provided in paragraph (3) shall cease as soon as
25 practicable or by the end of the academic term, whichever is sooner.

26 (D) The substitute clinical practice hours not in direct patient
27 care that are simulation experiences are based on the best practices
28 published by the International Nursing Association for Clinical
29 Simulation and Learning, the National Council of State Boards of
30 Nursing, the Society for Simulation in Healthcare, or equivalent
31 standards approved by the board.

32 (E) A maximum of 25 percent of the direct patient care hours
33 specified in paragraph (3) in geriatrics and medical-surgical may
34 be completed via telehealth.

35 (4) Request that the approved nursing program allow theory to
36 precede clinical practice if all of the following conditions are met:

37 (A) No alternative agency or facility located within 25 miles of
38 the impacted approved nursing program, campus, or location, as
39 applicable, has a sufficient number of open placements that are
40 available and accessible to the approved nursing program for direct

1 patient care clinical practice hours in the same subject matter area.
2 An approved program shall not be required to submit more than
3 required under subparagraph (A) of paragraph (3).

4 (B) Clinical practice takes place in the academic term
5 immediately following theory.

6 (C) Theory is taught concurrently with clinical practice not in
7 direct patient care if no direct patient care experiences are available.

8 (b) If the conditions in paragraphs (1), (2), (3), or (4) of
9 subdivision (a), as applicable to the request, are met, a board
10 nursing education consultant shall approve the request. If an
11 approved nursing program fails to submit information satisfactory
12 to the board nursing education consultant, or fails to meet the
13 conditions specified, the board nursing education consultant shall
14 deny the request. If the request is not approved or denied on or
15 before 5:00 p.m. on the date seven business days after receipt of
16 the request, the request shall be deemed approved.

17 (c) (1) Within 30 days of the effective date of this section, the
18 board's executive officer shall develop a uniform method for
19 evaluating requests and granting approvals pursuant to this section.

20 (2) The executive officer may revise the uniform method
21 developed pursuant to this subdivision from time to time, as
22 necessary. The development or revision of the uniform method
23 shall be exempt from the requirements of the Administrative
24 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
25 Part 1 of Title 2 of the Government Code).

26 (3) The board's nursing education consultants shall use the
27 uniform method to evaluate requests and grant approvals pursuant
28 to this section.

29 SEC. 15. Section 3502.4 of the Business and Professions Code
30 is amended to read:

31 3502.4. (a) In order to receive authority from ~~his or her~~ *the*
32 *physician assistant's* supervising physician and surgeon to perform
33 an abortion by aspiration techniques pursuant to Section 2253, a
34 physician assistant shall complete training either through training
35 programs approved by the board pursuant to Section 3513 or by
36 training to perform medical services ~~which~~ *that* augment ~~his or~~
37 ~~her~~ *the physician assistant's* current areas of competency pursuant
38 to Section 1399.543 of Title 16 of the California Code of
39 Regulations. Beginning January 1, 2014, and until January 1, 2016,
40 the training and clinical competency protocols established by

1 Health Workforce Pilot Project (HWPP) No. 171 through the ~~Office~~
2 ~~of Statewide Health Planning and Development~~ *Department of*
3 *Health Care Access and Information* shall be used as training and
4 clinical competency guidelines to meet this requirement.

5 (b) In order to receive authority from ~~his or her~~ *the physician*
6 *assistant's* supervising physician and surgeon to perform an
7 abortion by aspiration techniques pursuant to Section 2253, a
8 physician assistant shall comply with protocols developed in
9 compliance with Section 3502 that specify:

10 (1) The extent of supervision by a physician and surgeon with
11 relevant training and expertise.

12 (2) Procedures for transferring patients to the care of the
13 physician and surgeon or a hospital.

14 (3) Procedures for obtaining assistance and consultation from
15 a physician and surgeon.

16 (4) Procedures for providing emergency care until physician
17 assistance and consultation are available.

18 (5) The method of periodic review of the provisions of the
19 protocols.

20 (c) The training protocols established by HWPP No. 171 shall
21 be deemed to meet the standards of the board. A physician assistant
22 who has completed training and achieved clinical competency
23 through HWPP No. 171 shall be authorized to perform abortions
24 by aspiration techniques pursuant to Section 2253, in adherence
25 to protocols described in subdivision (b).

26 (d) It is unprofessional conduct for any physician assistant to
27 perform an abortion by aspiration techniques pursuant to Section
28 2253 without prior completion of training and validation of clinical
29 competency.

30 SEC. 16. Section 3520 of the Business and Professions Code
31 is amended to read:

32 3520. Within 10 days after the beginning of each calendar
33 ~~month the Medical Board of California~~ *month, the board* shall
34 report to the Controller the amount and source of all collections
35 made under this chapter and at the same time pay all those sums
36 into the State Treasury, where they shall be credited to the
37 Physician Assistant Fund, which fund is hereby created. All money
38 in the fund shall be available, upon appropriation of the Legislature,
39 to carry out the purpose of this chapter.

1 SEC. 17. Section 3537.10 of the Business and Professions
2 Code is amended to read:

3 3537.10. (a) Subject to the other provisions of this article, the
4 ~~Office of Statewide Health Planning and Development~~, *Department*
5 *of Health Care Access and Information*, hereafter in this article
6 referred to as the ~~office~~, *department*, shall coordinate the
7 establishment of an international medical graduate physician
8 assistant training program, to be conducted at an appropriate
9 educational institution or institutions. The goal of the program
10 shall be to place as many international medical graduate physician
11 assistants in medically underserved areas as possible in order to
12 provide greater access to care for the growing population of
13 medically indigent and underserved. The method for accomplishing
14 this goal shall be to train foreign medical graduates to become
15 licensed as physician assistants at no cost to the participants in
16 return for a commitment from the participants to serve full time
17 in underserved areas for a four-year period.

18 (b) By February 1, 1994, or one month after federal funds to
19 implement this article become available, whichever occurs later,
20 the ~~office~~ *department* shall establish a training program advisory
21 task force. The task force shall be comprised of representatives
22 from all of the following groups:

- 23 (1) Physician assistant program directors.
- 24 (2) Foreign medical graduates.
- 25 (3) The California Academy of Physician Assistants.
- 26 (4) Nonprofit community health center directors.
- 27 (5) Physicians.
- 28 (6) The board, at the board's option.

29 The ~~office~~ *department* may, instead, serve solely as a consultant
30 to the task force.

31 (c) The task force shall do all of the following:

32 (1) Develop a recommended curriculum for the training program
33 that shall be from 12 to 15 months in duration and shall, at a
34 minimum, meet curriculum standards consistent with the board's
35 regulations. The program shall be subject to the board's approval.
36 By April 1, 1994, or three months after federal funds to implement
37 this article become available, whichever occurs later, the
38 curriculum shall be presented by the ~~office~~ *department* to the
39 Committee on Allied Health Education and Accreditation of the

1 American Medical Association, or its successor organization, for
2 approval.

3 (2) Develop recommended admission criteria for participation
4 in the pilot and ongoing program.

5 (3) Assist in development of linkages with academic institutions
6 for the purpose of monitoring and evaluating the pilot program.

7 SEC. 18. Section 3537.15 of the Business and Professions
8 Code is amended to read:

9 3537.15. (a) ~~Prior to establishment of~~ *Before establishing* an
10 ongoing international medical graduate physician assistant training
11 program, the ~~Office of Statewide Health Planning and Development~~
12 *Department of Health Care Access and Information* shall
13 coordinate the establishment of a pilot program commencing
14 September 1, 1994, or eight months after federal funds to
15 implement this article become available, whichever occurs later,
16 to test the validity and effectiveness of the recommended training
17 curriculum developed by the task force. The task force shall, with
18 the advice and assistance of the academic institutions offering the
19 pilot program curriculum, and subject to their approval, select 10
20 international medical graduates to participate in the pilot program.

21 (b) After two classes have graduated from the pilot program,
22 the task force, with the advice and assistance of the academic
23 institutions, shall evaluate the results of the pilot program, to
24 determine whether a permanent program should be established.
25 The ~~office department~~ may modify curriculum as needed and make
26 appropriate revisions in order to ensure program integrity and
27 compliance with established standards. Any permanent
28 international medical graduate physician assistant training program
29 shall commence at the beginning of the year following the
30 completion of the evaluation.

31 SEC. 19. Section 3537.25 of the Business and Professions
32 Code is amended to read:

33 3537.25. Both the pilot and the ongoing training program shall
34 provide training at no cost to the participants in return for a written,
35 enforceable agreement by the participants to, upon obtaining
36 licensure under this article, serve a minimum of four years as a
37 full-time physician assistant in an area of California designated
38 by the ~~Office of Statewide Health Planning and Development~~
39 *Department of Health Care Access and Information* as a medically
40 underserved area pursuant to Section 3537.35.

1 SEC. 20. Section 3537.30 of the Business and Professions
2 Code is amended to read:

3 3537.30. (a) The Legislature recognizes that the goal of this
4 program would be compromised if participants do not observe
5 their commitments under this program to provide the required
6 service in a medically underserved area. The goal of this program
7 would not be met if all that it accomplished was merely to license
8 physician assistants that served populations that are not medically
9 underserved.

10 (b) Since damages would be difficult or impossible to ascertain
11 in the event of default by the participant, this section shall set forth
12 the extent of liquidated damages that shall be recoverable by the
13 program in the case of default.

14 (c) In the case of default by a participant who has successfully
15 completed the program and has obtained licensure under this
16 article, the program shall collect the following damages from the
17 participant:

18 (1) The total cost expended by the program for the training of
19 the applicant, and interest thereon from the date of default.

20 (2) The total amount needed for the program to seek cover as
21 set forth in subdivision (b) of Section 3537.35.

22 (3) The costs of enforcement, including, but not limited to, the
23 costs of collecting the liquidated damages, the costs of litigation,
24 and attorney's fees.

25 (d) The Attorney General may represent the ~~office~~, *department*,
26 or the board, or both in any litigation necessitated by this article,
27 or, if the Attorney General declines, the ~~office~~, *department*, or the
28 board, or both may hire other counsel for this purpose.

29 (e) Funds collected pursuant to subdivision (c) shall be allocated
30 as follows:

31 (1) Costs of training recovered pursuant to paragraph (1) of
32 subdivision (c) shall be allocated to the ~~office~~ *department* to be
33 used upon appropriation for the continuing training program
34 pursuant to this article.

35 (2) Costs of seeking cover recovered pursuant to paragraph (2)
36 of subdivision (c) shall be deposited in the Physician Assistant
37 Training Fund established pursuant to Section 3537.40 for the
38 purposes of providing grants pursuant to subdivision (c) of Section
39 3537.35.

1 (3) Costs of enforcement recovered pursuant to paragraph (3)
2 of subdivision (c) shall be allocated between the ~~office, department,~~
3 and the Attorney General, or other counsel, according to actual
4 costs.

5 SEC. 21. Section 3537.35 of the Business and Professions
6 Code is amended to read:

7 ~~3537.35. The Office of Statewide Health Planning and~~
8 ~~Development~~ *Department of Health Care Access and Information*
9 shall, in addition to other duties described in this article, do all of
10 the following:

11 (a) Determine those areas of the state that are medically
12 underserved in that they have a higher percentage of medically
13 underserved and indigent persons and would benefit from the
14 services of additional persons licensed as physician assistants.

15 (b) Determine the total cost of seeking cover as specified in
16 paragraph (2) of subdivision (c) of Section 3537.30. To determine
17 the cost, the ~~office~~ *department* shall study the market forces that
18 are at work creating the scarcity of these physician assistants in
19 these medically underserved areas, and determine the annual level
20 of additional funding that would be required by a health facility,
21 clinic, or other health care provider in those areas to motivate a
22 physician assistant to serve full-time in those underserved areas.
23 This amount shall be calculated so that when added to the
24 prevailing rate for these services in the underserved area, would
25 make these positions so attractive that physician assistants would
26 be motivated to serve in those areas. This amount, which shall
27 equal the cost to the ~~office~~ *department* to place a qualified
28 physician assistant in the underserved area, times four years shall
29 be the total cost of seeking cover.

30 (c) Provide grants, as funds become available in the Physician
31 Assistant Training Fund, to applicant health care providers that
32 provide services in medically underserved areas for the purpose
33 of funding additional full-time physician assistant positions in
34 those areas to provide services in lieu of defaulting physician
35 assistants. Participating providers shall use these grants to attract
36 physician assistants that are from outside the area and shall
37 demonstrate that the grant actually increases the number of
38 physician assistants serving the underserved population. The
39 grantee shall demonstrate that the grant did not merely shift a
40 physician assistant from one medically underserved area to another,

1 but rather, resulted in a net increase in the number of physician
2 assistants serving the underserved population as a whole. Licensees
3 under this article shall not directly or indirectly receive grants
4 under this section.

5 SEC. 22. Section 3537.40 of the Business and Professions
6 Code is amended to read:

7 3537.40. The Physician Assistant Training Fund is hereby
8 created in the State Treasury for the purpose of receipt of funds
9 collected pursuant to paragraph (2) of subdivision (c) of Section
10 3537.30. The Physician Assistant Training Fund shall be available
11 to the ~~Office of Statewide Health Planning and Development~~
12 *Department of Health Care Access and Information* for the purpose
13 of providing grants pursuant to subdivision (c) of Section 3537.35,
14 upon appropriation by the Legislature.

15 SEC. 23. Section 3537.50 of the Business and Professions
16 Code is amended to read:

17 3537.50. No General Fund revenues shall be expended to carry
18 out this article. The implementation of the pilot program and, if
19 applicable, the permanent program established by this article shall
20 be contingent upon the availability of federal funds, which do not
21 divert or detract from funds currently utilized to underwrite existing
22 physician assistant training programs or to fund existing functions
23 of the board. The new funding shall be sufficient to cover the full
24 additional cost to the educational institution or institutions that
25 establish the program or programs, the cost of tuition and
26 attendance for the students in the program or programs, and any
27 additional costs, including enforcement costs, that the ~~office~~
28 *department* or the board incurs as a result of implementing this
29 article. ~~Nothing in this article shall be construed as imposing~~ *This*
30 *article does not impose* any obligations upon the ~~office,~~
31 *department,* the board, or any physician assistant training program
32 in the absence of adequate funding as described in this section.
33 ~~Nothing in this article shall be construed either as precluding~~ *This*
34 *article does not preclude* applicants for the program established
35 by this article from seeking state or federal scholarship funds, or
36 state and federal loan repayment funds available to physician
37 assistant students, or ~~as requiring that~~ *require* any applicants be
38 granted preference in the award of those funds. ~~Nothing in this~~
39 ~~article shall be construed as impairing~~ *This article does not impair*

1 the autonomy of any institution that offers a physician assistant
2 training program.

3 SEC. 24. Section 4846.5 of the Business and Professions Code
4 is amended to read:

5 4846.5. (a) Except as provided in this section, the board shall
6 issue renewal licenses only to those applicants that have completed
7 a minimum of 36 hours of continuing education in the preceding
8 two years.

9 (b) (1) Notwithstanding any other law, continuing education
10 hours shall be earned by attending courses relevant to veterinary
11 medicine and sponsored or cosponsored by any of the following:

12 (A) American Veterinary Medical Association (AVMA)
13 accredited veterinary medical colleges.

14 (B) Accredited colleges or universities offering programs
15 relevant to veterinary medicine.

16 (C) The American Veterinary Medical Association.

17 (D) American Veterinary Medical Association recognized
18 specialty or affiliated allied groups.

19 (E) American Veterinary Medical Association's affiliated state
20 veterinary medical associations.

21 (F) Nonprofit annual conferences established in conjunction
22 with state veterinary medical associations.

23 (G) Educational organizations affiliated with the American
24 Veterinary Medical Association or its state affiliated veterinary
25 medical associations.

26 (H) Local veterinary medical associations affiliated with the
27 California Veterinary Medical Association.

28 (I) Federal, state, or local government agencies.

29 (J) Providers accredited by the Accreditation Council for
30 Continuing Medical Education (ACCME) or approved by the
31 American Medical Association (AMA), providers recognized by
32 the American Dental Association Continuing Education
33 Recognition Program (ADA CERP), and AMA or ADA affiliated
34 state, local, and specialty organizations.

35 (2) Notwithstanding paragraph (1), a total of six hours or less
36 of the required 36 hours of continuing education may be earned
37 by doing either of the following, or a combination thereof:

38 (A) Up to six hours may be earned by taking self-study courses,
39 which may include, but are not limited to, reading journals, viewing
40 video recordings, or listening to audio recordings.

1 (B) Up to four hours may be earned by providing pro bono
2 spaying or neutering services under the supervision of a public
3 animal control agency or shelter, society for the prevention of
4 cruelty to animals shelter, humane society shelter, or rescue group.
5 The services shall be administered at a facility that is appropriately
6 equipped and staffed to provide those services. The service shall
7 be provided to a household with a demonstrated financial need for
8 reduced-cost services.

9 (3) The board may approve other continuing veterinary medical
10 education providers not specified in paragraph (1).

11 (A) The board has the authority to recognize national continuing
12 education approval bodies for the purpose of approving continuing
13 education providers not specified in paragraph (1).

14 (B) Applicants seeking continuing education provider approval
15 shall have the option of applying to the board or to a
16 board-recognized national approval body.

17 (4) For good cause, the board may adopt an order specifying,
18 on a prospective basis, that a provider of continuing veterinary
19 medical education authorized pursuant to paragraph (1) or (3) is
20 no longer an acceptable provider.

21 ~~(5) Continuing education hours earned by attending courses~~
22 ~~sponsored or cosponsored by those entities listed in paragraph (1)~~
23 ~~between January 1, 2000, and January 1, 2001, shall be credited~~
24 ~~toward a veterinarian's continuing education requirement under~~
25 ~~this section.~~

26 (c) ~~Every~~ A person renewing ~~his or her~~ *their* license issued
27 pursuant to Section 4846.4, or ~~any~~ a person applying for relicensure
28 or for reinstatement of ~~his or her~~ *their* license to active status, shall
29 submit proof of compliance with this section to the board certifying
30 that ~~he or she~~ *the person* is in compliance with this section. Any
31 false statement submitted pursuant to this section shall be a
32 violation subject to Section 4831.

33 (d) This section shall not apply to a veterinarian's first license
34 renewal. This section shall apply only to second and subsequent
35 license renewals granted on or after January 1, 2002.

36 (e) The board shall have the right to audit the records of all
37 applicants to verify the completion of the continuing education
38 requirement. Applicants shall maintain records of completion of
39 required continuing education coursework for a period of four
40 years and shall make these records available to the board for

1 auditing purposes upon request. If the board, during this audit,
2 questions whether any course reported by the veterinarian satisfies
3 the continuing education requirement, the veterinarian shall provide
4 information to the board concerning the content of the course; the
5 name of its sponsor and cosponsor, if any; and specify the specific
6 curricula that was of benefit to the veterinarian.

7 (f) A veterinarian desiring an inactive license or to restore an
8 inactive license under Section 701 shall submit an application on
9 a form provided by the board. In order to restore an inactive license
10 to active status, the veterinarian shall have completed a minimum
11 of 36 hours of continuing education within the last two years
12 preceding application. The inactive license status of a veterinarian
13 shall not deprive the board of its authority to institute or continue
14 a disciplinary action against a licensee.

15 (g) Knowing misrepresentation of compliance with this article
16 by a veterinarian constitutes unprofessional conduct and grounds
17 for disciplinary action or for the issuance of a citation and the
18 imposition of a civil penalty pursuant to Section 4883.

19 (h) The board, in its discretion, may exempt from the continuing
20 education requirement any veterinarian who for reasons of health,
21 military service, or undue hardship cannot meet those requirements.
22 Applications for waivers shall be submitted on a form provided
23 by the board.

24 (i) The administration of this section may be funded through
25 professional license and continuing education provider fees. The
26 fees related to the administration of this section shall not exceed
27 the costs of administering the corresponding provisions of this
28 section.

29 (j) For those continuing education providers not listed in
30 paragraph (1) of subdivision (b), the board or its recognized
31 national approval agent shall establish criteria by which a provider
32 of continuing education shall be approved. The board shall initially
33 review and approve these criteria and may review the criteria as
34 needed. The board or its recognized agent shall monitor, maintain,
35 and manage related records and data. The board may impose an
36 application fee, not to exceed two hundred dollars (\$200)
37 biennially, for continuing education providers not listed in
38 paragraph (1) of subdivision (b).

39 (k) (1) Beginning January 1, 2018, a licensed veterinarian who
40 renews ~~his or her~~ *their* license shall complete a minimum of one

1 credit hour of continuing education on the judicious use of
2 medically important antimicrobial drugs every four years as part
3 of ~~his or her~~ *their* continuing education requirements.

4 (2) For purposes of this subdivision, “medically important
5 antimicrobial drug” means an antimicrobial drug listed in Appendix
6 A of the federal Food and Drug Administration’s Guidance for
7 Industry #152, including critically important, highly important,
8 and important antimicrobial drugs, as that appendix may be
9 amended.

10 SEC. 25. Section 4980.03 of the Business and Professions
11 Code is amended to read:

12 4980.03. (a) “Board,” as used in this chapter, means the Board
13 of Behavioral Sciences.

14 (b) “Associate,” as used in this chapter, means an unlicensed
15 person who has earned a master’s or doctoral degree qualifying
16 the person for licensure and is registered with the board as an
17 associate.

18 (c) “Trainee,” as used in this chapter, means an unlicensed
19 person who is currently enrolled in a master’s or doctoral degree
20 program, as specified in Sections 4980.36 and 4980.37, that is
21 designed to qualify the person for licensure under this chapter, and
22 who has completed no less than 12 semester units or 18 quarter
23 units of coursework in any qualifying degree program.

24 (d) “Applicant for licensure,” as used in this chapter, means an
25 unlicensed person who has completed the required education and
26 required hours of supervised experience for licensure.

27 (e) “Advertise,” as used in this chapter, includes, but is not
28 limited to, any public communication, as defined in subdivision
29 (a) of Section 651, the issuance of any card, sign, or device to any
30 person, or the causing, permitting, or allowing of any sign or
31 marking on, or in, any building or structure, or in any newspaper
32 or magazine or in any directory, or any printed matter whatsoever,
33 with or without any limiting qualification. Signs within religious
34 buildings or notices in church bulletins mailed to a congregation
35 ~~shall not be construed as~~ *are not* advertising within the meaning
36 of this chapter.

37 (f) “Experience,” as used in this chapter, means experience in
38 interpersonal relationships, psychotherapy, marriage and family
39 therapy, direct clinical counseling, and nonclinical practice that

1 satisfies the requirements for licensure as a marriage and family
2 therapist.

3 (g) "Supervisor," as used in this chapter, means an individual
4 who meets all of the following requirements:

5 (1) Has held an active license for at least two years within the
6 five-year period immediately preceding any supervision as any of
7 the following:

8 (A) A licensed professional clinical counselor, licensed marriage
9 and family therapist, psychologist licensed pursuant to Chapter
10 6.6 (commencing with Section 2900), licensed clinical social
11 worker, licensed educational psychologist, or equivalent
12 out-of-state license. A licensed educational psychologist may only
13 supervise the provision of educationally related mental health
14 services that are consistent with the scope of practice of an
15 educational psychologist, as specified in Section 4989.14.

16 (B) A physician and surgeon who is certified in psychiatry by
17 the American Board of Psychiatry and Neurology or an out-of-state
18 licensed physician and surgeon who is certified in psychiatry by
19 the American Board of Psychiatry and Neurology.

20 (2) For at least two years within the five-year period immediately
21 preceding any supervision, has practiced psychotherapy, provided
22 psychological counseling pursuant to ~~subdivision (b) paragraph~~
23 *(5) of subdivision (a)* of Section 4989.14, or provided direct clinical
24 supervision of psychotherapy performed by marriage and family
25 therapist trainees, associate marriage and family therapists,
26 associate professional clinical counselors, or associate clinical
27 social workers. Supervision of psychotherapy performed by a
28 social work intern or a professional clinical counselor trainee shall
29 be accepted if the supervision provided is substantially equivalent
30 to the supervision required for registrants.

31 (3) Has received training in supervision as specified in this
32 chapter and by regulation.

33 (4) Has not provided therapeutic services to the supervisee.

34 (5) Has and maintains a current and active license that is not
35 under suspension or probation as one of the following:

36 (A) A marriage and family therapist, professional clinical
37 counselor, clinical social worker, or licensed educational
38 psychologist, issued by the board.

39 (B) A psychologist licensed pursuant to Chapter 6.6
40 (commencing with Section 2900).

1 (C) A physician and surgeon who is certified in psychiatry by
2 the American Board of Psychiatry and Neurology.

3 (6) Is not a spouse, domestic partner, or relative of the
4 supervisee.

5 (7) Does not currently have or previously had a personal,
6 professional, or business relationship with the supervisee that
7 undermines the authority or effectiveness of the supervision.

8 (h) “Client centered advocacy,” as used in this chapter, includes,
9 but is not limited to, researching, identifying, and accessing
10 resources, or other activities, related to obtaining or providing
11 services and supports for clients or groups of clients receiving
12 psychotherapy or counseling services.

13 (i) “Accredited,” as used in this chapter, means a school, college,
14 or university accredited by either the Commission on Accreditation
15 for Marriage and Family Therapy Education or a regional or
16 national institutional accrediting agency that is recognized by the
17 United States Department of Education.

18 (j) “Approved,” as used in this chapter, means a school, college,
19 or university that possessed unconditional approval by the Bureau
20 for Private Postsecondary Education at the time of the applicant’s
21 graduation from the school, college, or university.

22 SEC. 26. Section 4996.20 of the Business and Professions
23 Code is amended to read:

24 4996.20. (a) “Supervisor,” as used in this chapter, means an
25 individual who meets all of the following requirements:

26 (1) Has held an active license for at least two years within the
27 five-year period immediately preceding any supervision as either:

28 (A) A licensed professional clinical counselor, licensed marriage
29 and family therapist, psychologist licensed pursuant to Chapter
30 6.6 (commencing with Section 2900), licensed clinical social
31 worker, licensed educational psychologist, or equivalent
32 out-of-state license. A licensed educational psychologist may only
33 supervise the provision of educationally related mental health
34 services that are consistent with the scope of practice of an
35 educational psychologist, as specified in Section 4989.14.

36 (B) A physician and surgeon who is certified in psychiatry by
37 the American Board of Psychiatry and Neurology or an out-of-state
38 licensed physician and surgeon who is certified in psychiatry by
39 the American Board of Psychiatry and Neurology.

1 (2) For at least two years within the five-year period immediately
2 preceding any supervision, has practiced psychotherapy, provided
3 psychological counseling pursuant to ~~subdivision (e)~~ *paragraph*
4 *(5) of subdivision (a)* of Section 4989.14, or provided direct clinical
5 supervision of psychotherapy performed by associate clinical social
6 workers, associate marriage and family therapists or trainees, or
7 associate professional clinical counselors. Supervision of
8 psychotherapy performed by a social work intern or a professional
9 clinical counselor trainee shall be accepted if the supervision
10 provided is substantially equivalent to the supervision required for
11 registrants.

12 (3) Has received training in supervision as specified in this
13 chapter and by regulation.

14 (4) Has not provided therapeutic services to the supervisee.

15 (5) Has and maintains a current and active license that is not
16 under suspension or probation as one of the following:

17 (A) A marriage and family therapist, professional clinical
18 counselor, clinical social worker, or licensed educational
19 psychologist issued by the board.

20 (B) A psychologist licensed pursuant to Chapter 6.6
21 (commencing with Section 2900).

22 (C) A physician and surgeon who is certified in psychiatry by
23 the American Board of Psychiatry and Neurology.

24 (6) Is not a spouse, domestic partner, or relative of the
25 supervisee.

26 (7) Does not currently have or previously had a personal,
27 professional, or business relationship with the supervisee that
28 undermines the authority or effectiveness of the supervision.

29 (b) As used in this chapter, the term “supervision” means
30 responsibility for, and control of, the quality of mental health and
31 related services provided by the supervisee. Consultation or peer
32 discussion shall not be considered supervision and shall not qualify
33 as supervised experience.

34 “Supervision” includes, but is not limited to, all of the following:

35 (1) Ensuring the extent, kind, and quality of counseling
36 performed is consistent with the education, training, and experience
37 of the supervisee.

38 (2) Monitoring and evaluating the supervisee’s assessment,
39 diagnosis, and treatment decisions and providing regular feedback.

1 (3) Monitoring and evaluating the supervisee’s ability to provide
2 services at the site or sites where the supervisee is practicing and
3 to the particular clientele being served.

4 (4) Monitoring and addressing clinical dynamics, including, but
5 not limited to, countertransference-, intrapsychic-, interpersonal-,
6 or trauma-related issues that may affect the supervisory or the
7 practitioner-patient relationship.

8 (5) Ensuring the supervisee’s compliance with laws and
9 regulations governing the practice of clinical social work.

10 (6) Reviewing the supervisee’s progress notes, process notes,
11 and other patient treatment records, as deemed appropriate by the
12 supervisor.

13 (7) With the client’s written consent, providing direct
14 observation or review of audio or video recordings of the
15 supervisee’s counseling or therapy, as deemed appropriate by the
16 supervisor.

17 SEC. 27. Section 4999.12 of the Business and Professions
18 Code is amended to read:

19 4999.12. For purposes of this chapter, the following terms have
20 the following meanings:

21 (a) “Board” means the Board of Behavioral Sciences.

22 (b) “Accredited” means a school, college, or university
23 accredited by a regional or national institutional accrediting agency
24 that is recognized by the United States Department of Education.

25 (c) “Approved” means a school, college, or university that
26 possessed unconditional approval by the Bureau for Private
27 Postsecondary Education at the time of the applicant’s graduation
28 from the school, college, or university.

29 (d) “Applicant for licensure” means an unlicensed person who
30 has completed the required education and required hours of
31 supervised experience for licensure.

32 (e) “Licensed professional clinical counselor” or “LPCC” means
33 a person licensed under this chapter to practice professional clinical
34 counseling, as defined in Section 4999.20.

35 (f) “Associate” means an unlicensed person who meets the
36 requirements of Section 4999.42 and is registered with the board.

37 (g) “Clinical counselor trainee” means an unlicensed person
38 who is currently enrolled in a master’s or doctoral degree program,
39 as specified in Section 4999.32 or 4999.33, that is designed to
40 qualify the person for licensure and who has completed no less

1 than 12 semester units or 18 quarter units of coursework in any
2 qualifying degree program.

3 (h) "Supervisor" means an individual who meets all of the
4 following requirements:

5 (1) Has held an active license for at least two years within the
6 five-year period immediately preceding any supervision as either:

7 (A) A licensed professional clinical counselor, licensed marriage
8 and family therapist, psychologist licensed pursuant to Chapter
9 6.6 (commencing with Section 2900), licensed clinical social
10 worker, licensed educational psychologist, or equivalent
11 out-of-state license. A licensed educational psychologist may only
12 supervise the provision of educationally related mental health
13 services that are consistent with the scope of practice of an
14 educational psychologist, as specified in Section 4989.14.

15 (B) A physician and surgeon who is certified in psychiatry by
16 the American Board of Psychiatry and Neurology, or an out-of-state
17 licensed physician and surgeon who is certified in psychiatry by
18 the American Board of Psychiatry and Neurology.

19 (2) For at least two years within the five-year period immediately
20 preceding any supervision, has practiced psychotherapy, provided
21 psychological counseling pursuant to ~~subdivision (b) paragraph~~
22 *(5) of subdivision (a)* of Section 4989.14, or provided direct clinical
23 supervision of psychotherapy performed by marriage and family
24 therapist trainees, associate marriage and family therapists,
25 associate professional clinical counselors, or associate clinical
26 social workers. Supervision of psychotherapy performed by a
27 social work intern or a professional clinical counselor trainee shall
28 be accepted if the supervision provided is substantially equivalent
29 to the supervision required for registrants.

30 (3) Has received training in supervision as specified in this
31 chapter and by regulation.

32 (4) Has not provided therapeutic services to the supervisee.

33 (5) Has and maintains a current and active license that is not
34 under suspension or probation as one of the following:

35 (A) A marriage and family therapist, professional clinical
36 counselor, clinical social worker, or licensed educational
37 psychologist issued by the board.

38 (B) A psychologist licensed pursuant to Chapter 6.6
39 (commencing with Section 2900).

1 (C) A physician and surgeon who is certified in psychiatry by
2 the American Board of Psychiatry and Neurology.

3 (6) Is not a spouse, domestic partner, or relative of the
4 supervisee.

5 (7) Does not currently have or previously had a personal,
6 professional, or business relationship with the supervisee that
7 undermines the authority or effectiveness of the supervision.

8 (i) "Client centered advocacy" includes, but is not limited to,
9 researching, identifying, and accessing resources, or other activities,
10 related to obtaining or providing services and supports for clients
11 or groups of clients receiving psychotherapy or counseling services.

12 (j) "Advertising" or "advertise" includes, but is not limited to,
13 the issuance of any card, sign, or device to any person, or the
14 causing, permitting, or allowing of any sign or marking on, or in,
15 any building or structure, or in any newspaper or magazine or in
16 any directory, or any printed matter whatsoever, with or without
17 any limiting qualification. It also includes business solicitations
18 communicated by radio or television broadcasting. Signs within
19 church buildings or notices in church bulletins mailed to a
20 congregation ~~shall not be construed as~~ *are not* advertising within
21 the meaning of this chapter.

22 (k) "Referral" means evaluating and identifying the needs of a
23 client to determine whether it is advisable to refer the client to
24 other specialists, informing the client of that judgment, and
25 communicating that determination as requested or deemed
26 appropriate to referral sources.

27 (l) "Research" means a systematic effort to collect, analyze, and
28 interpret quantitative and qualitative data that describes how social
29 characteristics, behavior, emotion, cognitions, disabilities, mental
30 disorders, and interpersonal transactions among individuals and
31 organizations interact.

32 (m) "Supervision" means responsibility for, and control of, the
33 quality of mental health and related services provided by the
34 supervisee. Consultation or peer discussion shall not be considered
35 supervision and shall not qualify as supervised experience.
36 Supervision includes, but is not limited to, all of the following:

37 (1) Ensuring the extent, kind, and quality of counseling
38 performed is consistent with the education, training, and experience
39 of the supervisee.

1 (2) Monitoring and evaluating the supervisee's assessment,
2 diagnosis, and treatment decisions and providing regular feedback.

3 (3) Monitoring and evaluating the supervisee's ability to provide
4 services at the site or sites where the supervisee is practicing and
5 to the particular clientele being served.

6 (4) Monitoring and addressing clinical dynamics, including, but
7 not limited to, countertransference-, intrapsychic-, interpersonal-,
8 or trauma-related issues that may affect the supervisory or the
9 practitioner-patient relationship.

10 (5) Ensuring the supervisee's compliance with laws and
11 regulations governing the practice of licensed professional clinical
12 counseling.

13 (6) Reviewing the supervisee's progress notes, process notes,
14 and other patient treatment records, as deemed appropriate by the
15 supervisor.

16 (7) With the client's written consent, providing direct
17 observation or review of audio or video recordings of the
18 supervisee's counseling or therapy, as deemed appropriate by the
19 supervisor.

20 (n) "Clinical setting" means any setting that meets both of the
21 following requirements:

22 (1) Lawfully and regularly provides mental health counseling
23 or psychotherapy.

24 (2) Provides oversight to ensure that the associate's work meets
25 the experience and supervision requirements set forth in this
26 chapter and in regulation and is within the scope of practice of the
27 profession.

28 SEC. 28. Section 7841.2 of the Business and Professions Code
29 is amended to read:

30 7841.2. (a) An applicant for certification as a
31 geologist-in-training shall comply with all of the following:

32 (a)

33 (1) Not have committed acts or crimes constituting grounds for
34 denial of certification under Section 480.

35 (b)

36 (2) Successfully pass the Fundamentals of Geology examination.

37 (c)

38 (3) Meet either of the following education requirements fulfilled
39 at a school or university whose curricula meet criteria established
40 by the rules of the board:

1 ~~(1)~~
2 (A) Graduation from a college or university with a major in
3 geological sciences or any other discipline that, in the opinion of
4 the board, is relevant to geology.

5 ~~(2)~~
6 (B) Completion of a combination of at least 30 semester hours,
7 or the equivalent, in courses that, in the opinion of the board, are
8 relevant to geology. At least 24 semester hours, or the equivalent,
9 shall be in upper division or graduate courses.

10 **(b) (1)** *The board shall require an applicant for certification*
11 *as a geologist-in-training to sign or acknowledge a statement of*
12 *eligibility at the time of submission of the application attesting to*
13 *the completion of the education requirements established by this*
14 *section and the rules of the board.*

15 **(2)** *Except as required by paragraph (1), the board is not*
16 *required to verify an applicant's eligibility for certification as a*
17 *geologist-in-training.*

18 SEC. 29. Section 10083.2 of the Business and Professions
19 Code is amended to read:

20 10083.2. (a) (1) The commissioner shall provide information
21 on the internet regarding the status of every license issued by the
22 department in accordance with the California Public Records Act
23 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
24 Title 1 of the Government Code) and the Information Practices
25 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
26 1.8 of Part 4 of Division 3 of the Civil Code).

27 (2) The public information to be provided on the internet shall
28 include information on suspensions and revocations of licenses
29 issued by the department and accusations filed pursuant to the
30 Administrative Procedure Act (Chapter 3.5 (commencing with
31 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
32 Code) relative to persons or businesses subject to licensure or
33 regulation by the department.

34 (3) The public information shall not include personal
35 information, including home telephone number, date of birth, or
36 social security number. The commissioner shall disclose a
37 licensee's address of record. However, the commissioner shall
38 allow a licensee to provide a post office box number or other
39 alternate address, instead of the licensee's home address, as the
40 address of record. This section shall not preclude the commissioner

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

7 (4) The public information shall also include whether a licensee
8 is an associate licensee within the meaning of subdivision (a) of
9 Section 2079.13 of the Civil Code and, if the associate licensee is
10 a broker, identify each responsible broker with whom the licensee
11 is contractually associated as described in Section 10032 of this
12 code or Section 2079.13 of the Civil Code.

13 (b) For purposes of this section, "internet" has the meaning set
14 forth in paragraph (6) of subdivision (f) of Section 17538.

15 (c) Upon petition by a licensee accompanied by a fee sufficient
16 to defray costs associated with consideration of a petition, ~~as~~
17 ~~described in Section 10223~~, the commissioner may remove from
18 the posting of discipline described in subdivision (a) an item that
19 has been posted on the department's internet website for no less
20 than 10 years and for which the licensee provides evidence of
21 rehabilitation indicating that the notice is no longer required in
22 order to prevent a credible risk to members of the public utilizing
23 licensed activity of the licensee. In evaluating a petition, the
24 commissioner shall take into consideration other violations that
25 present a credible risk to the members of the public since the
26 posting of discipline requested for removal.

27 (d) The department may develop, through regulations, the
28 amount of the fee and the minimum information to be included in
29 a licensee's petition, including, but not limited to, a written
30 justification and evidence of rehabilitation pursuant to Section
31 482.

32 (e) "Posted" for purposes of this section is defined as the date
33 of disciplinary action taken by the department.

34 (f) The department shall maintain a list of all licensees whose
35 disciplinary records are altered as a result of a petition approved
36 under subdivision (c). The department shall make the list accessible
37 to other licensing bodies. The department shall update and provide
38 the list to other licensing bodies as often as it modifies the records
39 displayed on its internet website in response to petitions approved
40 under subdivision (c).

1 SEC. 30. Section 10140.6 of the Business and Professions
2 Code is amended to read:

3 10140.6. (a) A real estate licensee shall not publish, circulate,
4 distribute, or cause to be published, circulated, or distributed in
5 any newspaper or periodical, or by mail, any matter pertaining to
6 any activity for which a real estate license is required that does
7 not contain a designation disclosing that the licensee is performing
8 acts for which a real estate license is required.

9 (b) (1) A real estate licensee shall disclose their name, license
10 identification number and unique identifier assigned to that licensee
11 by the Nationwide ~~Mortgage~~ *Multistate* Licensing System and
12 Registry, if that licensee is a mortgage loan originator, and
13 responsible broker's identity, as defined in Section 10015.4, on
14 all solicitation materials intended to be the first point of contact
15 with consumers and on real property purchase agreements when
16 acting in a manner that requires a real estate license or mortgage
17 loan originator license endorsement in those transactions. The
18 commissioner may adopt regulations identifying the materials in
19 which a licensee must disclose a license identification number and
20 unique identifier assigned to that licensee by the Nationwide
21 ~~Mortgage~~ *Multistate* Licensing System and Registry, and
22 responsible broker's identity.

23 (2) A real estate licensee who is a natural person and who legally
24 changes the surname in which their license was originally issued
25 may continue to utilize their former surname for the purpose of
26 conducting business associated with their license so long as both
27 names are filed with the department. Use of a former surname shall
28 not constitute a fictitious name for the purposes of Section 10159.5.

29 (3) For purposes of this section, "solicitation materials" include
30 business cards, stationery, advertising flyers, advertisements on
31 television, in print, or electronic media, "for sale," rent, lease,
32 "open house," and directional signs, and other materials designed
33 to solicit the creation of a professional relationship between the
34 licensee and a consumer.

35 (4) ~~Nothing in this section shall be construed to~~ *This section*
36 *does not* limit or change the requirement described in Section
37 10236.4 as applicable to real estate brokers.

38 (c) This section shall not apply to "for sale," rent, lease, "open
39 house," and directional signs that do either of the following:

1 (1) Display the responsible broker’s identity, as defined in
2 Section 10015.4, without reference to an associate broker or
3 licensee.

4 (2) Display no licensee identification information.

5 (d) “Mortgage loan originator,” “unique identifier,” and
6 “Nationwide Mortgage *Multistate* Licensing System and Registry”
7 have the meanings set forth in Section 10166.01.

8 SEC. 31. Section 10151 of the Business and Professions Code,
9 as amended by Section 6.1 of Chapter 431 of the Statutes of 2021,
10 is amended to read:

11 10151. (a) Application for the real estate salesperson license
12 examination shall be made in writing to the commissioner. The
13 commissioner may prescribe the format and content of the
14 salesperson examination application. The application for the
15 salesperson examination shall include valid contact information
16 at which the department may contact the applicant and shall be
17 accompanied by the real estate salesperson license examination
18 fee.

19 (b) Persons who have been notified by the commissioner that
20 they passed the real estate salesperson license examination may
21 apply for a real estate salesperson license. A person applying for
22 the salesperson examination may also apply for a real estate
23 salesperson license. However, a license shall not be issued until
24 the applicant passes the real estate salesperson license examination.
25 If there is any change to the information contained in a real estate
26 salesperson license application after the application has been
27 submitted and before the license has been issued, the commissioner
28 may require the applicant to submit a supplement to the application
29 listing the changed information.

30 (c) (1) The commissioner may prescribe the format and content
31 of the real estate salesperson license application. The application
32 for the real estate salesperson license shall include valid contact
33 information at which the department may contact the applicant.

34 (2) An application for the real estate salesperson license
35 examination or for both the examination and license that is received
36 by the commissioner on or after October 1, 2007, shall include
37 evidence or certification, satisfactory to the commissioner, of
38 successful completion at an accredited institution of a
39 three-semester unit course, or the quarter equivalent thereof, or
40 successful completion of an equivalent course of study as defined

1 in Section 10153.5 in real estate principles as well as the successful
2 completion at an accredited institution of a course in real estate
3 practice *as set forth in Section 10153.2*, and one additional course
4 *as set forth in Section 10153.2*, other than real estate principles,
5 real estate practice, advanced legal aspects of real estate, advanced
6 real estate finance, or advanced real estate appraisal. The applicant
7 shall provide this evidence or certification to the commissioner
8 prior to taking the real estate salesperson license examination.

9 (d) The commissioner shall waive the requirements of this
10 section for the following applicants:

11 (1) An applicant who is a member of the State Bar of California.

12 (2) An applicant who has qualified to take the examination for
13 an original real estate broker license by satisfying the requirements
14 of Section 10153.2.

15 (e) Application for endorsement to act as a mortgage loan
16 originator, as defined in Section 10166.01, shall be made either
17 electronically or in writing as directed by the commissioner. The
18 commissioner may prescribe the format and the content of the
19 mortgage loan originator endorsement application, which shall
20 meet the minimum requirements for licensing of a mortgage loan
21 originator, pursuant to the Secure and Fair Enforcement for
22 Mortgage Licensing Act of 2008 (Public Law 110-289).

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

25 SEC. 32. Section 10151 of the Business and Professions Code,
26 as added by Section 6.2 of Chapter 431 of the Statutes of 2021, is
27 repealed.

28 ~~10151. (a) Application for the real estate salesperson license~~
29 ~~examination shall be made in writing to the commissioner. The~~
30 ~~commissioner may prescribe the format and content of the~~
31 ~~salesperson examination application. The application for the~~
32 ~~salesperson examination shall include valid contact information~~
33 ~~at which the department may contact the applicant and shall be~~
34 ~~accompanied by the real estate salesperson license examination~~
35 ~~fee.~~

36 ~~(b) Persons who have been notified by the commissioner that~~
37 ~~they passed the real estate salesperson license examination may~~
38 ~~apply for a real estate salesperson license. A person applying for~~
39 ~~the salesperson examination may also apply for a real estate~~
40 ~~salesperson license. However, a license shall not be issued until~~

1 the applicant passes the real estate salesperson license examination.
2 If there is any change to the information contained in a real estate
3 salesperson license application after the application has been
4 submitted and before the license has been issued, the commissioner
5 may require the applicant to submit a supplement to the application
6 listing the changed information.

7 (e) (1) The commissioner may prescribe the format and content
8 of the real estate salesperson license application. The application
9 for the real estate salesperson license shall include valid contact
10 information at which the department may contact the applicant.

11 (2) An application for the real estate salesperson license
12 examination or for both the examination and license that is received
13 by the commissioner on or after October 1, 2007, shall include
14 evidence or certification, satisfactory to the commissioner, of
15 successful completion at an accredited institution of a
16 three-semester unit course, or the quarter equivalent thereof, or
17 successful completion of an equivalent course of study as defined
18 in Section 10153.5 in real estate principles as well as the successful
19 completion at an accredited institution of a course in real estate
20 practice, a course in fair housing set forth in Section 10153.2, and
21 one additional course set forth in Section 10153.2, other than real
22 estate principles, real estate practice, advanced legal aspects of
23 real estate, advanced real estate finance, or advanced real estate
24 appraisal. The applicant shall provide this evidence or certification
25 to the commissioner prior to taking the real estate salesperson
26 license examination.

27 (d) The commissioner shall waive the requirements of this
28 section for the following applicants:

29 (1) An applicant who is a member of the State Bar of California.

30 (2) An applicant who has qualified to take the examination for
31 an original real estate broker license by satisfying the requirements
32 of Section 10153.2.

33 (e) Application for endorsement to act as a mortgage loan
34 originator, as defined in Section 10166.01, shall be made either
35 electronically or in writing as directed by the commissioner. The
36 commissioner may prescribe the format and the content of the
37 mortgage loan originator endorsement application, which shall
38 meet the minimum requirements for licensing of a mortgage loan
39 originator, pursuant to the Secure and Fair Enforcement for
40 Mortgage Licensing Act of 2008 (Public Law 110-289).

1 ~~(f) This section shall become operative on January 1, 2023.~~

2 SEC. 33. Section 10153.2 of the Business and Professions
3 Code, as amended by Section 3 of Chapter 361 of the Statutes of
4 2021, is amended to read:

5 10153.2. (a) An applicant to take the examination for an
6 original real estate broker license shall also submit evidence,
7 satisfactory to the commissioner, of successful completion, at an
8 accredited institution, of:

9 (1) A three-unit semester course, or the quarter equivalent
10 thereof, in each of the following:

- 11 (A) Real estate practice.
- 12 (B) Legal aspects of real estate.
- 13 (C) Real estate appraisal.
- 14 (D) Real estate financing.
- 15 (E) Real estate economics or accounting.

16 (2) A three-unit semester course, or the quarter equivalent
17 thereof, in three of the following:

- 18 (A) Advanced legal aspects of real estate.
- 19 (B) Advanced real estate finance.
- 20 (C) Advanced real estate appraisal.
- 21 (D) Business law.
- 22 (E) Escrows.
- 23 (F) Real estate principles.
- 24 (G) Property management.
- 25 (H) Real estate office administration.
- 26 (I) Mortgage loan brokering and lending.
- 27 (J) Computer applications in real estate.

28 (K) On and after July 1, 2004, California law that relates to
29 common interest developments, including, but not limited to, topics
30 addressed in the Davis-Stirling Common Interest Development
31 Act (Part 5 (commencing with Section 4000) of Division 4 of the
32 Civil Code) and in the Commercial and Industrial Common Interest
33 Development Act (Part 5.3 (commencing with Section 6500) of
34 Division 4 of the Civil Code).

35 (b) The commissioner shall waive the requirements of this
36 section for an applicant who is a member of the State Bar of
37 California and shall waive the requirements for which an applicant
38 has successfully completed an equivalent course of study as
39 determined under Section 10153.5.

1 (c) The commissioner shall extend credit under this section for
2 any course completed to satisfy requirements of Section 10153.3
3 or 10153.4.

4 (d) This section shall remain in effect only until January 1, 2023,
5 2024, and as of that date is repealed.

6 SEC. 34. Section 10153.2 of the Business and Professions
7 Code, as added by Section 4 of Chapter 361 of the Statutes of
8 2021, is amended to read:

9 10153.2. (a) An applicant to take the examination for an
10 original real estate broker license shall also submit evidence,
11 satisfactory to the commissioner, of successful completion, at an
12 accredited institution, of:

13 (1) A three-unit semester course, or the quarter equivalent
14 thereof, in each of the following:

15 (A) Real estate practice, which shall include *a both of the*
16 *following*:

17 (i) A component on implicit bias, including education regarding
18 the impact of implicit bias, explicit bias, and systemic bias on
19 consumers, the historical and social impacts of those biases, and
20 actionable steps students can take to recognize and address their
21 own implicit biases.

22 (ii) *A component on federal and state fair housing laws as those*
23 *laws apply to the practice of real estate. The fair housing*
24 *component shall include an interactive participatory component,*
25 *during which the applicant shall roleplay as both a consumer and*
26 *real estate professional.*

27 (B) ~~Legal aspects of real estate, which shall include a component~~
28 ~~on state and federal fair housing laws as they apply to the practice~~
29 ~~of real estate. The fair housing component shall include an~~
30 ~~interactive participatory component, during which the applicant~~
31 ~~shall roleplay as both a consumer and real estate professional.~~
32 ~~estate.~~

33 (C) Real estate appraisal.

34 (D) Real estate financing.

35 (E) Real estate economics or accounting.

36 (2) A three-unit semester course, or the quarter equivalent
37 thereof, in three of the following:

38 (A) Advanced legal aspects of real estate.

39 (B) Advanced real estate finance.

40 (C) Advanced real estate appraisal.

- 1 (D) Business law.
- 2 (E) Escrows.
- 3 (F) Real estate principles.
- 4 (G) Property management.
- 5 (H) Real estate office administration.
- 6 (I) Mortgage loan brokering and lending.
- 7 (J) Computer applications in real estate.
- 8 (K) On and after July 1, 2004, California law that relates to
- 9 common interest developments, including, but not limited to, topics
- 10 addressed in the Davis-Stirling Common Interest Development
- 11 Act (Part 5 (commencing with Section 4000) of Division 4 of the
- 12 Civil Code) and in the Commercial and Industrial Common Interest
- 13 Development Act (Part 5.3 (commencing with Section 6500) of
- 14 Division 4 of the Civil Code).

15 (b) The commissioner shall waive the requirements of this
16 section for an applicant who is a member of the State Bar of
17 California and shall waive the requirements for which an applicant
18 has successfully completed an equivalent course of study as
19 determined under Section 10153.5.

20 (c) The commissioner shall extend credit under this section for
21 any course completed to satisfy requirements of Section 10153.3
22 or 10153.4.

23 (d) This section shall become operative on January 1, ~~2023~~.
24 2024.

25 SEC. 35. Section 10159.5 of the Business and Professions
26 Code is amended to read:

27 10159.5. (a) (1) Every person applying for a license under
28 this chapter who desires to have the license issued under a fictitious
29 business name shall file with the application a certified copy of
30 their fictitious business name statement filed with the county clerk
31 pursuant to Chapter 5 (commencing with Section 17900) of Part
32 3 of Division 7.

33 (2) A responsible broker may, by contract, permit a salesperson
34 to do all of the following:

35 (A) File an application on behalf of a responsible broker with
36 a county clerk to obtain a fictitious business name.

37 (B) Deliver to the department an application, signed by the
38 responsible broker, requesting the department's approval to use a
39 county approved fictitious business name that shall be identified
40 with the responsible broker's license number.

1 (C) Pay for any fees associated with filing an application with
2 a county or the department to obtain or use a fictitious business
3 name.

4 (D) Maintain ownership of a fictitious business name, as defined
5 in paragraph ~~(2)~~ (1) of subdivision (a) of Section 10159.7, that
6 may be used subject to the control of the responsible broker.

7 (b) (1) A salesperson using a fictitious business name authorized
8 by subdivision (a), shall use that name only as permitted by the
9 responsible broker.

10 (2) This section does not change a real estate broker's duties
11 under this division to supervise a salesperson.

12 (c) A person applying to a county for a fictitious business name
13 pursuant to subdivision (a) may file the application in the county
14 or counties where the fictitious business name will be used.

15 (d) Advertising and solicitation materials, including business
16 cards, print or electronic media and "for sale" signage, using a
17 fictitious business name obtained in accordance with paragraph
18 (2) of subdivision (a) shall include the responsible broker's identity,
19 as defined in ~~paragraph (1) of subdivision (a) of Section 10159.7,~~
20 *Section 10015.4*, in a manner equally as prominent as the fictitious
21 business name.

22 (e) Notwithstanding subdivision (b) of Section 10140.6,
23 advertising and solicitation materials, including print or electronic
24 media and "for sale" signage, containing a fictitious business name
25 obtained in accordance with paragraph (2) of subdivision (a) shall
26 include the name and license number of the salesperson who is
27 using the fictitious business name.

28 (f) Notwithstanding Section 10185, a violation of this section
29 is not a misdemeanor.

30 SEC. 36. Section 10165 of the Business and Professions Code
31 is amended to read:

32 10165. For a violation of ~~any of the provisions of Section~~
33 ~~10160~~, *Section 10161.8*, 10162, 10163, or subdivision (b) of
34 Section 10164, the commissioner may temporarily suspend or
35 permanently revoke the license of the real estate licensee in
36 accordance with ~~the provisions of this part relating to hearings.~~

37 SEC. 37. Section 10166.01 of the Business and Professions
38 Code is amended to read:

39 10166.01. For purposes of this article, the following definitions
40 shall apply:

1 (a) “SAFE Act” means the federal Secure and Fair Enforcement
2 for Mortgage Licensing Act of 2008 (Public Law 110-289).

3 (b) (1) “Mortgage loan originator” means an individual who
4 takes a residential mortgage loan application or offers or negotiates
5 terms of a residential mortgage loan for compensation or gain.

6 (2) Mortgage loan originator does not include any of the
7 following:

8 (A) An individual who performs purely administrative or clerical
9 tasks on behalf of a person meeting the definition of a mortgage
10 loan originator, except as otherwise provided in subdivision (c) of
11 Section 10166.03. The term “administrative or clerical tasks”
12 means the receipt, collection, and distribution of information
13 common for the processing or underwriting of a loan in the
14 mortgage industry and communication with a consumer to obtain
15 information necessary for the processing or underwriting of a
16 residential mortgage loan.

17 (B) An individual that only performs real estate brokerage
18 services, as defined in subdivision (a) or (b) of Section 10131,
19 unless that person is compensated by a lender, other mortgage loan
20 originator, or by any agent of any lender or other mortgage loan
21 originator.

22 (C) An individual who solely renegotiates terms for existing
23 mortgage loans held or serviced by ~~his or her~~ *their* employer and
24 who does not otherwise act as a mortgage loan originator, unless
25 the United States Department of Housing and Urban Development
26 or a court of competent jurisdiction determines that the SAFE Act
27 requires such an employee to be licensed as a mortgage loan
28 originator under state laws implementing the SAFE Act.

29 (D) An individual that is solely involved in extensions of credit
30 relating to timeshare plans, as that term is defined in Section
31 101(53D) of Title 11 of the United States Code.

32 (E) An individual licensed or registered as a mortgage loan
33 originator pursuant to ~~the provisions of~~ the Financial Code and the
34 SAFE Act.

35 (c) “~~Nationwide Mortgage~~ *Multistate* Licensing System and
36 Registry” means a mortgage licensing system developed and
37 maintained by the Conference of State Bank Supervisors and the
38 American Association of Residential Mortgage Regulators for the
39 licensing and registration of mortgage loan originators.

1 (d) “Residential mortgage loan” means any loan primarily for
2 personal, family, or household use that is secured by a mortgage,
3 deed of trust, or other equivalent consensual security interest on
4 a dwelling, or residential real estate upon which is constructed or
5 intended to be constructed a dwelling. “Dwelling” means a
6 residential structure that contains one to four units, whether or not
7 that structure is attached to real property. The term includes an
8 individual condominium unit, cooperative unit, mobilehome, or
9 trailer, if it is used as a residence.

10 (e) “Unique identifier” means a number or other identifier
11 assigned by protocols established by the Nationwide Mortgage
12 *Multistate* Licensing System and Registry.

13 (f) “Loan processor or underwriter” means an individual who
14 performs clerical or support duties as an employee at the direction
15 of, and subject to the supervision and instruction of, a mortgage
16 loan originator.

17 SEC. 38. Section 10166.02 of the Business and Professions
18 Code is amended to read:

19 10166.02. (a) A real estate broker who acts pursuant to Section
20 10131.1 or subdivision (d) or (e) of Section 10131, and who makes,
21 arranges, or services loans secured by real property containing one
22 to four residential units, and any salesperson who acts in a similar
23 capacity under the supervision of that broker, shall notify the
24 department by January 31, 2010, or within 30 days of commencing
25 that activity, whichever is later. The notification shall be made in
26 writing, as directed, on a form that is acceptable to the
27 commissioner.

28 (b) No individual may engage in business as a mortgage loan
29 originator under this article without first doing both of the
30 following:

31 (1) Obtaining and maintaining a real estate license pursuant to
32 Article 2 (commencing with Section 10150).

33 (2) Obtaining and maintaining a real estate license endorsement
34 pursuant to this article identifying that individual as a licensed
35 mortgage loan originator.

36 (c) License endorsements shall be valid for a period of one year
37 and shall expire on ~~the 31st of December 31~~ each year.

38 (d) Applicants for a mortgage loan originator license
39 endorsement shall apply in a form prescribed by the commissioner.

1 Each form shall contain content as set forth by rule, regulation,
2 instruction, or procedure of the commissioner.

3 (e) In order to fulfill the purposes of this article, the
4 commissioner may establish relationships or contracts with the
5 ~~Nationwide Mortgage~~ *Multistate* Licensing System and Registry
6 or other entities designated by the ~~Nationwide Mortgage~~ *Multistate*
7 Licensing System and Registry to collect and maintain records
8 and process transaction fees or other fees related to licensees or
9 other persons subject to this article.

10 (f) A real estate broker or salesperson who fails to notify the
11 department pursuant to subdivision (a), or who fails to obtain a
12 license endorsement required pursuant to paragraph (2) of
13 subdivision (b), shall be assessed a penalty of fifty dollars (\$50)
14 per day for each day written notification has not been received or
15 a license endorsement has not been obtained, up to and including
16 the 30th day after the first day of the assessment penalty. On and
17 after the 31st day, the penalty is one hundred dollars (\$100) per
18 day, not to exceed a total penalty of ten thousand dollars (\$10,000),
19 regardless of the number of days, until the department receives
20 the written notification or the licensee obtains the license
21 endorsement. Penalties for violations of subdivisions (a) and (b)
22 shall be additive.

23 (g) The commissioner may suspend or revoke the license of a
24 real estate broker or salesperson who fails to pay a penalty imposed
25 pursuant to this section. In addition, the commissioner may bring
26 an action in an appropriate court of this state to collect payment
27 of that penalty.

28 (h) All penalties paid or collected under this section shall be
29 deposited into the Consumer Recovery Account of the Real Estate
30 Fund and shall, upon appropriation by the Legislature, be available
31 for expenditure for the purposes specified in Chapter 6.5
32 (commencing with Section 10470).

33 SEC. 39. Section 10166.03 of the Business and Professions
34 Code is amended to read:

35 10166.03. (a) A loan processor or underwriter who does not
36 represent to the public, through advertising or other means of
37 communicating or providing information, including the use of
38 business cards, stationery, brochures, signs, rate lists, or other
39 promotional items, that the individual can or will perform any of

1 the activities of a mortgage loan originator shall not be required
2 to obtain a license endorsement as a mortgage loan originator.

3 (b) An individual engaging solely in loan processor or
4 underwriter activities shall not represent to the public, through
5 advertising or other means of communicating or providing
6 information including the use of business cards, stationery,
7 brochures, signs, rate lists, or other promotional items, that the
8 individual can or will perform any of the activities of a mortgage
9 loan originator.

10 (c) An independent contractor who is employed by a mortgage
11 loan originator may not engage in the activities of a loan processor
12 or underwriter for a residential mortgage loan unless the
13 independent contractor loan processor or underwriter obtains and
14 maintains an endorsement as a mortgage loan originator under this
15 article. Each independent contractor loan processor or underwriter
16 who obtains and maintains an endorsement as a mortgage loan
17 originator under this article shall have and maintain a valid unique
18 identifier issued by the Nationwide ~~Mortgage~~ *Multistate* Licensing
19 System and Registry.

20 SEC. 40. Section 10166.04 of the Business and Professions
21 Code is amended to read:

22 10166.04. (a) In connection with an application to the
23 commissioner for a license endorsement as a mortgage loan
24 originator, every applicant shall furnish to the Nationwide
25 ~~Mortgage~~ *Multistate* Licensing System and Registry information
26 concerning the applicant's identity, including the following:

27 (1) Fingerprint images and related information, for purposes of
28 performing a federal, or both a state and federal, criminal history
29 background check.

30 (2) Personal history and experience in a form prescribed by the
31 Nationwide ~~Mortgage~~ *Multistate* Licensing System and Registry,
32 including the submission of authorization for the Nationwide
33 ~~Mortgage~~ *Multistate* Licensing System and Registry and the
34 commissioner to obtain both of the following:

35 (A) An independent credit report from a consumer reporting
36 agency.

37 (B) Information related to any administrative, civil, or criminal
38 findings by any governmental jurisdiction.

39 (b) The commissioner may ask the Nationwide ~~Mortgage~~
40 *Multistate* Licensing System and Registry to obtain state criminal

1 history background check information on applicants described in
2 subdivision (a) using the procedures set forth in subdivisions (c)
3 and (d).

4 (c) If the Nationwide ~~Mortgage~~ *Multistate* Licensing System
5 and Registry electronically submits fingerprint images and related
6 information, as required by the Department of Justice, for an
7 applicant for a mortgage loan originator license endorsement, to
8 the Department of Justice for the purposes of obtaining information
9 as to the existence and content of a record of state convictions and
10 state arrests, and as to the existence and content of a record of state
11 arrests for which the Department of Justice establishes that the
12 person is free on bail or on ~~his or her~~ *their* recognizance pending
13 trial or appeal, the Department of Justice shall provide an electronic
14 response to the Nationwide ~~Mortgage~~ *Multistate* Licensing System
15 and Registry pursuant to paragraph (1) of subdivision (p) of Section
16 11105 of the Penal Code, and shall provide the same electronic
17 response to the department.

18 (d) The Nationwide ~~Mortgage~~ *Multistate* Licensing System and
19 Registry may request from the Department of Justice subsequent
20 arrest notification service, as provided pursuant to Section 11105.2
21 of the Penal Code, for persons described in subdivision (a). The
22 Department of Justice shall provide the same electronic response
23 to the department.

24 (e) The Department of Justice shall charge a fee sufficient to
25 cover the cost of processing the requests described in this section.

26 SEC. 41. Section 10166.06 of the Business and Professions
27 Code is amended to read:

28 10166.06. (a) In addition to the requirements of Section 10153,
29 an applicant for a license endorsement as a mortgage loan
30 originator shall complete at least 20 hours of education courses,
31 which shall include at least the following:

32 (1) Three hours of federal law and regulations.

33 (2) Three hours of ethics, which shall include instruction on
34 fraud, consumer protection, and fair lending issues.

35 (3) Two hours of training related to lending standards for the
36 nontraditional mortgage product marketplace.

37 (b) For purposes of this section, education courses are only
38 acceptable if they have been reviewed and approved, or otherwise
39 deemed acceptable, by the Nationwide ~~Mortgage~~ *Multistate*
40 Licensing System and Registry, in accordance with the SAFE Act.

1 Education may be offered in a classroom, online, or by any other
2 means approved by the Nationwide ~~Mortgage~~ *Multistate* Licensing
3 System and Registry, in accordance with the SAFE Act.

4 (c) A person who successfully completes the education
5 requirements approved by the Nationwide ~~Mortgage~~ *Multistate*
6 Licensing System and Registry in any state other than California
7 shall be granted credit by the commissioner toward completion of
8 the education requirements of this section.

9 (d) Before being issued a license endorsement to act as a
10 mortgage loan originator, an individual shall pass a qualified
11 written test developed or otherwise deemed acceptable by the
12 Nationwide ~~Mortgage~~ *Multistate* Licensing System and Registry
13 and administered by a test provider approved or otherwise deemed
14 acceptable by the Nationwide ~~Mortgage~~ *Multistate* Licensing
15 System and Registry.

16 (e) A written test shall not be treated as a qualified written test
17 for purposes of this section, unless the test adequately measures
18 the applicant's knowledge and comprehension in the following
19 subject areas: ethics, federal law and regulation pertaining to
20 mortgage origination, state law and regulation pertaining to
21 mortgage origination, and federal and state law and regulation
22 relating to fraud, consumer protection, the nontraditional mortgage
23 marketplace, and fair lending issues.

24 (f) ~~Nothing in this section shall prohibit~~ *This section does not*
25 *prohibit* a test provider approved by the Nationwide ~~Mortgage~~
26 *Multistate* Licensing System and Registry from providing a test
27 at the location of the employer of the applicant or any subsidiary
28 or affiliate of the employer of the applicant, or any entity with
29 which the applicant holds an exclusive arrangement to conduct
30 the business of a mortgage loan originator.

31 (g) An individual shall not be considered to have passed a
32 qualified written test administered pursuant to this section unless
33 the individual achieves a test score of not less than 75 percent
34 correct answers to questions.

35 (h) An individual who fails the qualified written test may retake
36 the test, although at least 30 days must pass between each retesting,
37 except as provided in subdivision (i).

38 (i) An applicant who fails three consecutive tests shall wait at
39 least six months before retesting.

1 (j) A mortgage loan originator who fails to maintain a valid
2 license endorsement for a period of five years or longer or who
3 fails to register as a mortgage loan originator shall retake the
4 qualified written test.

5 SEC. 42. Section 10166.07 of the Business and Professions
6 Code is amended to read:

7 10166.07. (a) A real estate broker who acts pursuant to Section
8 10131.1 or subdivision (d) or (e) of Section 10131, and who makes,
9 arranges, or services one or more loans in a calendar year that are
10 secured by real property containing one to four residential units,
11 shall annually file a business activities report, within 90 days after
12 the end of the broker's fiscal year or within any additional time as
13 the commissioner may allow for filing for good cause. The report
14 shall contain within its scope all of the following information for
15 the fiscal year, relative to the business activities of the broker and
16 those of any other brokers and real estate salespersons acting under
17 that broker's supervision:

18 (1) Name and license number of the supervising broker and
19 names and license numbers of the real estate brokers and
20 salespersons under that broker's supervision. The report shall
21 include brokers and salespersons who were under the supervising
22 broker's supervision for all or part of the year.

23 (2) A list of the real estate-related activities in which the
24 supervising broker and the brokers and salespersons under the
25 supervising broker's supervision engaged during the prior year.
26 This listing shall identify all of the following:

27 (A) Activities relating to mortgages, including arranging,
28 making, or servicing.

29 (B) Other activities performed under the real estate broker's or
30 salesperson's license.

31 (C) Activities performed under related licenses, including, but
32 not limited to, a license to engage as a finance lender or a finance
33 broker under the California Financing Law (Division 9
34 commencing with Section 22000) of the Financial Code), or a
35 license to engage as a residential mortgage lender or residential
36 mortgage loan servicer under the California Residential Mortgage
37 Lending Act (Division 20 (commencing with Section 50000) of
38 the Financial Code).

- 1 (3) A list of the forms of media used by the broker and those
2 under the broker's supervision to advertise to the public, including
3 print, radio, television, the internet, or other means.
- 4 (4) For fixed rate loans made, brokered, or serviced, all of the
5 following:
- 6 (A) The total number, aggregate principal amount, lowest
7 interest rate, highest interest rate, and a list of the institutional
8 lenders of record. If the loan was funded by any lender other than
9 an institutional lender, the broker shall categorize the loan as
10 privately funded.
- 11 (B) The total number and aggregate principal amount of covered
12 loans, as defined in Section 4970 of the Financial Code.
- 13 (C) The total number and aggregate principal amount of loans
14 for which Department of Real Estate form RE Form 885 or an
15 equivalent is required.
- 16 (5) For adjustable rate loans made, brokered, or serviced, all of
17 the following:
- 18 (A) The total number, aggregate principal amount, lowest
19 beginning interest rate, highest beginning interest rate, highest
20 margin, and a list of the institutional lenders of record. If the loan
21 was funded by any lender other than an institutional lender, the
22 broker shall categorize the loan as privately funded.
- 23 (B) The total number and aggregate principal amount of covered
24 loans, as defined in Section 4970 of the Financial Code.
- 25 (C) The total number and aggregate principal amount of loans
26 for which Department of Real Estate form RE Form 885 or an
27 equivalent is required.
- 28 (6) For all loans made, brokered, or serviced, the total number
29 and aggregate principal amount of loans funded by institutional
30 lenders, and the total number and aggregate principal amount of
31 loans funded by private lenders.
- 32 (7) For all loans made, brokered, or serviced, the total number
33 and aggregate principal amount of loans that included a prepayment
34 penalty, the minimum prepayment penalty length, the maximum
35 prepayment penalty length, and the number of loans with
36 prepayment penalties whose length exceeded the length of time
37 before the borrower's loan payment amount could increase.
- 38 (8) For all loans brokered, the total compensation received by
39 the broker, including yield spread premiums, commissions, and

1 rebates, but excluding compensation used to pay fees for third-party
2 services on behalf of the borrower.

3 (9) For all mortgage loans made or brokered, the total number
4 of loans for which a mortgage loan disclosure statement was
5 provided in a language other than English, and the number of forms
6 provided per language other than English.

7 (10) For all mortgage loans serviced, the total amount of funds
8 advanced to be applied toward a payment to protect the security
9 of the note being serviced.

10 (11) For purposes of this section, an institutional lender has the
11 meaning specified in paragraph (1) of subdivision (c) of Section
12 10232.

13 (b) A broker subject to this section and Section 10232.2 may
14 file consolidated reports that include all of the information required
15 under this section and Section 10232.2. Those consolidated reports
16 shall clearly indicate that they are intended to satisfy the
17 requirements of both sections.

18 (c) If a broker subject to this section fails to timely file the report
19 required under this section, the commissioner may cause an
20 examination and report to be made and may charge the broker one
21 and one-half times the cost of making the examination and report.
22 In determining the hourly cost incurred by the commissioner for
23 conducting an examination and preparing the report, the
24 commissioner may use the estimated average hourly cost for all
25 department audit staff performing audits of real estate brokers. If
26 a broker fails to pay the commissioner's cost within 60 days of the
27 mailing of a notice of billing, the commissioner may suspend the
28 broker's license or deny renewal of that license. The suspension
29 or denial shall remain in effect until the billed amount is paid or
30 the broker's right to renew a license has expired. The commissioner
31 may maintain an action for the recovery of the billed amount in
32 any court of competent jurisdiction.

33 (d) The report described in this section is exempted from any
34 requirement of public disclosure by paragraph (2) of subdivision
35 (d) of Section 6254 of the Government Code.

36 (e) The commissioner may waive the requirement to submit
37 certain information described in paragraphs (1) to (10), inclusive,
38 of subdivision (a) if the commissioner determines that this
39 information is duplicative of information required by the

1 Nationwide ~~Mortgage~~ *Multistate* Licensing System and Registry,
2 pursuant to Section 10166.08.

3 SEC. 43. Section 10166.08 of the Business and Professions
4 Code is amended to read:

5 10166.08. Each mortgage loan originator shall submit reports
6 of condition to the Nationwide ~~Mortgage~~ *Multistate* Licensing
7 System and Registry reports of condition, and those reports shall
8 be in the form and shall contain information as the Nationwide
9 ~~Mortgage~~ *Multistate* Licensing System and Registry may require.

10 SEC. 44. Section 10166.10 of the Business and Professions
11 Code is amended to read:

12 10166.10. (a) A mortgage loan originator shall complete at
13 least eight hours of continuing education annually, which shall
14 include at least three hours relating to federal law and regulations,
15 two hours of ethics, which shall include instruction on fraud,
16 consumer protection, and fair lending issues, and two hours related
17 to lending standards for the nontraditional mortgage product
18 marketplace.

19 (b) For purposes of subdivision (a), continuing education courses
20 and course providers shall be reviewed and approved by the
21 commissioner and the Nationwide ~~Mortgage~~ *Multistate* Licensing
22 System and Registry.

23 (c) The commissioner shall have the authority to substitute any
24 of the courses described in subdivision (a) for the course
25 requirements of Section 10170.5, subject to a finding that the
26 course requirements in subdivision (a) and the course completion
27 standards in subdivision (g) of Section 10166.06 are substantially
28 equivalent to, and meet the intent of, Section 10170.5.

29 (d) ~~Nothing in this section shall~~ *This section does not* preclude
30 any education course, as approved by the commissioner and the
31 Nationwide ~~Mortgage~~ *Multistate* Licensing System and Registry,
32 that is provided by the employer of the mortgage loan originator
33 or an entity that is affiliated with the mortgage loan originator by
34 an agency contract, or any subsidiary or affiliate of the employer
35 or entity.

36 (e) Continuing education may be offered either in a classroom,
37 online, or by any other means approved by the commissioner and
38 the Nationwide ~~Mortgage~~ *Multistate* Licensing System and
39 Registry.

1 (f) A mortgage loan originator may only receive credit for a
2 continuing education course in the year in which the course is
3 taken.

4 (g) A mortgage loan originator may not take the same approved
5 course in the same or successive years to meet the requirements
6 of this section for continuing education.

7 (h) A mortgage loan originator who is an instructor of an
8 approved continuing education course may receive credit for ~~his~~
9 ~~or her~~ *their* own annual continuing education requirement at the
10 rate of two hours credit for every one hour taught.

11 (i) A person who successfully completes the education
12 requirements approved by the Nationwide ~~Mortgage~~ *Multistate*
13 Licensing System and Registry in any state other than California
14 shall be granted credit by the commissioner towards completion
15 of continuing education requirements in this state.

16 (j) A mortgage loan originator whose license endorsement
17 lapses, expires, or is suspended or revoked, and who wishes to
18 regain ~~his or her~~ *their* license endorsement, shall complete
19 continuing education requirements for the last year in which the
20 endorsement was held, ~~prior to~~ *before* issuance of a new or renewed
21 endorsement.

22 SEC. 45. Section 10166.15 of the Business and Professions
23 Code is amended to read:

24 10166.15. (a) The commissioner shall regularly report
25 violations of this article, as well as enforcement actions taken
26 against any mortgage loan originator to whom an endorsement has
27 been issued, and enforcement actions taken against any individual
28 for failure to obtain an endorsement as a mortgage loan originator,
29 to the Nationwide ~~Mortgage~~ *Multistate* Licensing System and
30 Registry.

31 (b) The commissioner shall establish a process that may be used
32 by mortgage loan originators to challenge information entered into
33 the Nationwide ~~Mortgage~~ *Multistate* Licensing System and
34 Registry by the commissioner.

35 (c) The commissioner is authorized to promulgate regulations
36 specifying (1) the recordkeeping requirements that mortgage loan
37 originators shall satisfy and (2) the penalties that shall apply to
38 mortgage loan originators for violations of this article.

39 SEC. 46. Section 10166.16 of the Business and Professions
40 Code is amended to read:

1 10166.16. (a) Except as otherwise provided in Section 1512
2 of the SAFE Act, the requirements under any federal or state law
3 regarding the privacy or confidentiality of any information or
4 material provided to the Nationwide ~~Mortgage~~ *Multistate* Licensing
5 System and Registry, and any privilege arising under federal or
6 state law, including the rules of any federal or state court, with
7 respect to that information or material, shall continue to apply to
8 the information or material after the information or material has
9 been disclosed to the Nationwide ~~Mortgage~~ *Multistate* Licensing
10 System and Registry. The information and material may be shared
11 with all state and federal regulatory officials with mortgage
12 industry oversight authority without the loss of privilege or the
13 loss of confidentiality protections provided by federal or state law.

14 (b) For these purposes, the commissioner is authorized to enter
15 agreements or sharing arrangements with other governmental
16 agencies, the Conference of State Bank Supervisors, the American
17 Association of Residential Mortgage Regulators, or other
18 associations representing governmental agencies as established by
19 rule, regulation or order of the commissioner.

20 (c) Information or material that is subject to a privilege or
21 confidentiality under subdivision (a) shall not be subject to either
22 of the following:

23 (1) Disclosure under any federal or state law governing the
24 disclosure to the public of information held by an officer or an
25 agency of the federal government or the state.

26 (2) Subpoena or discovery, or admission into evidence, in any
27 private civil action or administrative process, unless with respect
28 to any privilege held by the Nationwide ~~Mortgage~~ *Multistate*
29 Licensing System and Registry with respect to the information or
30 material, the person to whom the information or material pertains
31 waives, in whole or in part, in the discretion of the person, that
32 privilege.

33 (d) This section shall not apply with respect to the information
34 or material relating to the employment history of, and publicly
35 adjudicated disciplinary and enforcement actions against, mortgage
36 loan originators that is included in the Nationwide ~~Mortgage~~
37 *Multistate* Licensing System and Registry for access by the public.

38 SEC. 47. Section 10166.17 of the Business and Professions
39 Code is amended to read:

1 10166.17. In addition to any other duties imposed upon the
2 commissioner by law, the commissioner shall require mortgage
3 loan originators to be licensed and registered through the
4 Nationwide-Mortgage *Multistate* Licensing System and Registry.
5 In order to carry out this requirement the commissioner is
6 authorized to participate in the Nationwide-Mortgage *Multistate*
7 Licensing System and Registry. For this purpose, the commissioner
8 may establish by rule, regulation, or order, requirements as
9 necessary, including, but not limited to, the following:

10 (a) Background checks for the following:

11 (1) Criminal history through fingerprint or other databases.

12 (2) Civil or administrative records.

13 (3) Credit history.

14 (4) Any other information as deemed necessary by the
15 Nationwide-Mortgage *Multistate* Licensing System and Registry.

16 (b) The payment of fees to apply for or renew licenses through
17 the Nationwide-Mortgage *Multistate* Licensing System and
18 Registry.

19 (c) The setting or resetting as necessary of renewal or reporting
20 dates.

21 (d) Requirements for amending or surrendering a license or any
22 other activities as the commissioner deems necessary for
23 participation in the Nationwide-Mortgage *Multistate* Licensing
24 System and Registry.

25 SEC. 48. Section 10235.5 of the Business and Professions
26 Code is amended to read:

27 10235.5. (a) A real estate licensee or mortgage loan originator
28 shall not place an advertisement disseminated primarily in this
29 state for a loan unless there is disclosed within the printed text of
30 that advertisement, or the oral text in the case of a radio or
31 television advertisement, the Department of Real Estate number
32 and the unique identifier assigned to that licensee by the
33 Nationwide-Mortgage *Multistate* Licensing System and Registry
34 under which the loan would be made or arranged.

35 (b) "Mortgage loan originator," "unique identifier," and
36 "Nationwide-Mortgage *Multistate* Licensing System and Registry"
37 have the meanings set forth in Section 10166.01.

38 SEC. 49. Section 10236.4 of the Business and Professions
39 Code is amended to read:

1 10236.4. (a) In compliance with Section 10235.5, every
 2 licensed real estate broker shall also display ~~his or her~~ *their* license
 3 number on all advertisements where there is a solicitation for
 4 borrowers or potential investors. Every mortgage loan originator,
 5 as defined in Section 10166.01, shall also display the unique
 6 identifier assigned to that individual by the Nationwide ~~Mortgage~~
 7 *Multistate* Licensing System and Registry on all advertisements
 8 where there is a solicitation for borrowers.

9 (b) The disclosures required by Sections 10232.4 and 10240
 10 shall include the licensee’s license number, the mortgage loan
 11 originator’s unique identifier, if applicable, and the department’s
 12 license information telephone number.

13 (c) “Mortgage loan originator,” “unique identifier,” and
 14 “~~Nationwide Mortgage~~ *Multistate* Licensing System and Registry”
 15 have the meanings set forth in Section 10166.01.

16 SEC. 50. Section 12303 of the Business and Professions Code
 17 is amended to read:

18 12303. The state standards of weights and measures by which
 19 all state and county standards of weights and measures shall be
 20 tried, proved, and sealed include the following standards, provided
 21 the standards have been certified relative to national standards
 22 under the direction of the National Institute of Standards and
 23 Technology:

- 24 (a) Metrological standards provided by the United States.
- 25 (b) Metrological standards procured by the state.
- 26 (c) Metrological standards in the possession of county sealers.
- 27 (d) Metrological standards in the possession of laboratories
 28 certified to perform measurement services pursuant to Section
 29 ~~12500.7.~~ *12314.*

30 SEC. 51. No reimbursement is required by this act pursuant to
 31 Section 6 of Article XIII B of the California Constitution because
 32 the only costs that may be incurred by a local agency or school
 33 district will be incurred because this act creates a new crime or
 34 infraction, eliminates a crime or infraction, or changes the penalty
 35 for a crime or infraction, within the meaning of Section 17556 of
 36 the Government Code, or changes the definition of a crime within
 37 the meaning of Section 6 of Article XIII B of the California
 38 Constitution.

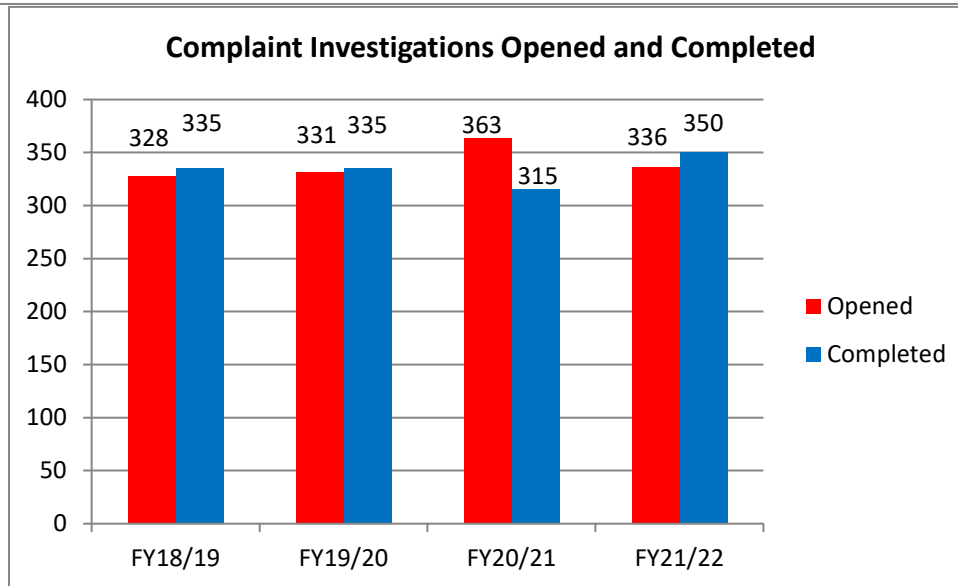
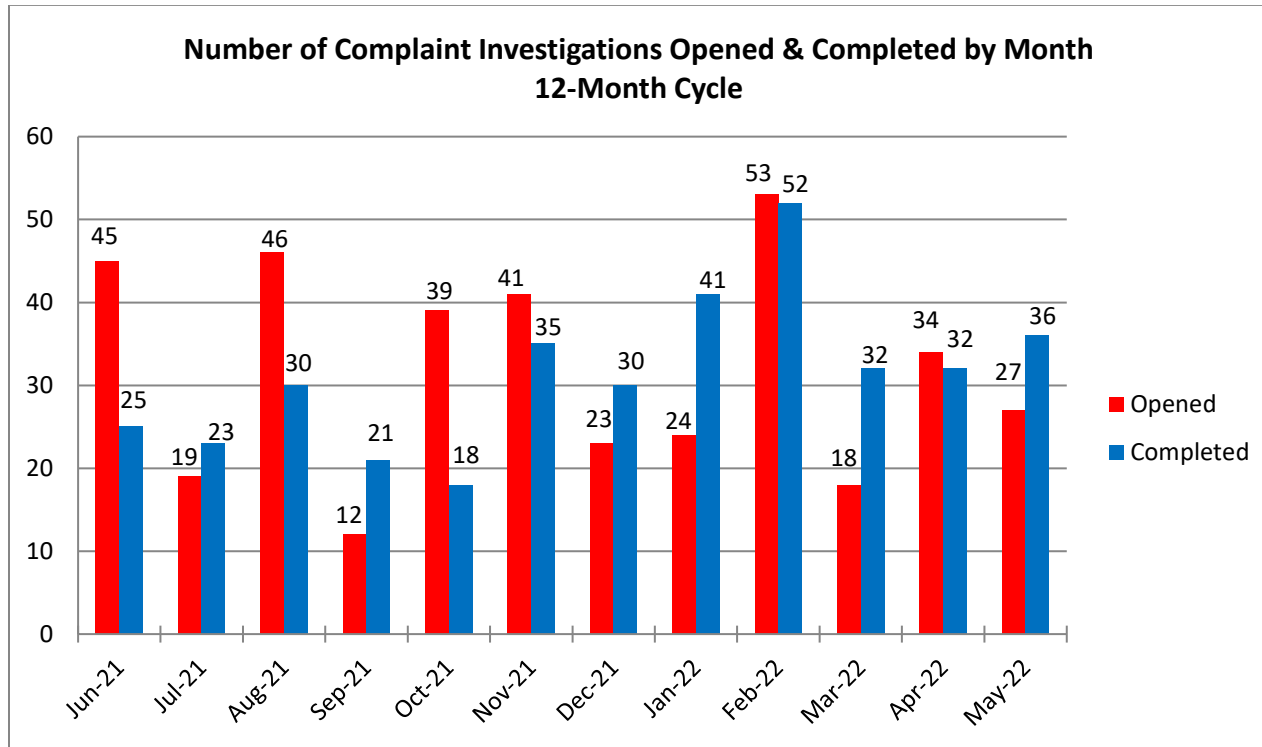
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VII. Enforcement

A. Enforcement Statistical Reports

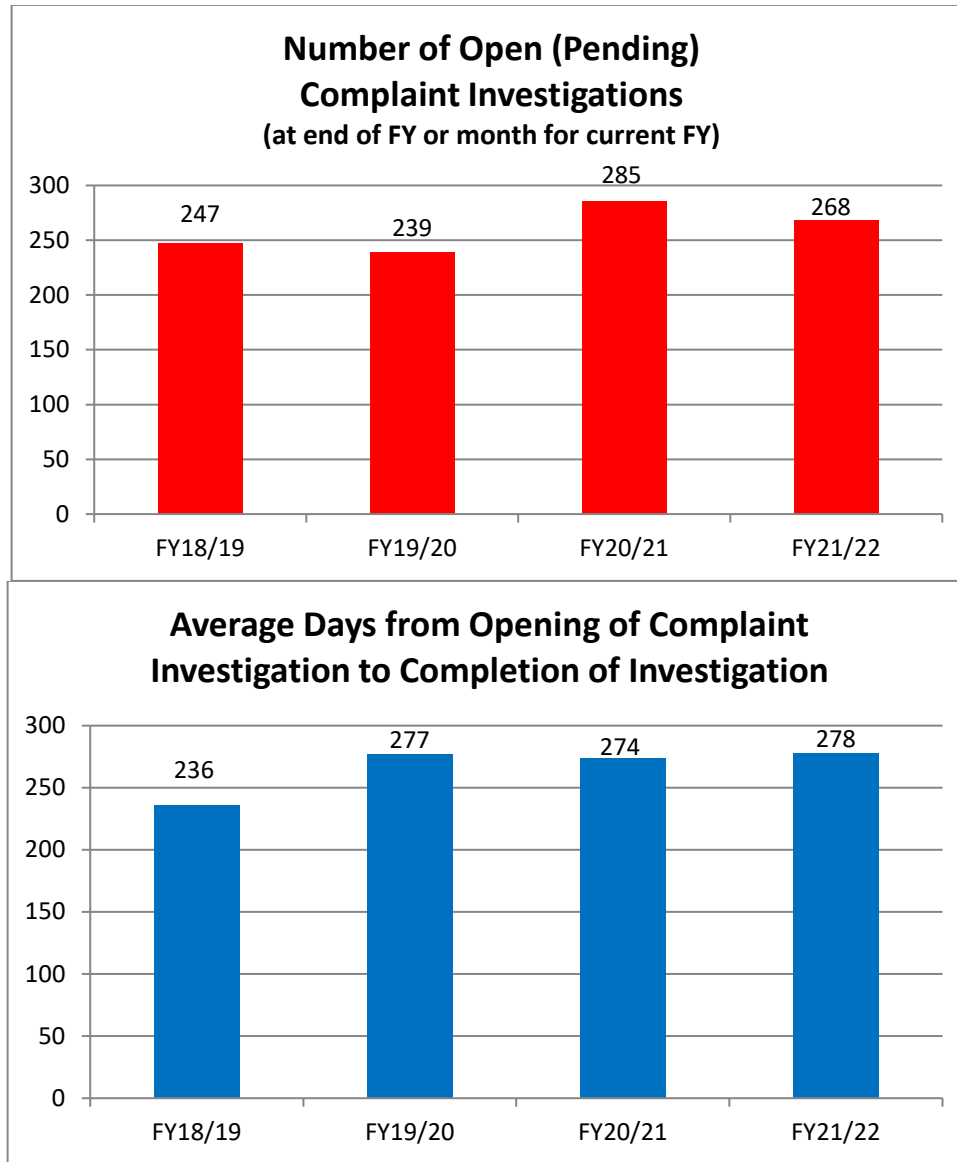
1. Fiscal Year 2021/22 Update

Complaint Investigation Phase



NOTE: FY20/21 statistics are through May 31, 2022

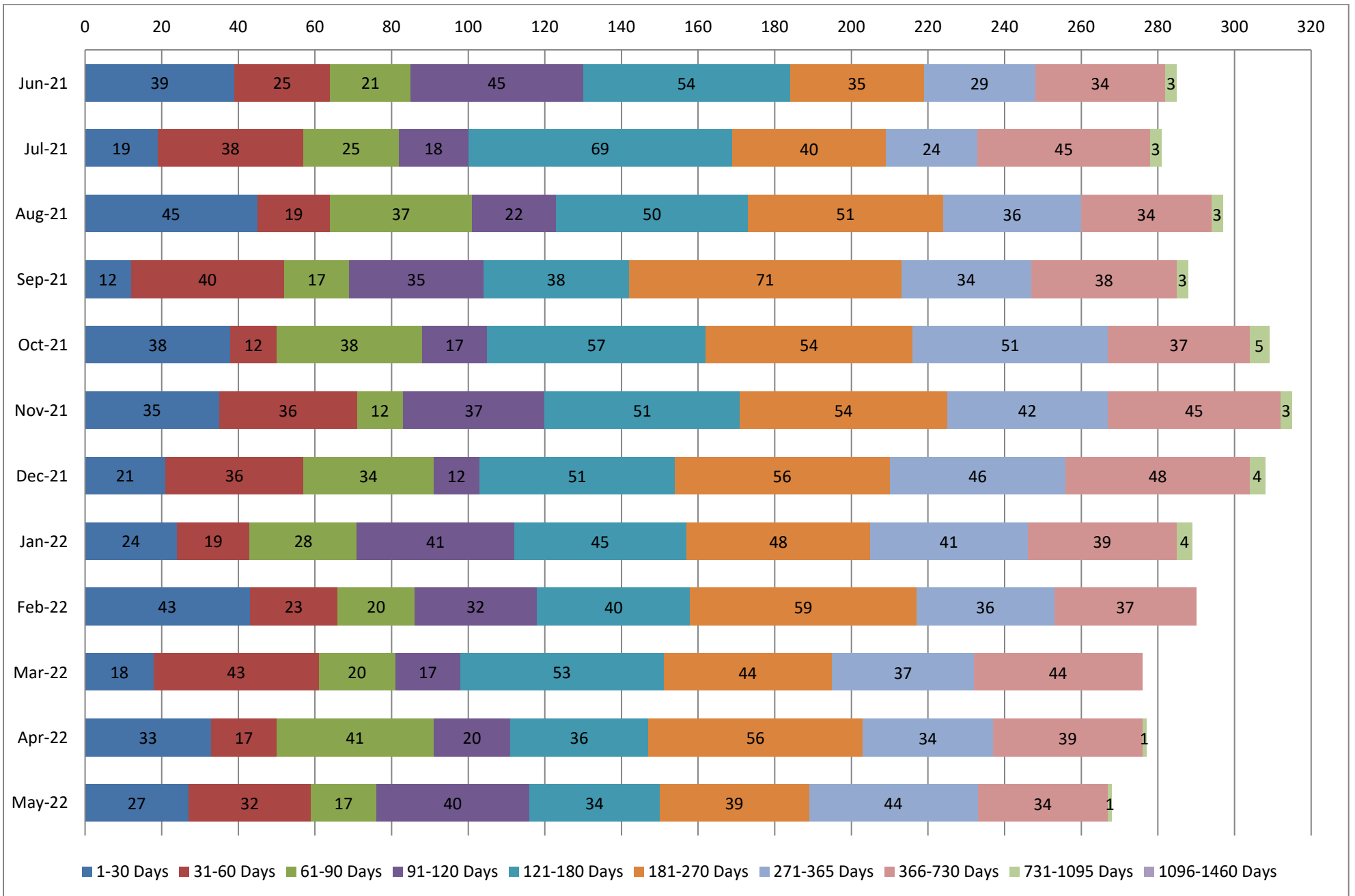
Complaint Investigation Phase



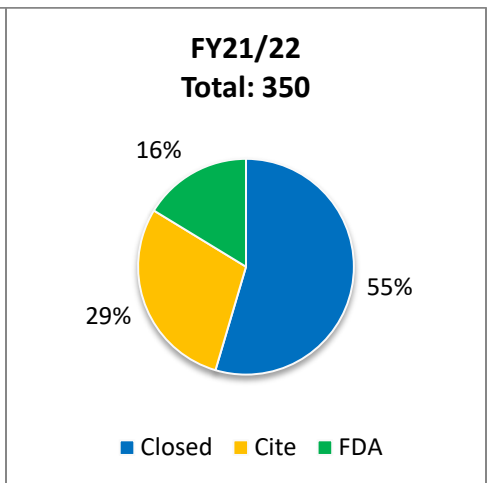
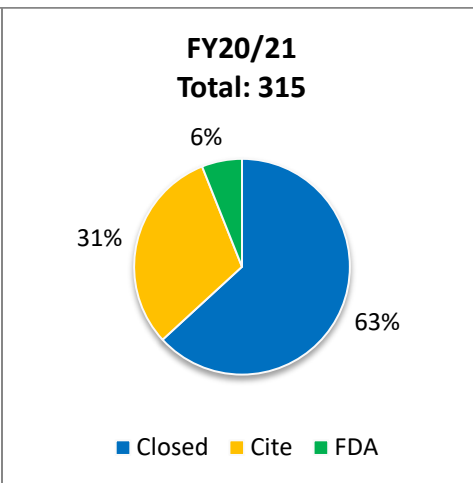
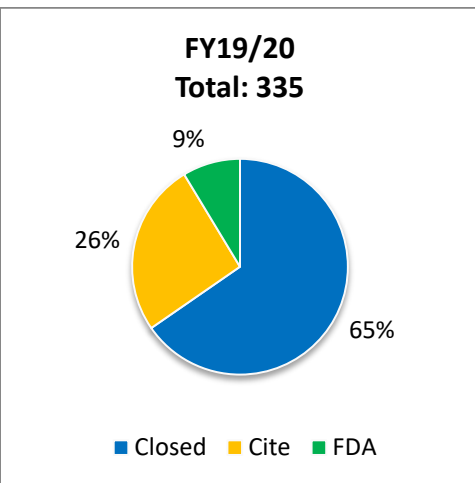
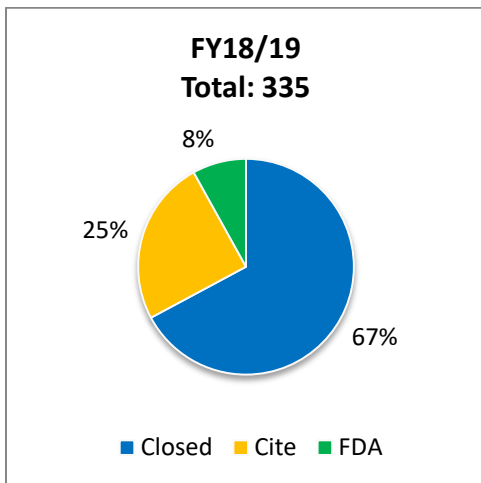
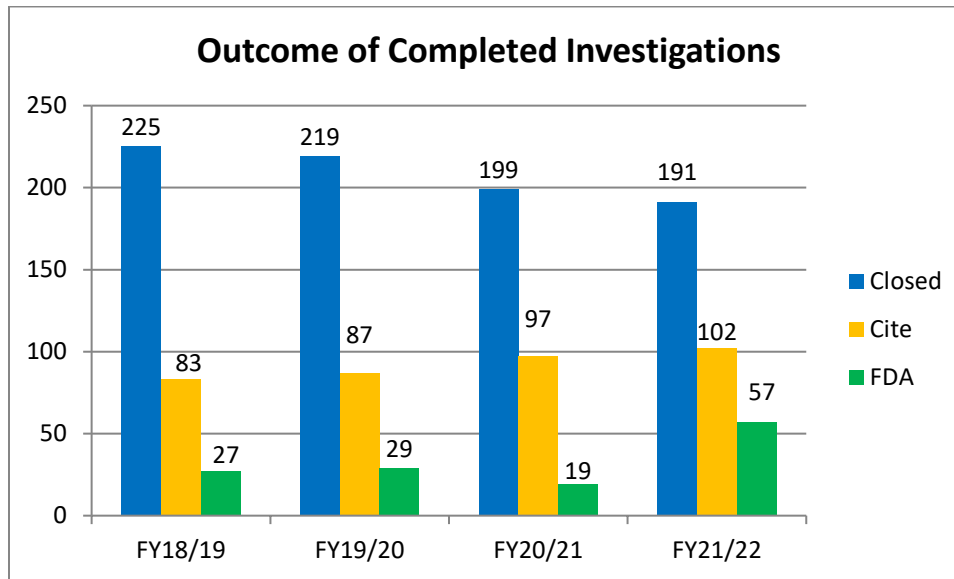
NOTE: FY20/21 statistics are through May 31, 2022

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



Complaint Investigation Phase Outcome of Completed Investigations



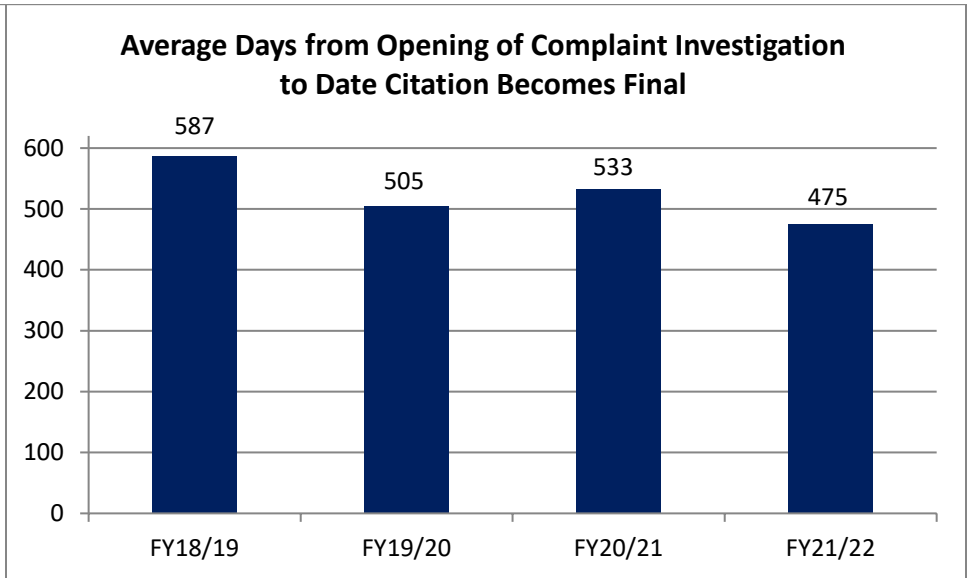
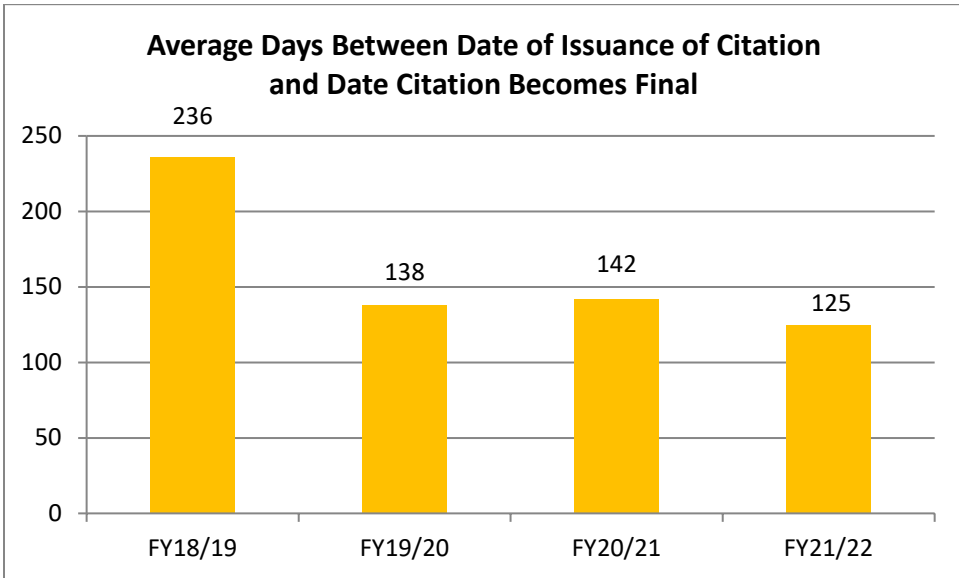
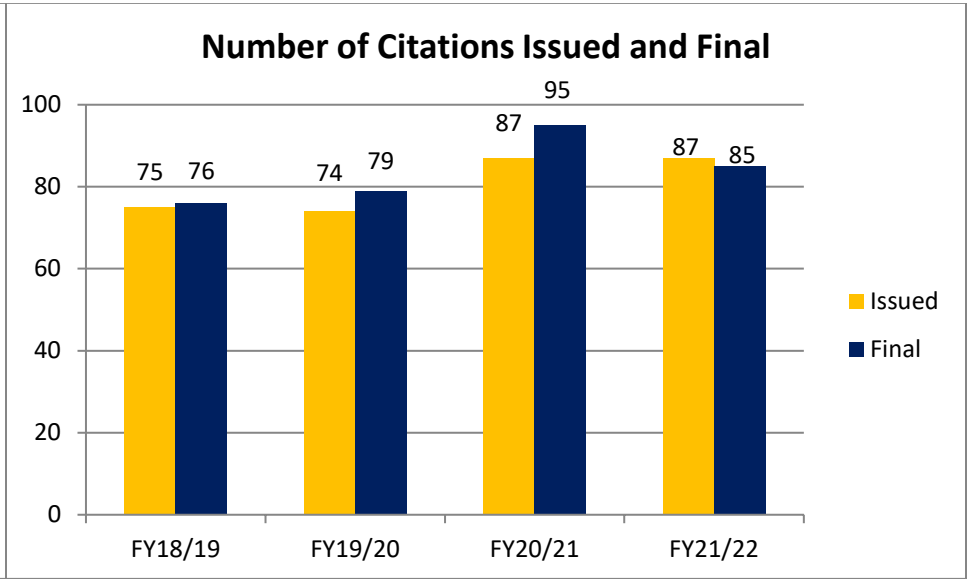
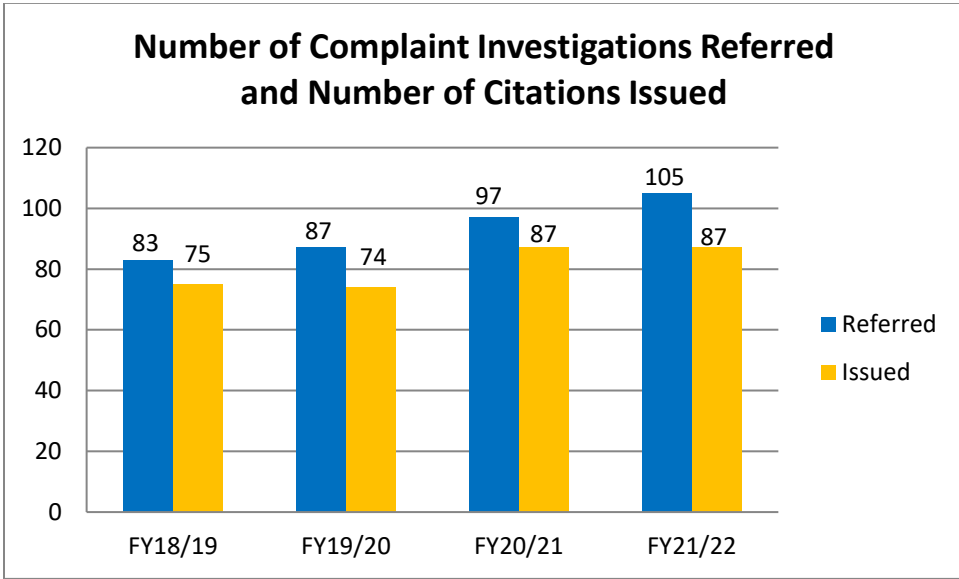
NOTE: FY20/21 statistics are through May 31, 2022

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

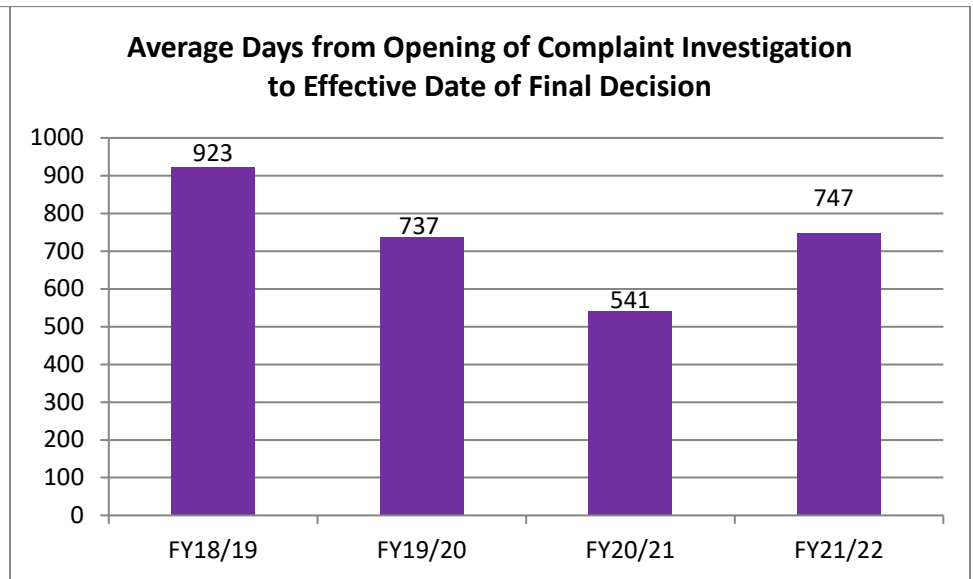
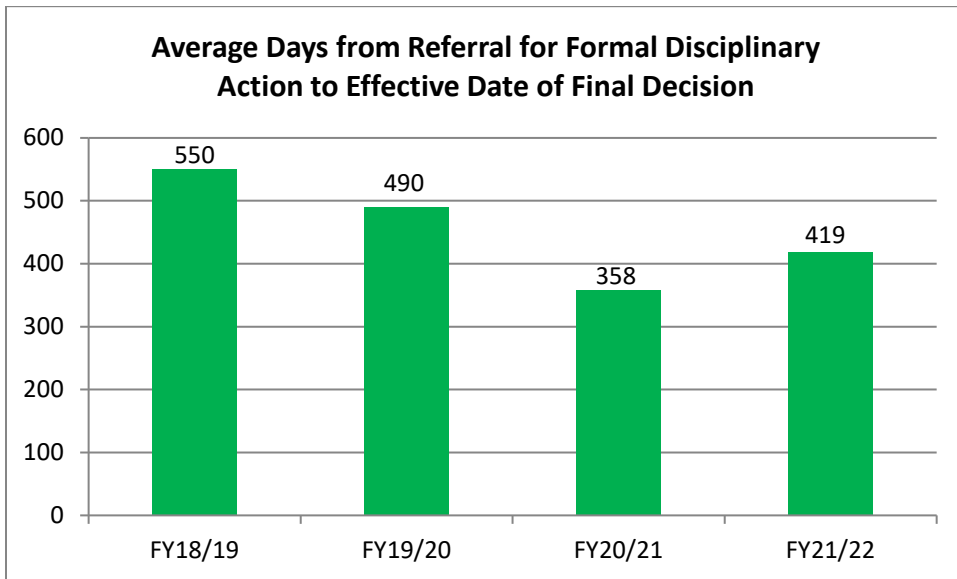
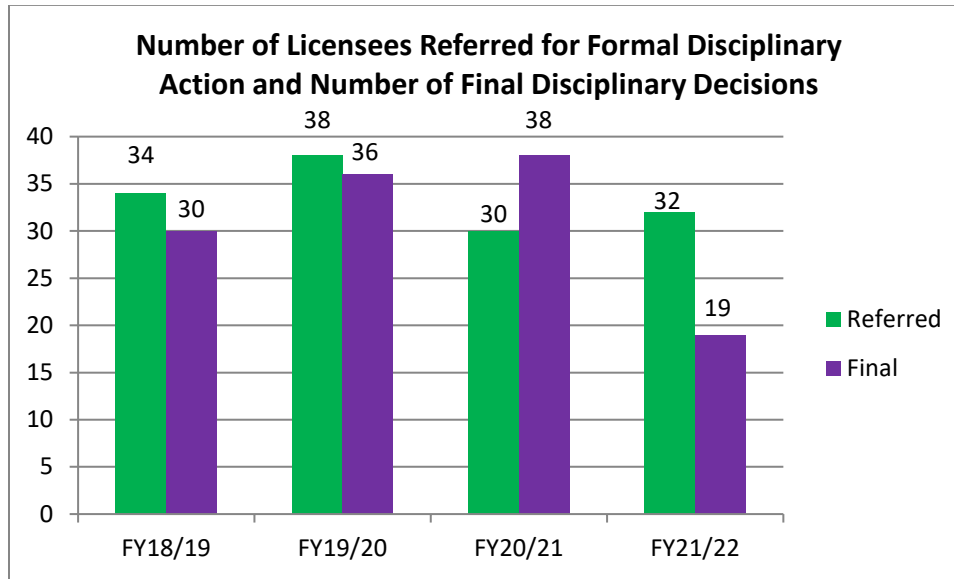
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY20/21 statistics are through May 31, 2022

Formal Disciplinary Actions Against Licensees



NOTE: FY20/21 statistics are through May 31, 2022

Complaint Investigation Phase

Number of Complaint Investigations Opened & Completed by Month 12-Month Cycle

Month	Complaint Investigations Opened	Complaint Investigations Completed
June 2021	45	25
July 2021	19	23
August 2021	46	30
September 2021	12	21
October 2021	39	18
November 2021	41	35
December 2021	23	30
January 2022	24	41
February 2022	53	52
March 2022	18	32
April 2022	34	32
May 2022	27	36

Complaint Investigations Opened and Completed Total by Fiscal Year

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2018/19	328	335
2019/20	331	335
2020/21	363	315
2021/22	336	350

Current Fiscal Year through May 31, 2022

Number of Open (Pending) Complaint Investigations (at end of FY or month for current FY)

Fiscal Year	Number of Open (Pending) Complaint Investigations
2018/19	247
2019/20	239
2020/21	285
2021/22	268

Current Fiscal Year through May 31, 2022

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
2018/19	236
2019/20	277
2020/21	274
2021/22	278

Current Fiscal Year through May 31, 2022

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2018/19	225	67%	83	25%	27	8%
2019/20	219	65%	87	29%	29	9%
2020/21	199	63%	97	31%	19	6%
2021/22	191	55%	102	29%	57	16%

Current Fiscal Year through May 31, 2022

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

Complaint Investigation Phase

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
June 2021	39	25	21	45	54	35	29	34	3	0
July 2021	19	38	25	18	69	40	24	45	3	0
August 2021	45	19	37	22	50	51	36	34	3	0
September 2021	12	40	17	25	38	71	34	38	3	0
October 2021	38	12	38	17	57	54	51	37	5	0
November 2021	35	36	12	37	51	54	42	45	3	0
December 2021	21	36	34	12	51	56	46	48	4	0
January 2022	24	19	28	41	45	48	41	39	4	0
February 2022	43	23	20	32	40	59	36	37	0	0
March 2022	18	43	20	17	53	44	37	44	0	0
April 2022	33	17	41	20	36	56	34	39	1	0
May 2022	27	32	17	40	34	39	44	34	1	0

Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2018/19	83	75
2019/20	87	74
2020/21	97	87
2021/22	105	87

Current Fiscal Year through May 31, 2022

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2018/19	75	76
2019/20	74	79
2020/21	87	95
2021/22	87	85

Current Fiscal Year through May 31, 2022

Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

Fiscal Year	Number of Days
2018/19	236
2019/20	138
2020/21	142
2021/22	125

Current Fiscal Year through May 31, 2022

Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

Fiscal Year	Number of Days
2018/19	587
2019/20	505
2020/21	533
2021/22	475

Current Fiscal Year through May 31, 2022

Formal Disciplinary Actions Against Licensees

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
2018/19	34	30
2019/20	38	35
2020/21	30	38
2021/22	32	19

Current Fiscal Year through May 31, 2022

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

Fiscal Year	Number of Days
2018/19	550
2019/20	490
2020/21	358
2021/22	419

Current Fiscal Year through May 31, 2022

Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

Fiscal Year	Number of Days
2018/19	923
2019/20	737
2020/21	541
2021/22	747

Current Fiscal Year through May 31, 2022

VIII. Exams/Licensing

A. Examination/Licensing Updates

VIII. A. - Examinations/Licensing Updates

The transition from paper-based applications to online application submittal by way of BPELSG Connect has proven to be very beneficial for many applicants/licensees but not without some delays and growing pains experienced by some applicants and Board staff.

Examples of Initial Benefits:

- More efficient license renewal processing
- Shorter processing/review timeframes for Engineer-In-Training (EIT), Land Surveyor-In-Training (LSIT), and Land Surveyor (PLS) applicants.
- Better organizational management of state exam scheduling and results

Significant Increase of Civil Engineer Applications – The Board publicized a deadline of September 30, 2021 to receive all paper applications related to Civil Engineer and Professional Land Surveyor licenses explaining that after that date, all new applications would need to be submitted in Connect upon the impending (Nov 10, 2021) Product Increment 3.5 release.

Prior to the Product Increment Release 3.5, the Board received an unanticipated increase of civil engineer and land surveyor paper applications and can be best characterized as:

- 2017-2020 historical avg. of (paper) CE Apps received Jul-Sep: 313
- Volume of CE Apps (paper) received Jul-Sep 2021: 522 (almost 67% increase)
- **NOTE:** Above applications were required to be cashiered/reviewed using legacy system and processes and upon approval would need to be added into the Connect system for state exam scheduling.

Upon the release of Connect PI 3.5 in November, 2021, the Board also experienced an unanticipated increase of all application types currently being offered in Connect, especially with civil engineering applications. Specifically, the increased volume of civil engineering applications in comparison to previous years:

- 2018-2021 avg. of CE Apps received Jan-May: 630
- Volume of CE Apps received Jan-May 2022: 981 (almost 56% increase)

NOTE: Above statistics do not reflect the increase in other PE or PLS applications in Connect during same time period.

While the Board is certainly happy to see the interest in licensing and whether this can be attributed to a reflection of the industry needs following the 2020/21 pandemic, the availability of Connect, or a combination of both, it is certainly an increase in workload that, when coupled with the other factors attributed to the delays as described in this report.

Examples of Initial Delays

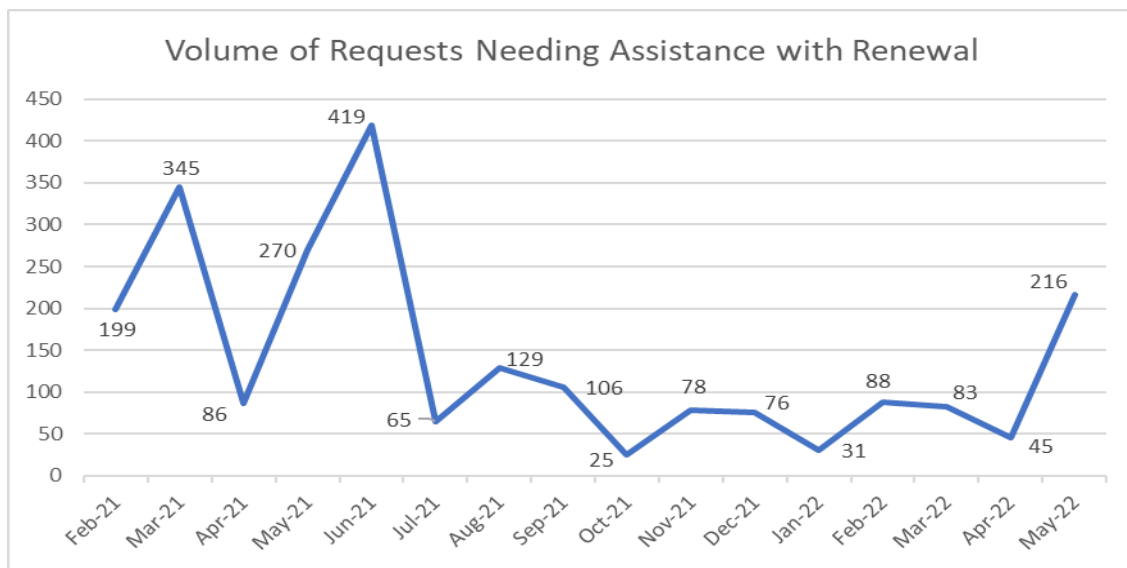
- Issues linking pre-existing licenses during a renewal process
- Longer processing/review timeframes for Professional Engineer (PE) application types
- Transition of existing Civil Engineer (CE)/PLS applicants from legacy system for purposes of scheduling state exam attempts through Connect

Identified Causes:

- Date of Birth (DOB) inconsistencies present in legacy system revealed a need for staff assistance in linking pre-existing licenses to Connect accounts.
- Staffing turnover in Licensing and Administrative Units resulting in an increase of required training and availability of existing staff adapting to changing roles.
- Developing a process to accommodate state exam submittals/payments and exam scheduling for legacy applicants.
- Board staff has maintained legacy application process while simultaneously developing and launching the Connect platform during a period when the board experienced a significant increase in application volume.

What Board did or is currently working on to improve operations:

License Renewals – Worked with developer/Agile Team to refine the business logic between new Connect system and legacy system to address the inconsistent DOB in legacy data. Resulted in a reduction of staff-assisted renewals from an average of 264 requests a month (Feb-2021 – Jun-2021) to an average of 73 a month (Jul-2021 – Apr-2022).



NOTES: May 2022 is reflecting an increase of requests due to Board staff (and DCA) refining the license renewal mailing to encourage more renewals to be conducted by licensees using online Connect system. For comparison: May 2021 – 270 assistance requests per 5,026 processed online renewals. May 2022 – 216 assistance requests per 8,348 processed online renewals. Improvements resulted in an increase of online renewals with a lower percentage of licensees encountering issues processing the renewal transaction. Staff expects the percentage of issues will continue to lessen within next 12-18 months as all licensees transition to Connect.

Licensing and Administrative Staffing – Both units are currently in process of filling vacant positions in addition to cross training existing staff.

Pre-existing legacy applicants – Staff developed a process with developers/Agile Team to facilitate state exam requests/payments in Connect for those pre-existing legacy applicants who submitted applications

prior to Connect and who still need to pass one or more state exams. In addition to the more recent “active” applications submitted prior to Connect (last two years), staff initially identified “tens of thousands” of legacy applicants which had previously passed through the technical review stage of the application process within the last 20 years thereby making them potentially eligible to sit for one or more state exams. Subsequently, staff identified applicants who 1) were actively eligible to sit for one or more state exams; 2) were unsuccessful in multiple attempts at passing one or more state exams; and 3) were not considered as an abandoned application and added those into the Connect system for the applicants to continue their examination process.

Delay in Reviewing/Processing Applications – Based on the above application volumes, the Administrative and Licensing Units were faced with processing a larger volume of applications, both in legacy paper format and online with Connect, while simultaneously experiencing a decrease or turnover in available staff in their respective units. Staff in both units worked to develop a system for effectively handling the workload in a collaborative format.

Subsequently, since all the PE (including CE) and Land Surveyor applications require an additional Technical Review step by the Senior Registrars to confirm qualifying education/work experience in their respective disciplines, the delays extended into the Technical Review stage. The Board and the applicants are currently experiencing a 4-5 month process for reviewing/approving applications. While this timeframe is consistent with many of the Board’s previous application process timeframes occurring pre-Connect, it is not the timeframe staff ultimately expects to accomplish with the new Connect system once the transition is fully completed.

In a concerted effort to leverage existing knowledge/skills of the qualifying experience criteria and Connect system operation, other Senior Registrars and members of the Board’s management staff began assisting in May 2022 with the technical review portion of the process in an effort to reduce the backlog of civil engineering applications.

Where are we now:

The number of received civil engineer and land surveyor applications are beginning to taper off from the initial increases we’ve seen since late 2021, and staff is anticipating this to continue to decrease to a slightly higher than historic, but more manageable level by the end of 2022 based on historical reactions with changes to an application or examination process.

Through May, 2022, the Board:

- Received a total of 1,572 civil engineer and land surveyor applications in Connect (in addition to the aforementioned legacy paper applications)
- Performing Technical Review stage of the process at a faster pace (May-June) than the immediately preceding months.
- Approved close to 800 professional engineer and land surveyor applications in the legacy system
- Facilitated the scheduling of over 1,700 state exam requests (both new Connect applications and transferred legacy applicants)
- Issued 888 civil engineer and 71 land surveyor licenses for 2022 (not including all the PE applications not requiring a state exam component and all the Geologist/Geophysicist applications still being processed in the legacy system)

IX. Executive Officer's Report

- 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. Report on Western Zone Interim Meeting, May 19-21, 2022, Stateline, NV
 - 2. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Summary of Motions (Possible Action)
- G. Update on Outreach Efforts

Rulemaking Status Report

- 1. Examination Fees, Abandoned Applications, and Postponements (16 CCR sections 3005, 3024, 3024.5, 3026, and 3031)**
 - Review revised text at the June 23rd Board meeting for approval to notice.
 - Staff working with DCA Legal to finalize proposal for notice (April 2022).
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.
- 2. Applications, Final Filing Dates, and Schedules of Examinations (16 CCR sections 420, 422, 3021, 3023, 3023.1, and 3032)**
 - Review revised text at the June 23rd Board meeting for approval to notice.
 - Staff working with DCA Legal to finalize proposal for notice (April 2022).
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.
- 3. References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers (16 CCR sections 426.14, 427.10, 427.20, and 427.30)**
 - Review revised text at the June 23rd Board meeting for approval to notice.
 - Staff working with DCA Legal to finalize proposal for notice (April 2022).
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.
- 4. Definition of Traffic Engineering (16 CCR 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.
- 5. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)**
 - Board staff working on pre-notice documents on September 3, 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.bpelsq.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	1/21/2020 – 6/10/2022	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule	GREEN	Budget	GREEN	Issues	GREEN
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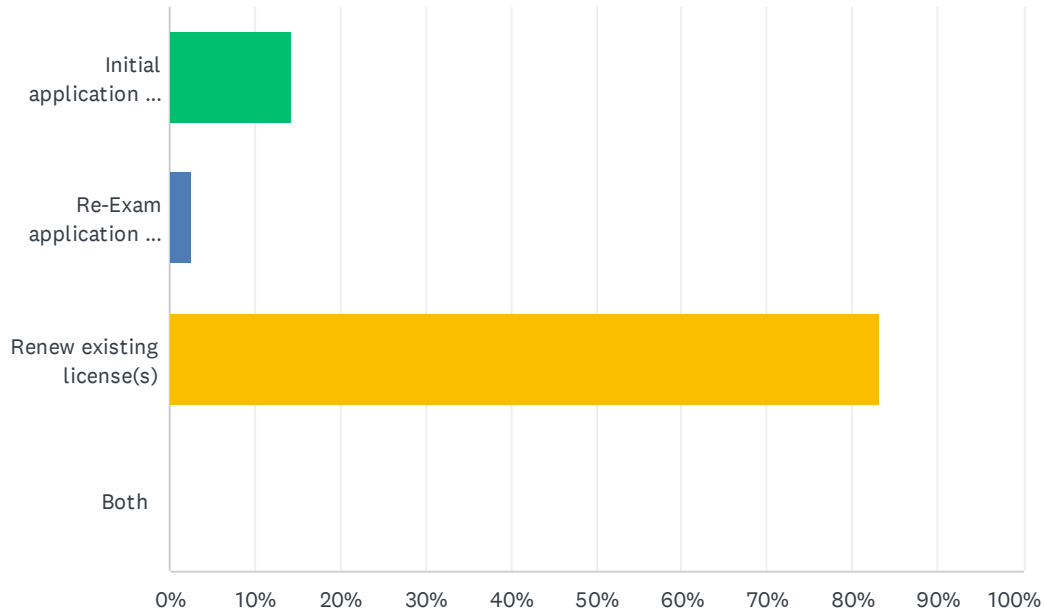
Completion of contractual phase of the project and now transitioning to Maintenance & Operations (M&O) phase of project.

PROJECT MILESTONE STATUS REVIEW

Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
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
Go Live Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Go Live Product Increment 4 (PI4)	Complete	4/29/2022	No
Transition to M&O Phase	On-going	6/30/2022	No

Q1 Please Indicate the intended purpose for initially using BPELSG Connect

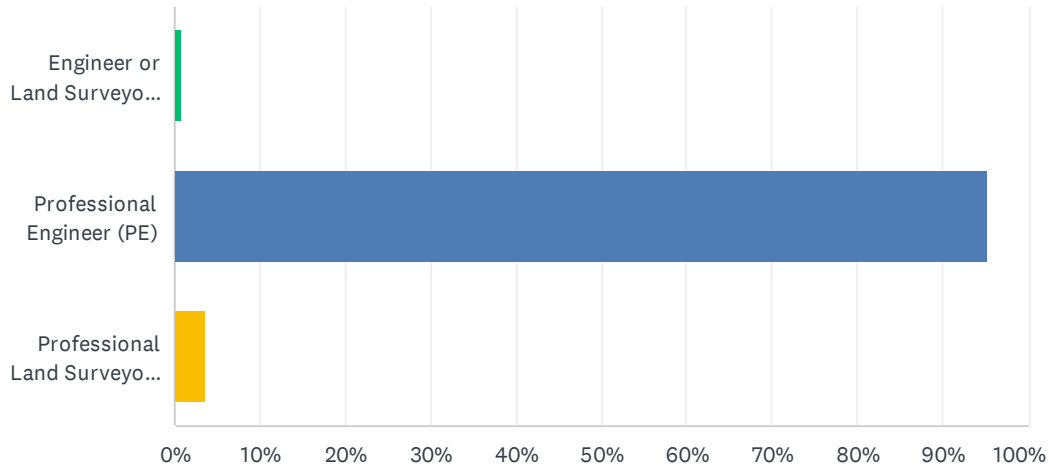
Answered: 719 Skipped: 1



ANSWER CHOICES	RESPONSES	
Initial application for certification or license	14.33%	103
Re-Exam application (To sit for state exam again)	2.50%	18
Renew existing license(s)	83.17%	598
Both	0.00%	0
TOTAL		719

Q2 Please indicate which type of initial application you applied for, if applicable.

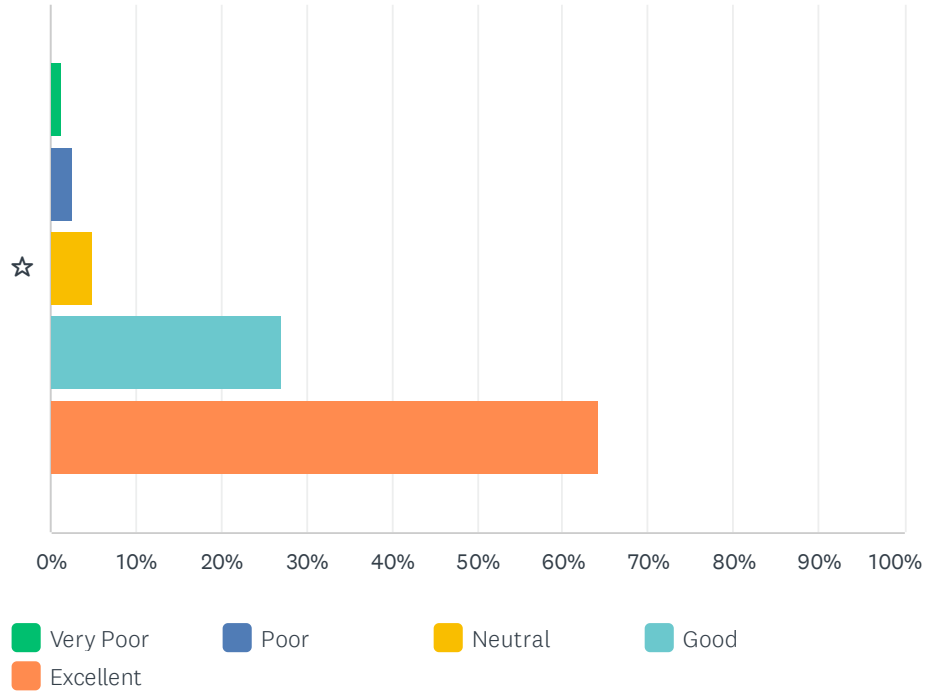
Answered: 563 Skipped: 157



ANSWER CHOICES	RESPONSES	
Engineer or Land Surveyor in Training (EIT/LSIT)	0.89%	5
Professional Engineer (PE)	95.38%	537
Professional Land Surveyor (PLS)	3.73%	21
TOTAL		563

Q3 How would you rate your overall experience submitting your application using BPELSG Connect online platform?

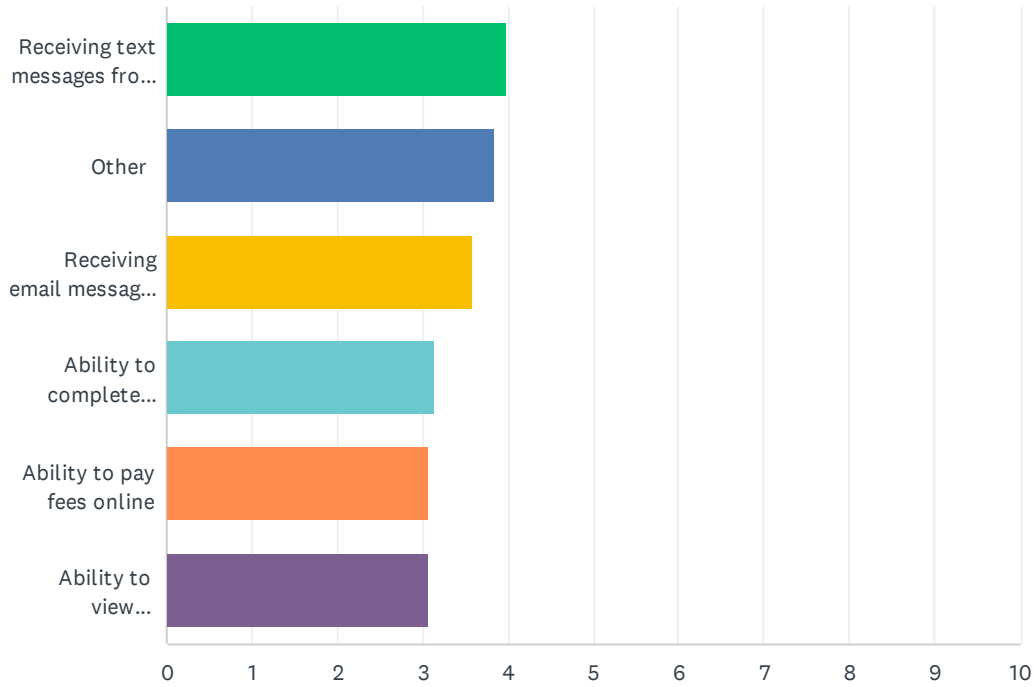
Answered: 674 Skipped: 46



	VERY POOR	POOR	NEUTRAL	GOOD	EXCELLENT	TOTAL	WEIGHTED AVERAGE
☆	1.34% 9	2.52% 17	4.90% 33	27.00% 182	64.24% 433	674	4.50

Q4 Please rank these features in order of importance (6 Most Important, 1 Least Important)

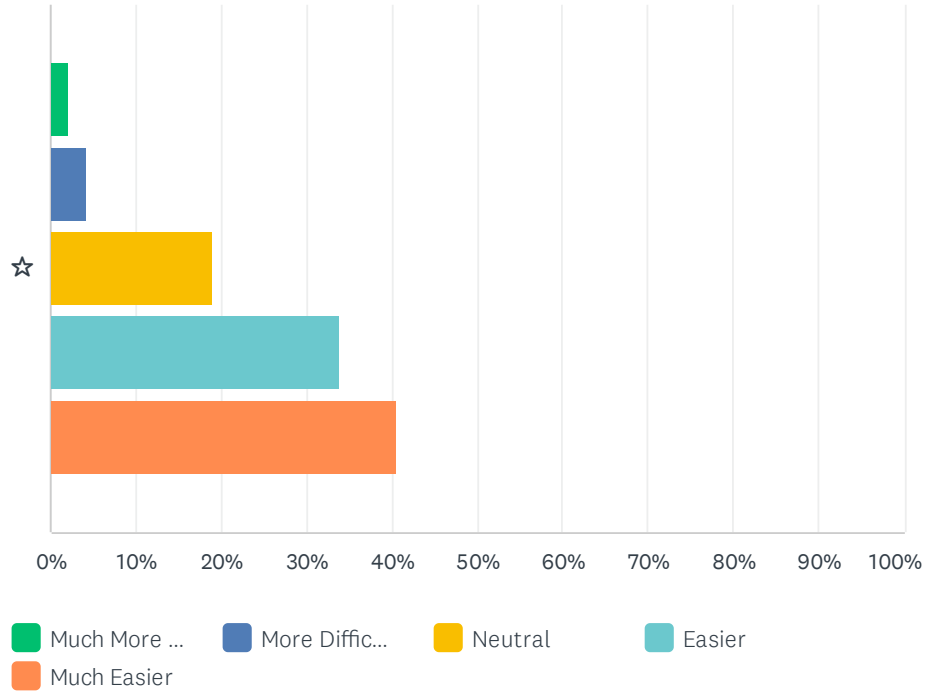
Answered: 705 Skipped: 15



	1	2	3	4	5	6	TOTAL	SCORE
Receiving text messages from the Board through portal	14.81% 88	29.63% 176	19.70% 117	14.98% 89	17.68% 105	3.20% 19	594	3.99
Other	46.37% 217	7.05% 33	3.63% 17	4.06% 19	4.91% 23	33.97% 159	468	3.84
Receiving email messages from the Board through portal	4.23% 26	14.80% 91	34.63% 213	30.08% 185	13.98% 86	2.28% 14	615	3.58
Ability to complete application online	19.19% 109	16.02% 91	5.11% 29	8.98% 51	20.07% 114	30.63% 174	568	3.13
Ability to pay fees online	15.42% 93	15.42% 93	7.13% 43	10.78% 65	26.53% 160	24.71% 149	603	3.08
Ability to view application status online	3.18% 21	11.67% 77	23.64% 156	27.42% 181	18.64% 123	15.45% 102	660	3.07

Q5 Compared to your initial expectations, was BPELSG Connect easier or more difficult to use in submitting your application online?

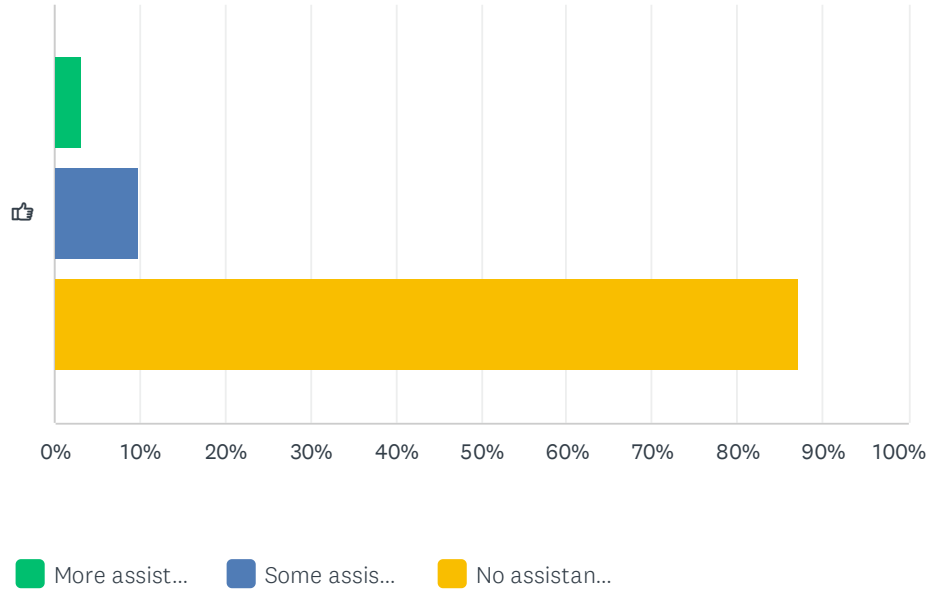
Answered: 694 Skipped: 26



	MUCH MORE DIFFICULT	MORE DIFFICULT	NEUTRAL	EASIER	MUCH EASIER	TOTAL	WEIGHTED AVERAGE
☆	2.16%	4.32%	19.02%	34.01%	40.49%	694	4.06
	15	30	132	236	281		

Q6 Did you require assistance from Board staff in completing your application?

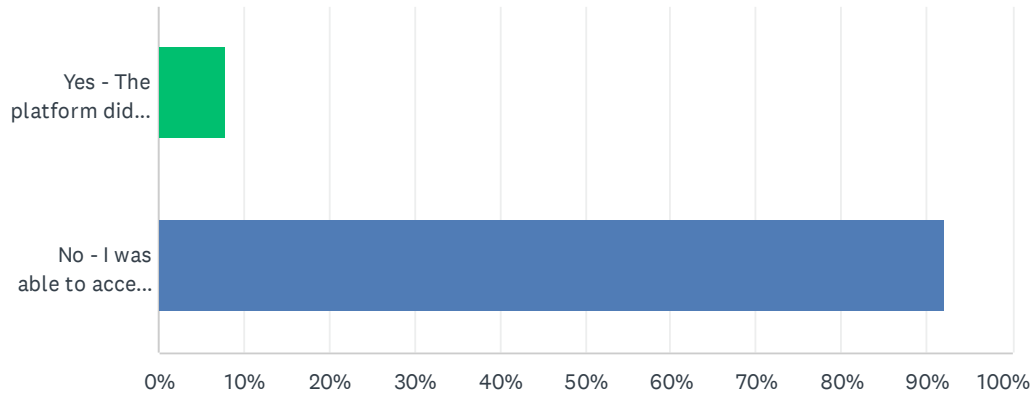
Answered: 678 Skipped: 42



	MORE ASSISTANCE WAS NEEDED THAN EXPECTED	SOME ASSISTANCE WAS NEEDED	NO ASSISTANCE WAS NEEDED	TOTAL	WEIGHTED AVERAGE
👍	3.10% 21	9.73% 66	87.17% 591	678	2.84

Q7 Did you contact the Board for a status update on your application?

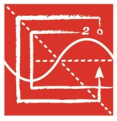
Answered: 679 Skipped: 41



ANSWER CHOICES	RESPONSES	
Yes - The platform did not provide enough information regarding application status.	7.95%	54
No - I was able to access status updates in BPELSG Connect portal	92.19%	626
Total Respondents: 679		

**Q8 Please provide any comments you have that may help us to improve
BPELSG Connect Platform.**

Answered: 404 Skipped: 316



NCEES

*advancing licensure for
engineers and surveyors*

MOTIONS TO BE PRESENTED AT THE 2022 ANNUAL MEETING

The following are draft motions for the 2022 NCEES annual meeting. The final motions—as well as full officer, committee, and task force reports—will be included in the 2022 *Action Items and Conference Reports*, which will be posted online by July 1.

At its May board meeting, the board of directors considered each motion that will come before the Council. The board position and whether the motion was placed on the consent agenda are listed after the motion. In the review of the motion, the board has the following options:

- Endorse the motion and place it on the consent agenda
- Endorse the motion and not place it on the consent agenda
- Not endorse the motion and not place it on the consent agenda
- Take no position and not place it on the consent agenda

Special Committee on Bylaws (4 motions)

Bylaws Motion 1

Move that *Bylaws* 3.021 be amended as follows:

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 at meetings of the Council. Associate Members and~~ may serve on any committee ~~or task force~~ 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.

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* 3.021 as proposed by the 2020–21 ACCA and approved by the Council at the 2021 annual meeting and to propose an amendment that removes “upon approval by the presiding officer.” The 2020–21 ACCA rationale was as follows: “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.”

The committee added “at meetings of the Council” to the proposed language from ACCA to clarify when an associate member would have the “privilege of the floor.” The phrase matches language used elsewhere in the *Bylaws*.

Board of directors’ position

Endorses, consent agenda

Bylaws Motion 2

Move that *Bylaws* 3.022 be amended as follows:

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 at meetings of the Council. Emeritus Members and~~ may serve on any committee ~~or task force~~ to which duly appointed under the *Bylaws*.

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* 3.022 as proposed by the 2020–21 ACCA and approved by the Council at the 2021 annual meeting and to propose an amendment that removes “upon approval by the presiding officer.” The 2020–21 ACCA rationale was as follows: “As past board members, they [emeritus members] have a knowledge of the Council and some historical perspective. Their best interest should align with the Council’s. 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.”

The committee added “at meetings of the Council” to the proposed language from ACCA to clarify when an emeritus member would have the “privilege of the floor.” The phrase matches language used elsewhere in the *Bylaws*.

Board of directors’ position

Endorses, consent agenda

Bylaws Motion 3

Move that *Bylaws* 7.02 be amended as follows:

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

The Special Committee on Bylaws received a charge to review changes to *Bylaws* 7.02 as proposed by the 2020–21 ACCA and approved by the Council at the 2021 annual meeting and to propose an amendment to add the language shown above. The 2020–21 ACCA rationale was as follows: “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.”

Board of directors’ position

Endorses, consent agenda

Bylaws Motion 4

Move that *Bylaws* 6.02 be amended as follows:

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.

Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* 6.02 as proposed by the 2020–21 NCEES board of directors and approved by the Council at the 2021 annual meeting and to propose an amendment to add the language shown above. The 2020–21 NCEES board of directors’ rationale was as follows: “The board of directors is proposing to have this language removed because each board has one vote; for that board’s vote to make a difference, it needs to be counted as whole vote.”

Board of directors’ position

Endorses, consent agenda

Advisory Committee on Council Activities (10 motions)

ACCA Motion 1

Move that a Special Committee on Bylaws be charged with amending the *Bylaws* to add a past president as a member to each standing committee and task force. This position will have the same rights and responsibilities as other members and will not alter the committee membership requirements as specified in other sections of the *Bylaws*. If a past president is not available to serve on a specific committee or task force, the position will remain unfilled for that year. The past president positions are intended to be limited to past presidents who are still involved in Council activities.

Financial impact

The proposed 2022–23 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 2023–24 fiscal year.

Rationale

ACCA believes that it is very 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 will allow the Council to benefit broadly from the experience and knowledge of the past presidents across all committees and task forces. The majority of our past presidents are emeritus members, not current state board members. Creating this new past president position on each committee and task force will not take a committee or task force position away from a current state board member or from another emeritus member in favor of a past president. Making the past president seat on a committee or task force not mandatory will mean that this position can go unfilled if there are not enough past presidents available to serve. This motion does not preclude the president-elect from choosing consultants to be part of committees and task forces. The motion also makes it clear that ACCA is adding a new voting member to each committee and task force (to be occupied by a past president) and not a consultant position.

Board of directors' position

Does not endorse, non-consent agenda

Board of directors' rationale

The board of directors values the knowledge, expertise, and previous work of all NCEES past presidents. However, the board feels that the *Bylaws* already adequately addresses past presidents' service on committees and task forces. Making the appointment of a past president mandatory also takes away the incoming president's freedom to build the committees and task forces that they feel are best suited to serve the Council and address the charges for the year.

As noted last year when ACCA put forward a similar motion, the board of directors recognizes that *Bylaws* 5.01 gives the president the authority to appoint committee and task force members, chairs, vice chairs, and consultants. *Bylaws* 7.01 states that members, associate members, past presidents, and emeritus members are eligible to serve on a committee or task force; thus, adding another prescriptive member to a given committee or task force seems without value.

ACCA Motion 2

Move that Position Statement 21 be amended as follows:

PS 21 International Activities

- A. The Council should continue ~~its current involvement in the international arena within the following guidelines: to offer its examinations at foreign sites within the guidelines of EAP 10.~~
- ~~1.— All substantive agreements and model documents shall be approved by the full Council before execution.~~
 - ~~2.— Access to non-CBT examinations by either educational institutions or national organizations shall be approved by the full Council before execution.~~
 - ~~3.— Access to CBT examinations at an NCEES approved test site for applicants from an ABET accredited program or the equivalent as determined by NCEES may be approved by the board of directors.~~
 - ~~4.— All agreements and model documents shall be clearly nonbinding on member boards.~~
 - ~~5.— Unless specifically provided for in the Council budget, services rendered to other nations shall be funded by the requesting nation to a level that ensures no net loss of Council funds.~~

- B. ~~In identifying the qualifications for the right of licensure to practice engineering and surveying,~~ NCEES shall ~~always~~ inform foreign jurisdictions that the qualifications for licensure in the United States, ~~by and through its are determined by~~ state and territorial jurisdictions, ~~include~~ based on education, experience, and examination.
- C. NCEES shall ~~further~~ emphasize to all national and foreign jurisdictions the importance of licensure in safeguarding the health, safety, and welfare of the public. ~~Constraints such as citizenship, residency, establishment of local office, or similar restrictions shall be discouraged.~~
- ~~ED.~~ NCEES shall stress to all national and foreign jurisdictions the need for the development of a database of their licensing requirements. ~~All requirements for practice should have a goal of global mutuality.~~
- ~~DE.~~ NCEES shall ~~work with foreign jurisdictions toward establishment of an international system for evaluation of education, experience, examination, practice, and ethical conduct.~~ encourage the development of globally uniform licensure requirements that meet the international benchmark for independent professional practice established by the International Engineering Alliance Graduate Attributes and Professional Competencies. Constraints such citizenship, residency, establishment of local office, or similar restrictions shall be discouraged.
- ~~EF.~~ NCEES shall function as a resource for other nations that desire to establish or improve their education, experience, examination, and ethics requirements for licensure to practice engineering and surveying.
- ~~FG.~~ NCEES shall work with foreign jurisdictions toward mutual development of international ~~law enforcement compliance~~ procedures for the professional practice of engineering and surveying.
- ~~GH.~~ NCEES shall work with foreign jurisdictions to emphasize the importance of current international intellectual property protection.

Rationale

Paragraph A was modified to have policies regarding the offering of NCEES examinations at foreign sites reside solely in EAP 10. The wording in other paragraphs was added, modified, or deleted to reflect current practice.

Board of directors' position

Endorses, consent agenda

ACCA Motion 3

Move that Position Statement 26 be deleted.

PS 26 Inclusion of All Engineers by ABET

~~NCEES encourages ABET to investigate using more inclusive language such as *practitioner* that all—government and private practice as well as those in industry—may identify with and embrace. ABET's current use of the term *industry* alone does not recognize or apply to the entire spectrum of engineering practice.~~

Rationale

This position statement was originally written to encourage ABET to do more to promote licensure within its accreditation standards. Since it was developed in the early 2000s, positive changes have occurred in this area. For example, the ABET website does promote licensure (see www.abet.org/accreditation/what-is-accreditation/licensure-registration-certification), ABET consistently invites NCEES to its annual symposium to make a presentation on using the FE exam as an outcomes assessment tool, and Criterion 6 of ABET's *Criteria for Accrediting Engineering Programs* specifically calls out professional licensure as one method to measure faculty quality.

Board of directors' position

Endorses, consent agenda

ACCA Motion 4

Move that Position Statement 33 be replaced as shown:

PS 33 Promotion of Licensure

~~The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public. As such, the Council is committed to promoting and will promote the value of licensure to all audiences.~~

PS 33 Promotion of Licensure

NCEES is committed to promoting the value of licensure in support of its mission to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

Rationale

ACCA supported generally maintaining PS 33 but with a few modifications to more directly connect the promotion of licensure to the NCEES mission. The committee felt that the changes were easier to read when presented as a new position statement than when shown as insertions and deletions in the existing position statement.

Board of directors' position

Endorses, consent agenda

ACCA Motion 5

Move that Position Statement 34 be replaced as shown:

PS 34 Diversity Within the Engineering and Surveying Professions

~~NCEES is committed to advancing licensure to all groups and recognizes the benefits a diverse population of licensed engineers and surveyors provides in shaping the future of professional licensure. NCEES encourages diversity in member boards. Through efforts that promote the value of professional licensure, it strives to create a diverse population of qualified volunteers—without regard to age, race, gender, sexual orientation, religion, color, national origin, or disability—at all levels in order to safeguard the health, safety, and welfare of the public.~~

PS 34 Diversity, Equity, and Inclusion

NCEES is committed to 1) advancing licensure in such a way as to be inclusive of all people for the betterment of engineering and surveying licensure and 2) treating its employees and volunteers of the organization in an equitable and inclusive manner with respect, dignity, and fairness that fosters participation without regard to individual differences. NCEES encourages its member boards to do the same.

Rationale

ACCA supported generally maintaining PS 34 but with a few modifications to separately address diversity in the wider professions and within NCEES as an organization. The title was updated to include consideration for equity and inclusion, which is a more comprehensive manner of addressing diversity. The committee felt that the changes were easier to read when presented as a new position statement than when shown as insertions and deletions in the existing position statement.

Board of directors' position

Endorses, consent agenda

ACCA Motion 6

Move that Position Statement 36 be amended as follows:

PS 36 Sustainability

NCEES ~~recommends that~~ encourages professional engineers and professional surveyors to incorporate in their work and lives the principles and practices of sustainability to safeguard the health, safety, and welfare of the public ~~now and in the future~~.

Sustainability, ~~is as~~ defined for this purpose, as is the ability to meet the needs of the present without compromising the ability of future generations to meet their own needs, through the balanced application of integrated planning and the combination of environmental, social, and economic decision-making processes.

Rationale

ACCA supported generally maintaining PS 36 but with a few modifications to make the position statement clearer and to explicitly set parameters for sustainability in both work and personal lives.

Board of directors' position

Endorses, consent agenda

ACCA Motion 7

Move that Exam Administration Policy 10 be amended as follows:

EAP 10 NCEES Examinations Offered ~~to a~~ at Foreign Entity Sites

~~A.~~ 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.~~ 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.~~

~~The chief executive officer is authorized to enter into discussions with foreign entities concerning the administration of NCEES examinations to examinees via computer-based testing (CBT). Any agreement resulting from such discussions requires the approval of the NCEES board of directors.~~

~~C.~~ 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. Such agreements shall require that any additional costs to NCEES to administer the exams shall be reimbursed by the foreign entity and that CBT examinations shall be administered in accordance with the NCEES examinee testing agreement.~~~~

~~D.~~ D. Use of Examination Results for Licensure

~~The Results of the examinations may be used to assist examinees interested in applying for licensure as a professional engineer or surveyor with an NCEES member board. ~~NCEES makes no representations that passing such exams will qualify the examinees for licensure in any NCEES member board jurisdiction. The results may also be used as well as an outcomes assessment tool to assist in measuring the outcomes of a foreign-based education system ABET-accredited programs.~~~~

~~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.~~ 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.~~ 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.~~

F. Other Foreign Offerings

The chief executive officer is authorized to approve other foreign sites without foreign entity involvement for use by U.S. military personnel and their spouses and by other individuals approved by the chief executive officer.

Rationale

EAP 10 defines the processes by which NCEES offers its exams at sites outside the United States. Now that all exams except the PE Structural exam have transitioned to CBT, it was necessary to review and update EAP 10. ACCA requested input from NCEES staff who deal directly with offering exams at non-U.S. sites. In consultation

with the EPP Committee, ACCA modified EAP 10 to fit the current methodology that NCEES uses to deal with this issue.

Board of directors' position

Endorses, consent agenda

ACCA Motion 8

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 4.05:

Section 4.05 Qualifications. Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed engineer or surveyor, shall have been a member of NCEES at least three years, and shall have attended at least two NCEES Annual Business Meetings.

Members of the current Board of Directors whose term on their Member Board has expired during their term as NCEES Treasurer or Vice-President may run for President-Elect if

- ~~Their term on their state board has expired during their term as NCEES Treasurer or Vice-President;~~
- They have obtained emeritus standing within the Council; and
- ~~They have the approval of their state-Member Board; and~~
- It is their zone's rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer or surveyor and shall be from the zone that elects him or her.

Rationale

This motion does not change the intent of this section of *Bylaws* Article 4 but does make the language clearer.

Board of directors' position

Endorses, consent agenda

ACCA Motion 9

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 4.02, 4.04, and 4.06:

Section 4.02 Board Membership. The Board of Directors shall consist of the President, the President-Elect, the Immediate Past President, the Treasurer, ~~and~~ the four Vice Presidents (one from each zone), and one At-Large Member who shall be a public member of a Member Board.

Section 4.04 Elections and Terms of Office. The President-Elect shall be elected by the Council at each Annual Business Meeting in the manner prescribed in the *Bylaws*. The President-Elect shall serve the Council for a period of three years. The first year shall be as President-Elect. The second year, without further election, the President-Elect shall become President, holding that office until a successor has been installed. The third year, without further election, the President shall become Immediate Past President. Any member elected to the office of President-Elect shall be eligible to serve as President-Elect, President, and Immediate Past President, with full authority of the offices and board privileges. Past Presidents shall be ineligible for reelection as President-Elect of the Council.

The Treasurer shall be elected at the Annual Business Meeting every three years in the manner prescribed in the *Bylaws*. Treasurers shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Treasurer, a partial term served shall not be considered a term for term-limit purposes.

Vice Presidents shall be elected at their respective Zone Interim Meeting every two years in the manner prescribed in the *Bylaws*. Vice Presidents from the Northeast and Southern Zones shall be elected in odd-

numbered years. Vice Presidents from the Central and Western Zones shall be elected in even-numbered years. Vice Presidents shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Vice President, a partial term served shall not be considered a term for term-limit purposes.

[At-Large Members shall be elected at the Annual Business Meeting every two years in the manner prescribed in the Bylaws. At-Large Members shall not be eligible for reelection to the same office until at least one full term has elapsed.](#)

New members of the Board of Directors shall assume their duties at the conclusion of the Annual Business Meeting. Board members may continue to serve until the conclusion of the term of office to which they were elected even if their terms with Member Boards have ended.

Section 4.06 Vacancies. If a vacancy occurs in the office of President, the President-Elect shall succeed to the office of President for the completion of that term and subsequently serve the full one-year term that he or she was originally elected to serve as President. A vacancy in the office of President-Elect shall remain unfilled until the next NCEES Annual Business Meeting. At that time, the Council will elect a President from the zone of the vacant President-Elect position.

A vacancy in the office of Immediate Past President shall be filled by the most recent available Past President.

A vacancy in the office of Treasurer shall be filled by the Board of Directors within 30 days; the selected individual shall fill the position until an election for a new full-term Treasurer is held at the next Annual Business Meeting.

A vacancy in the office of a Vice President shall be filled by that zone's Assistant Vice President.

[A vacancy in the position of an At-Large Member shall be filled by the Board of Directors within 30 days; the selected individual shall fill the position until an election for a new full-term At-Large Member is held at the next Annual Business Meeting.](#)

Appointments by the Board of Directors shall be made in accordance with the required qualifications and limitations for duly elected members of the Board of Directors.

A quorum of the Board of Directors for filling of vacancies shall consist of six members except in the event of two vacancies, when five shall constitute a quorum. For the filling of vacancies, the members of the Board of Directors may be represented by proxies, duly signed and verified.

Financial impact

The proposed 2022–23 NCEES operating budget includes \$15,750 per vice president for travel expenses. Assuming the at-large public member on the board would have similar expenses to a vice president, the same amount specified for a vice president would be added to the budget each year for the at-large public member. The estimated financial impact for fiscal year 2023–24 is \$15,750.

Rationale

Public members are active in the Council. They provide different perspectives than professional members, and those perspectives have value to the Council. As an organization dedicated to the advancement of licensure for the protection of the health, safety, and welfare of the public, NCEES should consider those perspectives in all deliberations. Representation from the public has been recognized by nearly all jurisdictions within the Council as an important component for deliberation on licensing boards. Our counterpart organizations in the design professions, such as the Council for Interior Design Qualification, the Council of Landscape Architectural Registration Boards, and the National Council of Architectural Registration Boards (NCARB), include a public member on their boards of directors.

Board of directors' position

Does not endorse, non-consent agenda

Board of directors' rationale

Public members are important to NCEES member boards. They provide a different point of view from that of professional engineers, professional surveyors, and/or other professionals who serve on their respective member boards. The board of directors feels that NCEES should provide a pathway for public members to become more involved in NCEES leadership and thus endorses ACCA Motion 10. The board endorses the ability for a public member to be on the board of directors through existing positions without adding a position available only to public members.

ACCA Motion 10

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 4.05:

Section 4.05 Qualifications. Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed [professional](#) engineer, ~~or licensed professional~~ surveyor, [or public member](#); shall have been a member of NCEES at least three years, and shall have attended at least two NCEES Annual Business Meetings.

Members of the Board of Directors may run for President-Elect if

- Their term on their state board has expired during their term as NCEES Treasurer or Vice-President;
- They have obtained emeritus standing within the Council, they have the approval of their state board;
- It is their zone's rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer, ~~or licensed professional~~ surveyor, [or public member](#) and shall be from the zone that elects him or her.

Rationale

As discussed in Motion 9, public members are active in the Council, they provide different perspectives than professional members, and their perspectives have value to the Council. As an organization dedicated to the advancement of licensure for the protection of the health, safety, and welfare of the public, NCEES should consider those perspectives in all deliberations, including those of Council leadership. Representation from the public has been recognized by nearly all jurisdictions within the Council as an important component for deliberation on licensing boards. Public members are eligible for leadership positions within their respective member board in many jurisdictions. NCARB allows a public member to be president of the board of directors.

ACCA also modified the wording to be consistent in terms of specifying that members of the board of directors must be licensed professional engineers, licensed professional surveyors, or public members. Member board members who represent other professions, such as architecture, geology, etc., are not eligible to hold positions on the NCEES board of directors.

Board of directors' position

Endorses, non-consent agenda

Committee on Education (9 motions)

Education Motion 1

Move that Position Statement 6 be amended as follows:

PS 6 Examination of Engineering Students

NCEES recommends that all schools with EAC/ABET-accredited engineering programs require students in such programs to take and make a good-faith effort to pass the NCEES Fundamentals of Engineering examination prior to their anticipated date of graduation. Deans, department heads, and faculty members are encouraged to provide FE exam review sessions to assist students in preparing for the exam. ~~NCEES and its member boards should provide resources for the reviews and assist these programs in determining whether students made a good-faith effort to pass the exam.~~

Rationale

In reviewing PS 6, the committee decided that computer-based testing has altered some aspects of the practices described in this position statement. The member boards are no longer involved with enrolling candidates to sit

for the FE examination and have no means to evaluate student performance. NCEES does provide resources for review—including practice examinations and reference manuals—but does not actively participate in preparing students for the examination; this is deemed a conflict of interest and thus the change noted above.

Board of directors' position

Endorses, consent agenda

Education Motion 2

Move that Position Statements 7, 8, and 9 be amended as follows:

PS 7 Bachelor of Science Degree in Engineering Technology

NCEES recommends that the boards of licensure, whose statutes do not otherwise prohibit, 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.~~

PS 8 Bachelor of Science Degree in Engineering

NCEES recommends that the boards of licensure require any applicant 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 first to demonstrate that he or she possesses at least a four-year bachelor of science degree in engineering, acquired through the successful completion of an EAC/ABET-accredited program or through a board-approved program.

~~Recognizing that newly EAC/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 EAC/ABET-accredited program if their program is/was accredited within three years after their graduation.~~

PS 9 Bachelor of Science Degrees in Surveying Engineering, Surveying and Mapping, and Geodesy

NCEES recommends that the boards of licensure require any applicant who applies for licensure to practice surveying in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure for professional surveyors be required to first demonstrate that in the cases of four-year surveying degrees, such applicant possesses a four-year bachelor of science degree acquired through the successful completion of program for said degree accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET), Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or a board-approved program.*

NCEES expects all of its examination preparation to follow current *Model Law* and *Model Rules*. Model Law Surveyors should be utilized to prepare FS examinations, and Model Law Surveyors should be utilized to establish cut scores for FS examinations.

The content of the FS examination shall test the knowledge obtained in a baccalaureate surveying degree that will enable the individual to protect the public.

~~Recognizing that newly accredited EAC/ABET, ANSAC/ABET, or ETAC/ABET programs must spend several years in development before attaining accredited status, NCEES recommends that all applicants be considered as having graduated from an EAC/ABET, ANSAC/ABET, or ETAC/ABET-accredited program if their program is/was accredited within three years after their graduation.~~

* Refer to the NCEES position paper “Benefits of a Four-Year Degree Requirement for Surveying Licensure” (2011), available as a PDF on ncees.org under MyNCEES.

Rationale

The last paragraphs in the three position statements deal with backdating Model Law status for graduates from newly accredited programs. The specified periods conflict with current ABET practice. In addition, ABET currently has a process for programs to request backdating of accreditation for up to two years provided certain

provisions are met. NCEES should simply make use of the current ABET process rather than specifying a separate one.

Board of directors' position

Endorses, consent agenda

Education Motion 3

Move that Position Statement 9 be amended as follows:

PS 9 Bachelor of Science Degrees in Surveying Engineering, Surveying and Mapping, and ~~Geodesy~~ Geomatics

NCEES recommends that the boards of licensure require any applicant who applies for [surveying licensure](#) ~~to practice surveying~~ in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure for professional surveyors be required to first demonstrate that ~~in the cases of four-year surveying degrees, such applicant possesses they possess at least~~ a four-year bachelor of science degree ~~in surveying~~, acquired through the successful completion of ~~program for said degree accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET), Engineering Technology Accreditation Commission of ABET (ETAC/ABET), an ABET- accredited surveying program or through~~ a board-approved program.*

NCEES expects all of its examination ~~preparation development~~ to follow current *Model Law* and *Model Rules*. Model Law Surveyors should be utilized to prepare FS examinations, and Model Law Surveyors should be utilized to establish cut scores for FS examinations.

The content of the FS examination shall test the knowledge obtained in a baccalaureate surveying degree that will enable the individual to protect the public.

* Refer to the NCEES position paper “Benefits of a Four-Year Degree Requirement for Surveying Licensure” (2011), available as a PDF on ncees.org under MyNCEES.

Rationale

The wording changes are proposed to better reflect current surveying practice, to make the structure of PS 9 more like that of PS 8, and to improve the clarity of the position statement to reflect the emphasis on four-year surveying degree programs.

Board of directors' position

Endorses, consent agenda

Education Motion 4

Move that Position Statement 12 be amended as follows:

PS 12 Licensing of Engineering Faculty

[Faculty members who practice engineering as defined by jurisdictional statutes must be licensed](#). NCEES encourages all faculty members who teach advanced engineering courses, or who are in responsible charge of engineering curricula or engineering research, to be licensed professional engineers. ~~It is the position of NCEES that faculty members who practice engineering as defined by applicable statutes must be licensed.~~

Rationale

The last sentence has been moved to the beginning to emphasize the fact that faculty are not exempt from licensure requirements if they are consulting or providing other engineering services to the public or if the law in the jurisdiction in which their institution is located defines engineering education as part of engineering practice that must be licensed. Otherwise, it is desirable that faculty members be licensed to set an example for their students to pursue licensure.

Board of directors' position

Endorses, consent agenda

Education Motion 5

Move that Position Statement 19 be amended as follows:

PS 19 Education

The primary role of NCEES is to facilitate professional licensure of engineers and surveyors and uphold standards necessary to safeguard the health, safety, and welfare of the public. The Council strongly advocates quality education to prepare individuals to become engineers and surveyors, including K–12 and university education, as well as continued professional competency for licensees. The Council supports efforts to develop educational standards required for licensure and to expeditiously disseminate those standards to its member boards.

The educational objectives of NCEES are to

- A. Advocate quality education that adequately prepares candidates for licensed professional practice, [which includes the following](#):
 1. K–12 education, as it informs students about the fields of engineering and surveying and prepares them for university study
 2. Higher education, which prepares individuals for licensure and professional practice
- B. Recognize institutional indicators of quality education, which may include the following:
 1. Program educational objectives and outcomes that include a focus on preparing students for licensed professional practice as described in paragraph A above
 2. Program educational objectives and outcomes that are assessed in part by nationally validated content examinations
 3. Curriculum requirements that equate to the standards for licensure eligibility
- C. Establish program indicators of quality education for licensure eligibility, which include the following:
 1. Nationally validated assessment methods
 2. ~~Program educational objectives that specifically direct the educational~~ [Education](#) standards ~~toward that prepare students for~~ licensed professional practice
 3. Compliance with ~~prescribed psychometric analyses that determine~~ pass rates on nationally validated content examinations
- D. Assist member boards in evaluating the indicators and metrics as established for licensure eligibility.

Rationale

The first change emphasizes that both K–12 and higher education are part of the education necessary for competent professional practice. The second edit clarifies that NCEES does not set program educational objectives but does set educational standards that are benchmarks for appropriate professional education. The third edit clarifies that examination pass rates are established through validated psychometric processes.

Board of directors' position

Endorses, consent agenda

Education Motion 6

Move that Position Statement 27 be amended as follows:

PS 27 Online Education

NCEES recognizes that online ~~education instruction, either in whole or as a supplement to in-person presentation, may become~~ [can be](#) an ~~alternative to traditional effective delivery method for~~ engineering and surveying education, and encourages the development of methods and techniques that will result in accredited programs that meet requirements for licensure.

Rationale

The COVID-19 pandemic has served to accelerate the use of online instruction to provide a broad spectrum of education. A good deal of experience has been gained in the delivery of online programs, and many high-quality online educational materials have been developed. There are a number of online educational programs covering a variety of subject areas, including engineering and surveying. The proposed rewording of this position statement is meant to reflect the reality that online programs are being developed that will be properly accredited to provide the education required for licensed practice.

Board of directors' position

Endorses, consent agenda

Education Motion 7

Move that Position Statement 32 be amended as follows:

PS 32 Evaluation of Qualifications for non-Model Law Engineers and Surveyors

NCEES recommends that education and experience for non-Model Law license applicants requesting permission to sit for examinations or requesting licensure by comity should be evaluated in accordance with related NCEES position statements and standards.

~~When determining whether a non-Model Law candidate's qualifying education is satisfactory, the NCEES Engineering Education Standard should be used for engineering applicants and the NCEES Surveying Education Standard should be used for surveying applicants.~~

~~Experience for non-Model Law engineering license applicants should be evaluated in accordance with PS 13, NCEES Recommended Education/Experience Guidelines for P.E. Licensing.~~

~~Examinations used for licensing of engineers and surveyors should be substantially equivalent to those administered by NCEES. In the event that an alternative to the NCEES examinations is accepted, the specific basis for granting a license without the equivalent examination should be clearly stated in the record.~~

~~The order in which the education, experience, and examination requirements are attained for engineering or surveying licensure need not follow the order presented in the *Model Law*. However, the total education, experience, and examination for engineering candidates should meet the minimum standards of NCEES as expressed by PS 13, NCEES Recommended Education/Experience Guidelines for P.E. Licensing.~~

Rationale

The Committee on Education believes that the first paragraph of the statement fully embodies the intent of this position statement. The additional paragraphs are redundant, in that they point to other position statements or standards that are noted in the first paragraph. The additional elaboration is not necessary.

Board of directors' position

Endorses, consent agenda

Education Motion 8

Move that the following statements be added to the NCEES Engineering and Surveying Education Standards:

NCEES Engineering Education Standard

The NCEES Engineering Education Standard was developed by the NCEES Committee on Education for use by the NCEES Credentials Evaluations service and member boards. An educational evaluation provided by NCEES should be accepted as the only official assessment of whether or not the Engineering Education Standard has been met.

NCEES Surveying Education Standard

The NCEES Surveying Education Standard was developed by the NCEES Committee on Education for use by the NCEES Credentials Evaluations service and member boards. An educational evaluation provided by NCEES should be accepted as the only official assessment of whether the Surveying Education Standard has been met.

Rationale

Designating NCEES as the only entity that can officially certify that the NCEES education standards have been met eliminates the potential for conflict between evaluators. These statements do not restrict member boards from performing their own evaluations or accepting evaluations from third parties, but they do specify that an evaluation by parties other than NCEES should not be considered to provide a definitive assessment of educational credentials with respect to the NCEES standards. The intent of this motion is to eliminate situations in which one entity determines that the credentials of a licensure candidate meet the NCEES standard but a second determines that there are deficiencies.

Board of directors' position

Endorses, consent agenda

Education Motion 9

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Rules* 240.30:

240.30 Continuing Professional Competency

H. Reinstatement

A licensee ~~may bring applying to reinstate~~ a retired or inactive license ~~to active status by should~~ obtaining all delinquent PDHs. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required. If the applicant has not been engaged in the legal practice of engineering for more than five years prior to seeking reinstatement, the licensing board may require the applicant 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.

Rationale

The *Model Law* provides that member boards may impose examination requirements when there is concern about the continued competency of a lapsed licensee who has been out of active practice for more than five years. The parallel section in the *Model Rules*, which is considered here, does not mention that the licensing board could impose such a requirement. As the *Model Rules* read now, it appears that acquiring the necessary PDHs is the only requirement that would need to be met, regardless of the length of time that a license has been inactive.

Board of directors' position

Endorses, consent agenda

Committee on Examination Policy and Procedures (17 motions)

EPP Motion 1

Move that the Exam Development Policy 3 be amended as follows:

EDP 3 Engineering and Surveying Examinations and Formats

B. Principles and Practice of Engineering Examinations

The Principles and Practice of Engineering examinations shall be offered in the following disciplines and shall be open-book, pencil-and-paper examinations or offered closed-book via CBT with supplied references as defined in EAP 4:

1. Agricultural and Biological
2. Architectural
3. Chemical
4. Civil—Construction
5. Civil—Geotechnical
6. Civil—Structural
7. Civil—Transportation
8. Civil—Water Resources and Environmental
59. Control Systems
610. Electrical and Computer—Computer Engineering
711. Electrical and Computer—Electronics, Controls, and Communications
812. Electrical and Computer—Power
913. Environmental
104. Fire Protection
115. Industrial and Systems
126. Mechanical—HVAC and Refrigeration
137. Mechanical—Machine Design and Materials
148. Mechanical—Thermal and Fluid Systems
159. Metallurgical and Materials
1620. Mining and Mineral Processing
1721. Naval Architecture and Marine
1822. Nuclear

~~1923.~~ Petroleum

~~204.~~ ~~16-hour~~ Structural Engineering

The ~~16-hour~~ PE 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~~ PE Structural Engineering examination shall be considered and referred to as one examination.

Rationale

The proposed changes give a more complete listing of the examinations and clarify which format is open book and which format is closed book. They also remove the 16-hour title for the PE Structural examination, which is unnecessary and will not be accurate once the transition to CBT is complete.

Board of directors' position

Endorses, consent agenda

EPP Motion 2

Move that Exam Development Policy 4 be amended as follows:

EDP 4 Entry of New Discipline or Depth Module or Reinstatement to PE Examination Status

B. Technical Society ~~Requirement~~ Involvement

No discipline shall be added or reinstated unless a technical society agrees to ~~sponsor~~ support the examination. All technical societies that ~~sponsor~~ support examinations shall sign an agreement with NCEES delineating the responsibilities of both parties ~~in developing the examinations~~.

Rationale

The proposed amendments change the role of technical societies from sponsorship to support, in accordance with current practice.

Board of directors' position

Endorses, consent agenda

EPP Motion 3

Move that Exam Development Policy 7 be amended as follows:

EDP 7 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 and the supporting technical society 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. Place the examination or module 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 and the supporting technical society 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. Place the examination or module 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.

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. 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 Committee on Examination Audit 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. 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.

Rationale

The proposed amendments clarify that requests for remedial action plans should be developed by both the exam development committee and the supporting technical societies. They also clarify language regarding sufficient data for exam audits.

Board of directors' position

Endorses, consent agenda

EPP Motion 4

Move that Exam Development Policy 10 be amended as follows:

EDP 10 Item Writers, Pass-Point Evaluators, Reviewers, and Scorers

B. Pass-Point Evaluation Team Requirements

Exam committees shall require that at least one person who participates on the pass-point evaluation team be a person who has worked on the current development of an examination undergoing a pass-point evaluation. The number of current exam development members participating in the pass-point evaluation shall be no more than one-quarter 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 the preparation for that examination within three years 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 member board to sit for that examination must inform that member board that ~~he or she~~ they worked on the development of that examination.

Rationale

The proposed changes clarify the roles and responsibilities of item writers, reviewers, and scorers and incorporate gender-neutral language.

Board of directors' position

Endorses, consent agenda

EPP Motion 5

Move that Exam Development Policy 11 be deleted.

EDP 11 Payment for Examination Items

~~It shall be the policy of NCEES to compensate the item writers and reviewers of materials for examinations. Further, NCEES may fund non-board members to attend workshops for the purpose of writing and reviewing examination materials. The EPP Committee shall recommend to the board of directors a fee schedule for these purposes.~~

Rationale

The committee proposes removing the policy covering payment for exam items because no payment for items is currently in place.

Board of directors' position

Endorses, consent agenda

EPP Motion 6

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 the~~ Security and Administrative Procedures Manual to provide guidelines and procedures 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 member boards and examination candidates.

B. Testing Regulations

~~Member boards or their designated representative~~ NCEES will provide the NCEES Examinee Guide to each candidate approved to take NCEES examinations. The NCEES Examinee Guide includes 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~~ may be by the individual member boards or their designated representative. To ~~sit for~~ be admitted to an NCEES examination, candidates will be required to ~~obtain a unique identification number from~~ create an account with 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.

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~~ [Security and 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 [update the examinee's account to](#) 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

These proposed changes incorporate the proper names of publications and reflect current practice for exam administration.

Board of directors' position

Endorses, consent agenda

EPP Motion 7

Move that Exam Administration Policy 2 be amended as follows:

EAP 2 Examination Schedules

A. Pencil-and-Paper Examinations

A ~~10-year~~ schedule of examination dates shall be published [for the PE Structural Engineering examination](#), and the schedule shall be updated annually by NCEES staff and affirmed by the board of directors. The examination dates should avoid conflicts with public and religious holidays.

~~Member boards~~ NCEES will schedule and administer [the PE Structural Engineering examinations](#) on the ~~NCEES-published day for each examination dates~~. ~~For the 16-hour Structural Engineering examination, the~~ [The](#) Vertical Forces (gravity/other) and Incidental Lateral component ~~will be administered only on Friday,~~ and the Lateral Forces (wind/earthquake) component will be administered ~~only on Saturday subsequent~~ [days](#).

Any request for deviation from this policy ~~by a member board~~ must be submitted ~~to the NCEES office~~ within the prescribed lead time ~~in order~~ to be considered for approval. A request for any deviation must conform to the applicable NCEES guidelines and must be approved by the NCEES compliance and security manager. Each request will be reviewed on its own merits.

B. CBT Examinations

NCEES will administer CBT examinations in the published timeframes [or on the published dates](#) as noted in the *Security and Administrative Procedures Manual*. The schedule shall be updated annually by NCEES staff and affirmed by the board of directors.

Rationale

A 10-year schedule for paper-and-pencil exams is no longer applicable. The PE Structural exam is the sole pencil-and-paper exam. Flexibility has been added to the administration days of the PE Structural exam. Also, member boards no longer administer exams. Some CBT exams are offered on specific dates and not within specific timeframes.

Board of directors' position

Endorses, consent agenda

EPP Motion 8

Move that Exam Administration Policy 3 be amended as follows:

EAP 3 Release and Return of Examinations and Seating Charts for Pencil-and-Paper Examinations

Exam books will not be ~~released to member boards~~ [delivered](#) prior to the regularly scheduled date for shipping orders for a particular administration.

All exam booklets, ~~and~~ answer sheets, ~~and solution pamphlets~~ must be returned to the exam printer in accordance with the NCEES *Security and Administrative Procedures Manual*.

Seating charts for each exam site and other administrative material must be [returned transferred back](#) to NCEES in accordance with the NCEES *Security and Administrative Procedures Manual*.

Rationale

The changes reflect that member boards no longer administer the exams.

Board of directors' position

Endorses, consent agenda

EPP Motion 9

Move that Exam Administration Policy 4 be amended as follows:

EAP 4 Materials Permitted and Not Permitted in Examination Room

B. ~~Open book Pencil-and-Paper~~ Examinations

1. The following reference materials and aids may be brought into the examination room by the examinee for ~~his or her~~ [their](#) 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. 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 CBT~~ Examinations

Only NCEES-supplied reference materials are permitted for use in the examination room.

Rationale

The proposed amendments use gender-neutral language and the current names of exam types.

Board of directors' position

Endorses, consent agenda

EPP Motion 10

Move that Exam Administration Policy 5 be amended as follows:

EAP 5 NCEES Examinations ~~Offered by a Member Board Within Its~~ [Jurisdiction Requirements](#)

A. ~~Jurisdiction Limitation~~ [Requirements](#)

~~A member board may offer NCEES examinations only in its jurisdiction except as noted in paragraph C. 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 a 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.~~

B. [Approved Test Centers](#)

[Approved examinees may sit for a CBT examination at any NCEES-approved test center located in North America or any U.S. territory.](#)

~~BC. U.S. Military Base Exemption~~ [Accommodations](#)

~~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.~~

[Approved examinees from the U.S. military serving outside of the United States and U.S. territories and their spouses residing outside of the United States and U.S. territories may request to take a CBT examination at an NCEES-approved test center located outside of these areas. NCEES will review all requests and make recommendations regarding the approval of the request.](#)

ED. PE Structural Engineering Exam Administration

~~Beginning with the April 2022~~ The pencil-and-paper administration, ~~of the 16-hour~~ PE Structural Engineering exam ~~will be is~~ 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

The proposed changes reflect that member boards do not administer exams, that testing centers do administer exams, and that the PE Structural exam is now offered regionally.

Board of directors' position

Endorses, consent agenda

EPP Motion 11

Move that Exam Administration Policy 6 be amended as follows:

EAP 6 Access to and Review of Examinations

There shall be no post-administration access to, or review of, examination materials by an examinee or ~~his or her~~ their representative.

~~Member boards may allow examinees to~~ Examinees may request that their results for multiple-choice questions from a pencil-and-paper examination be verified by NCEES by manual verification, for a fee established by the NCEES board of directors.

Rationale

The proposed changes incorporate gender-neutral language and reflect that member boards do not administer examinations.

Board of directors' position

Endorses, consent agenda

EPP Motion 12

Move that Exam Administration Policy 7 be amended as follows:

EAP 7 Requests for Special Examination Accommodations

NCEES, ~~in cooperation with the member boards,~~ must determine reasonable, fair, and equitable methods to be employed to administer examinations to candidates. All such accommodations shall comply with applicable federal and state laws and regulations. NCEES will review all requests for accommodation and make recommendations regarding the approval of the request.

~~Member boards and testing services must follow the procedures in the *Security and Administrative Procedures Manual* regarding these requests.~~

Rationale

The proposed amendments reflect that member boards no longer administer examinations.

Board of directors' position

Endorses, consent agenda

EPP Motion 13

Moved that Exam Administration Policy 8 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 or~~ its designee, ~~or and~~ 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 [in the exam scores](#) 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 [in exam scores](#) 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.

Rationale

The EPP Committee reviewed and endorses the amendments to EAP 8 proposed by the Committee on Law Enforcement (see Law Enforcement Motion 2). EPP is proposing additional changes to reflect the current reporting of results in a CBT format.

Board of directors' position

Endorses, consent agenda

EPP Motion 14

Move that Exam Administration Policy 9 be amended as follows:

EAP 9 Providing Examination ~~Scores~~ Results for Licensing by Comity

When examination ~~scores~~ results are requested for purposes of licensing by comity, member boards should report results provided by NCEES ~~as the official scores. Member boards shall refrain from reporting scores that have been increased or decreased by the member board as a result of an internal examination review, a member board policy, or any other action taken unilaterally by the member board.~~

Rationale

The amendments are proposed because results (pass/no pass) are all that is required.

Board of directors' position

Endorses, consent agenda

EPP Motion 15

Move that Exam Administration Policy 11 be amended as follows:

EAP 11 Security and Administrative Procedures

~~Member boards and testing~~ Testing services shall follow ~~current exam security administrative~~ procedures as prescribed by the NCEES *Security and Administrative Procedures Manual*.

All proctors participating in the administration of NCEES pencil-and-paper examinations shall be supplied with written examination administration and security procedures and instructions prior to each examination in sufficient time to address any questions and shall submit written affirmation that they have reviewed these procedures and instructions.

Rationale

The amendments are proposed to clean up language, reflect that member boards do not administer exams, and clarify that pencil-and-paper exams require that proctors be provided procedures and instructions.

Board of directors' position

Endorses, consent agenda

EPP Motion 16

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 amendments are proposed to reflect that member boards no longer administer examinations.

Board of directors' position

Endorses, consent agenda

EPP Motion 17

Move that Position Statement 14 be deleted.

~~PS 14 Computer-Based Testing~~

~~The NCEES vision of computer based testing (CBT) is as follows:~~

~~A. Conversion of the NCEES examinations to CBT should eventually include all exams.~~

~~B. The content areas, delivery methods, types, and processes associated with the CBT examination are expected to evolve and develop in order to remain current with the progress of professional practices as well as future technological advances to CBT.~~

Rationale

The position statement is no longer needed because all NCEES exams except the PE Structural exam have already transitioned to CBT.

Board of directors' position

Endorses, consent agenda

Committee on Examinations for Professional Surveyors (1 motion)

EPS Motion 1

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Law 130.10.C.2.a*:

130.10 General Requirements for Licensure

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 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-this examinations, and any required state-specific examinations and satisfying the education and experience requirements, the applicant shall be eligible to be licensed as a professional surveyor, if otherwise qualified.~~

Rationale

By decoupling the vital surveying experience requirement from the administration of the PS exam, licensing candidates, NCEES, and member boards will all benefit from automating the examination process, removing obstacles and promoting licensure, embracing the diversity of experience within licensing jurisdictions, and lowering the average age of FS and PS examinees (average age is significantly higher than that of FE and PE examinees). It will also provide a flexible licensing pathway for licensure candidates from differing career paths, better accommodate candidates who are protected by the ADA and may face hurdles in the working (field/office) environment, and increase licensure from peripheral disciplines (e.g., photogrammetric).

Board of directors' position

Endorses, consent agenda

Committee on Finances (6 motions)

Finance Motion 1

Move that the adoption of the 2022–23 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 2

Move that the adoption of the 2022–23 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 3

Move that Financial Policy 6 be amended as follows:

FP 6 Examination ~~Charges~~ Prices

The Committee on Finances shall annually review all examination ~~charges~~ prices and propose any changes to examination ~~charges~~ prices for Council vote at the annual meeting. The current exam ~~fees~~ prices are as follows:

<u>Examination</u>	<u>Fee/Price</u>	<u>Date approved</u>	<u>Date effective</u>
Computer-based FE*	\$175 <u>\$225</u>	8/ 16 <u>22</u>	1/ 18 <u>24</u>
Computer-based FS*	\$175 <u>\$225</u>	8/ 16 <u>22</u>	1/ 18 <u>24</u>
Pencil-and-paper PE**	\$250	8/11	4/13
Computer-based PE*	\$375 <u>\$400</u>	8/ 16 <u>22</u>	1/ 18 <u>24</u>
Computer-based PS*	\$300 <u>\$375</u>	8/ 15 <u>22</u>	10/16 <u>1/24</u>
Structural Lateral Forces component**	\$400	8/09	4/11
Structural Vertical Forces component**	\$400	8/09	4/11

~~For computer-based examinations, examinees are required to pay NCEES directly.~~ All examinees are required to pay NCEES directly; this requirement includes both computer-based and pencil-and-paper examinations.

*Fee/Price includes exam development, scoring, and computer-based exam administration.

**Fee/Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale

Exams are the primary source of revenue for NCEES and must generate a nominal amount of positive income to ensure that sufficient short-term and long-term resources are available to the organization. This income is used

to fund many programs and services that support the Council’s mission and provide value to the member boards and the general public. The current pricing structure for the CBT exams does not generate sufficient revenue to cover the costs associated with the exams. Continued losses such as those currently being realized by the Council are not sustainable and will negatively affect the organization’s financial health.

Board of directors’ position
Endorses, non-consent agenda

Finance Motion 4

Move that Financial Policy 6 be amended as follows to incorporate the computer-based PE Structural exam:

FP 6 Examination Charges

Examination	Fee	Date approved	Date effective
<u>Pencil-and-paper</u>			
Structural Lateral Forces component**	\$400	8/09	4/11
<u>Pencil-and-paper</u>			
Structural Vertical Forces component**	\$400	8/09	4/11
<u>Computer-based</u>			
<u>Structural exams***</u>			
Vertical breadth section	\$350	8/22	1/24
Vertical depth section	\$350	8/22	1/24
Lateral breadth section	\$350	8/22	1/24
Lateral depth section	\$350	8/22	1/24

***The current Structural exam will be transitioning from a pencil-and-paper format consisting of a vertical section and a lateral section given on two separate days to a computer-based exam consisting of vertical and lateral sections with separate breadth and depth components for each section in four separate exam seatings. Price includes exam development, scoring, and computer-based exam administration of each section.

Rationale

The current pricing structure for the PE Structural exam only provides pricing in a pencil-and-paper format. The proposed language identifies pricing for the current PE Structural components in a pencil-and-paper format through the October 2023 exam administration and sets the prices for each section of the CBT Structural exam beginning with exam administrations in 2024.

Board of directors’ position
Endorses, consent agenda

Finance Motion 5

Move that Financial Policy 1C be amended as follows:

FP 1 Council Funds

- C. The reserve funds (current tangible assets plus tangible marketable long-term investments minus current liabilities) should be accumulated to and maintained at a level sufficient for each of the following:
1. A designated reserve equal to a minimum amount of 100 percent of the annual operating budget. _
 2. plus a designated exam breach reserve equal to the computed cost of a ~~total~~ probable or potential exam breach based on the current approved item replacement costs.
 3. A data breach reserve equal to the anticipated costs of such an incident, including lost revenue during recovery, less insurance provisions.
 4. A building reserve for long-range capital improvements and replacements for the NCEES headquarters building.

Reserve funds ~~over the breach costs and operating costs in excess of the reserves stated above~~ may be designated by the board of directors for other NCEES mission advancement initiatives or capital projects. If the reserve funds fall below ~~this level~~ the reserve levels stated above, the Council shall strive to correct the

situation. [All reserves shall be reviewed annually by NCEES staff and presented to the board of directors and the Committee on Finances.](#)

Rationale

The committee recommends that the current language in FP 1C be revised to clarify the intent that NCEES maintain designated reserves for each of the specified purposes. The committee also recommends that both a data breach reserve and a building reserve be established to protect the overall financial health of the Council.

Board of directors' position

Endorses, non-consent agenda

Finance Motion 6

Move that Financial Policy 11 be amended as follows:

FP 11 Exam Breach

The board of directors shall review and approve the replacement cost for exam items at least annually, to be applicable in the event of an exam breach covered by this policy. Except as otherwise expressly provided in this policy, ~~each member board the exam delivery contractor~~ shall reimburse NCEES for the then-current replacement costs of all exam ~~questions items~~ whose security is compromised due to negligence while in the ~~contractor's custody or control of the member board or an agent of the member board, including any test delivery contractor other than NCEES.~~ This policy applies with respect to all secure examinations developed by NCEES. Whether ~~a compromise an exam breach~~ has occurred for purposes of this policy shall be determined by the NCEES board of directors following an investigation of the incident and evaluation of all information submitted by the ~~member board exam delivery contractor~~, input from third-party consultants if deemed appropriate, and recommendations from a duly constituted NCEES breach committee. ~~Member boards shall not be responsible for any compromise that occurs while examination materials are in the custody or control of a shipping service so long as the member board has shipped the materials in compliance with applicable shipping requirements.~~

Rationale

The committee recommends revising the existing language in FP 11 for clarification and to reflect current practices related to a potential exam breach.

Board of directors' position

Endorses, non-consent agenda

Committee on Law Enforcement (2 motions)

Law Enforcement Motion 1

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendment into *Model Law 110.20 O*:

110.20 Definitions

O. Disciplinary Action—The term “Disciplinary Action,” as used in this Act, shall mean any final written decision or settlement taken against an individual or firm by a licensing board based upon a violation of the board’s laws and rules. [Disciplinary actions include reprimands; administrative fines; the board’s refusal to issue, restore, or renew a license; settlement agreements or consent orders; probation; suspension; revocation; or any combination thereof. Disciplinary action also includes voluntarily surrendering, relinquishing, or agreeing not to renew the license as part of an agreement or board order to avoid disciplinary action for a violation of the board’s laws or rules.](#)

Rationale

The amendment provides examples of disciplinary actions to clarify the definition.

Board of directors' position

Endorses, consent agenda

Law Enforcement Motion 2

Move that Exam Administration Policy 8 be amended as follows:

EAP 8 Release and Use of Examination Results

~~C. In Case of an Irregularity~~

~~Examination results for any examinee suspected of an exam irregularity will be provided to the affected member board in a report segregated from all other examinee score reports. This report will identify the examinee and provide the examinee score information. After the release of the 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~~

C. Exam Irregularities

All NCEES exam irregularities should be evaluated by NCEES with regards to invalidation of exam results. If a candidate fails to comply with the conditions stated in the NCEES *Examinee Guide*, NCEES shall have the authority to invalidate exam results and, furthermore, shall have the authority to suspend a candidate's ability to take an NCEES examination 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. NCEES will notify the member board selected by the examinee of the specific terms and reasons for the invalidation and/or ban. NCEES will update the examinee's account to make this information available to all member boards.

If a member board objects to NCEES' decision to ban an examinee's registration, NCEES will update the examinee's account to allow the examinee to select that member board and register for an examination in accordance with the terms set forth by that member board.

Rationale

NCEES delegates passed a 2020–21 Advisory Committee on Council Activities motion to charge the appropriate committee with incorporating the first paragraph under the proposed Exam Irregularities section above. The ACCA rationale for the motion was as follows: "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."

The Committee on Law Enforcement recommends adding additional language (paragraphs 2–3 in the proposed Exam Irregularities section) to outline a process for communication and documentation of NCEES’ decision and to provide relief for a member board that does not agree with NCEES’ decision to ban an examinee’s registration. These changes replace EAP 8.C, In Case of an Irregularity, and EAP 8.D, Examinee Non-Compliance, which primarily address exam irregularities during pencil-and-paper exam administrations.

Board of directors’ position

Endorses, consent agenda

Committee on Uniform Procedures and Legislative Guidelines (6 motions)

UPLG Motion 1

Move that Position Statement 16 be amended as follows:

PS 16 Electronic Technology

The use of digital signatures has dramatically changed the practice of producing, submitting, and reproducing reports, drawings, and specifications by practitioners, but the need to safeguard the health, safety, and welfare of the public has not changed.

The use of digital signatures can adequately safeguard the public if the appropriate guidelines are followed. Electronic technology must be encouraged in an open and unrestrictive environment. It is the responsibility of the [state member](#) boards and other jurisdictions to encourage the use of digital signature technology to further safeguard the public from the current common practice of delivering documents electronically with no security or protection. [Refer to Model Rules 240.20, Seal on Documents, for further information.](#)

Rationale

The UPLG Committee feels that more-detailed information is included in the *Model Rules* and thus adding a reference to it seems prudent.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 2

Move that Position Statement 37 amended as follows:

PS 37 Remote Sensing Technologies

In the interest of safeguarding the public health, safety, and welfare, the use of remote sensing technology ([including but not limited to both aerial, and ground based, and hydrographic](#)) to perform professional services defined in NCEES *Model Law* 110.20 A.5, Practice of Engineering, and 110.20 B.4, Practice of Surveying, shall be under the responsible charge of an appropriately licensed professional.

Rationale

The UPLG Committee feels that these revisions to PS 37 improve clarity and that adding hydrographic as an example makes the position statement more comprehensive.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 3

Move that *Model Rules* 240.30 C 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 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. [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 2020–21 Committee on Education proposed a motion to charge UPLG with modifying 240.30 C related to continuing professional competency requirements. The Education Committee’s rationale for modifying the language was as follows: “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.”

The UPLG Committee agrees with the revision.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 4

Move that *Model Rules 240.30 D* 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.

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 volunteer participation in standards or code development technical committees, standards, or code commissions](#) up to 4 PDHs
10. 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

The 2020–21 Committee on Education proposed a motion to charge UPLG with modifying 240.30 C related to continuing professional competency requirements. The Education Committee’s rationale for modifying the language was as follows: “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.”

The UPLG Committee agrees with the revision.

Board of directors’ position

Endorses, consent agenda

UPLG Motion 5

Move that *Model Rules 240.30 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.

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.
 - a. [A semester credit hour represents 15 classes with 1 hour of instructional time plus 2 additional hours of student engagement with the subject material through homework, laboratory work, internships, practicums, studio work, or other academic work, resulting in 45 PDHs.](#)
 - b. [A quarter credit hour represents 10 classes with 1 hour of instructional time plus 2 additional hours of student engagement with the subject material through homework, laboratory work, internships, practicums, studio work, or other academic work, resulting in 30 PDHs.](#)
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

The 2020–21 Committee on Education proposed a motion to charge UPLG with modifying 240.30 E related to continuing professional competency requirements. The Education Committee’s rationale for modifying the language was as follows: “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 ... to help clarify why one semester hour is equal to 45 professional development hours.”

The UPLG Committee added the bullet point about quarter hours since this was inadvertently left out by the Committee on Education last year. UPLG added further explanation in the bullet points for clarification.

Board of directors’ position

Endorses, non-consent agenda

UPLG Motion 6

Move that *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 under the supervision of a professional surveyor ~~and satisfactory to the board~~ 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

Last 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. The committee's rationale for its amendments was as follows: "As a result of this review, the committee decided that the *Model Law* terms 'combined office' and '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."

The proposed amendments simplify the language and allow "progressive" to relate to both field and office experience.

Board of directors' position

Endorses, non-consent agenda

Engineering Licensure Model Task Force (1 motion)

ELMTF Motion 1

Move that Position Statement 35 be replaced as shown:

PS 35 Future Education Requirements for Engineering Licensure

~~One of the goals of NCEES is to advance licensure standards for all professional engineers. Those 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. For the purpose of this Position Statement, a bachelor's degree is in engineering from a program accredited by EAC/ABET or a bachelor's degree in engineering that meets the NCEES Engineering Education Standard as determined by NCEES.~~

~~NCEES has identified several future pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet these educational requirements, including the following:~~

- ~~A. A bachelor's degree and a master's or earned doctoral degree in the same technical area of engineering from a program that offers an EAC/ABET accredited bachelor's degree~~
- ~~B. A master's degree in engineering from a program accredited by EAC/ABET~~
- ~~C. A bachelor's degree from a program accredited by EAC/ABET that has a minimum of 150 semester credit hours, of which at least 115 semester credit hours are in mathematics, science, or engineering combined and at least 75 of these semester credit hours are in engineering~~
- ~~D. A bachelor's degree and at least 30 additional semester credit hours of upper-level undergraduate or graduate-level coursework in engineering on topics relevant to the practice of engineering (e.g., engineering-related science, mathematics, or professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control) from approved course providers (e.g., institutions that have EAC/ABET accredited programs, or institutions or organizations accredited by an NCEES approved accrediting body)~~
- ~~E. A bachelor's degree and 80 assessed learning days (ALDs) in areas germane to professional practice and that support and enhance the applicant's capability in their technical area of practice~~
 - ~~1. ALDs can be earned through credit or noncredit courses. The applicant shall be required to demonstrate successful completion and that the coursework was of sufficient content and rigor.~~

- ~~2. Coursework may include university courses, industrial in-house specialty courses, short courses and certification courses offered by professional and technical societies, and other courses meeting standards to be developed by NCEES.~~
- ~~3. At least 40 ALDs shall be from technical engineering coursework. Nontechnical ALDs include professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control.~~
- ~~4. For non-university provided coursework, a course that earns ALD credit must have a syllabus, learning objectives, and outcomes assessment.~~
- ~~5. For non-university provided coursework, one ALD unit shall be defined as eight hours of contact time.~~
- ~~6. For university provided coursework, a three-semester credit hour course shall equal six ALDs.~~
- ~~7. Any single course must consist of at least one ALD.~~

~~NCEES will continue to explore alternative educational pathways for candidates for licensure as professional engineers to develop the body of knowledge needed for entry into the profession. These alternatives will be developed through collaboration with technical engineering societies and other stakeholders engaged with the engineering profession.~~

PS 35 Framework for Future Engineering Licensure

One of the goals of NCEES is to advance licensure standards for all professional engineers. Those 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 knowledge and skills will require the licensure process, including education and experience requirements, to be updated to meet these changing needs and ensure a competent level of professional engineering practice. NCEES supports a licensing framework that covers the life cycle of a professional engineer, with multiple focused pathways to licensure. These pathways include supplemental education focused on depth of technical knowledge and professional practice, a robust and adaptable system for assessment and evaluation, a system of focused and progressive experience, and lifelong learning.

NCEES recognizes that different areas of engineering practice may have differing requirements or paths to demonstrate a competent level of professional knowledge and skills. These future pathways will be developed to address the needs of the various areas of engineering practice as appropriate to safeguard the health, safety, and welfare of the public and support the strength and growth of the engineering profession.

Pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet future education and experience requirements include the following:

- A. A bachelor's degree in engineering or engineering technology
- B. Focused and guided supplemental education requirements prior to licensure to address technical depth and professional practice, which may include
 - a. Additional formal education, such as a master's or doctoral degree
 - b. Certifications by recognized technical professional organizations
 - c. Professional-level continuing education courses
- C. Focused and guided experience prior to licensure
- D. Increased professional mentorship during the licensure process

Rationale

The current PS 35 language is prescriptive and, to a large degree, unworkable. The replacement language is forward looking and flexible. Different engineering disciplines may very well determine different requirements/expectations for licensure. This language also recognizes the shortcomings now seen in the experience part of licensure and will provide for additional requirements during this crucial phase of the licensure process.

Board of directors' position

Endorses, consent agenda

Western Zone (1 motion)

Western Zone Motion 1

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Law 130.10 B.2.b*:

130.10 General Requirements for Licensure

B. Engineering

2. Licensure as a Professional Engineer

b. Licensure by Comity for a Professional Engineer^{3,4}

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

- 1) An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
- (2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
- (3) An individual holding a certificate of licensure to engage in the practice of engineering issued by any jurisdiction may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction, if they meet all three of the following criteria:
 - (a) has been actively licensed for a minimum of 10 years continuous immediately preceding application to this jurisdiction;
 - (b) has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five years immediately preceding application to this jurisdiction; and
 - (c) has not had their professional license suspended or revoked at any time from any jurisdiction.

³ Jurisdictions (boards) that do not license by discipline may license an individual as a professional engineer.

⁴ Jurisdictions (boards) that license by discipline may license an individual in any discipline in which the individual can verify his or her competency.

Rationale

The Western Zone believes that proposed changes to existing licensure laws by local legislative bodies have been increasing in frequency and severity and that this addition to the *Model Law* will allow jurisdictions, if they so wish, to remove regulatory barriers and allow expediency to professional engineering licensure without increased hazard to the public that each board serves. The intent is to utilize a history of board-monitored safe practice in lieu of any unique licensure criteria applied on a jurisdiction-by-jurisdiction basis that could prevent licensure of otherwise qualified individuals.

Board of directors' position


Does not endorse, non-consent agenda


Board of directors' rationale

The board of directors does not endorse this change because it essentially plays to the lowest engineering licensure requirements. A number of boards have educational requirements, and this change would allow an experience-only path for those states, since some other jurisdictions have experience-only paths. This path would conflict with the current model documents and professional policies that refer to the three-legged stool of education, experience, and examinations. The board also questions whether 10 years is a long enough license requirement.

QUARTERLY OUTREACH REPORT (Q3)

SOCIAL MEDIA: JANUARY- MARCH 2022

 TOP FACEBOOK POSTS	DATE	VIEWS
131 Years Ago Today	3/31	789
UCLA “Thank You for Hosting Us”	2/16	513
CSU Chico “Thank You for Hosting Us”	2/17	490
Unanticipated Volume of Applicants	3/18	460
Board Members Pix at March 7 Mtg	3/10	350

 TOP TWEETS	DATE	VIEWS
Board Members Pix at March 7 Mtg	3/10	233
World Water Day	3/22	200
Meeting Materials for March 7 Mtg	3/2	195
UC Riverside “Thank You for Hosting”	2/24	115
CPUC “Thank You for Hosting”	2/25	110

WEB PAGE VIEWS	VIEWS
License lookup	259,223
Board Front Page	187,505
Applicants Information	132,710
PE Application	107,302
Licensee Information	75,972

QUARTERLY OUTREACH REPORT (Q3)

OUTREACH EVENTS: JANUARY- MARCH 2022

ALL Virtual Unless Noted

JANUARY 2022
Jan 6 - LA CLSA Chapter Presentation. D. Sweeney, P.L.S.
Jan 11 - Napa Engineers Society Presentation. N. King, PE & M. Donelson, PE
Jan 19 - ASCE YMF San Diego Presentation. N. King, PE
Jan 20 - ASCE YMF Orange County Presentation. N. King, PE
Jan 27 - ASCE YMF Sacramento Presentation. N. King, PE
Jan 31 - ASCE YMF San Diego Presentation. N. King, PE

FEBRUARY 2022
Feb 15 - UCLA ASCE & EERI – SEAOSC PE Exam Prep. N. King, PE
Feb 15 - Lot Line Adjustments Discussions w/El Dorado, Sacramento & Placer County Surveyors. D. Sweeney, P.L.S. (In Person)
Feb 16 - CSU Chico Presentation. M. Donelson PE, N. King, PE (In Person)
Feb 17 - CELSA Annual Members Meeting -Discussed Concerns w/Unlicensed Surveying Practice and Its Effects on Industry. R. Moore, P.L.S.
Feb 23 - UC Riverside Senior Design Presentation. M. Donelson, PE
Feb 24 - CPUC Presentation. N. King, PE
Feb 25 - Cal Poly, SLO Electrical Engineering Presentation. M. Donelson, PE

MARCH 2022
Mar 3 - CSU Sacramento GIT Presentation. L. Racca, PG
Mar 11 - CSU San Bernardino GIT Presentation. L. Racca, PG
Mar 16 - CLSA San Diego Land Surveyor Review Course & Chapter Visit. D. Sweeney, P.L.S. (In Person)
Mar 17 - CSU Fresno, GIT Presentation. L. Racca, PG
Mar 17 - Assoc. of Environmental & Engineering Geologists (AEG), San Joaquin Chapter, Presentation on Licensing and Career Flexibility. L. Racca, PG
Mar 25 - SEAOC Board of Directors Mtg., Discuss NCEES 16 Hour Structural Exam. R. Moore, P.L.S. and A. Asgari, SE (In Person)

X. President's Report/Board Member Activities

**XI. Nomination and Election of President and Vice President for Fiscal Year
2022/23 (Possible Action)**

XII. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the May 2, 2022, Board Meeting

DRAFT

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

Department of Consumer Affairs
1625 North Market Blvd., Hearing Room #102
Sacramento, CA 95834

Monday, May 2, 2022

Board Members Present:	President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Michael Hartley; Eric Johnson; Coby King; Paul Novak; Frank Ruffino; Wilfredo Sanchez; and Christina Wong
Board Members Absent:	Duane Friel; Kathy Jones Irish; and Mohammad Qureshi
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dawn Hall (Administrative Manager); and Joseph Chin (Legal Counsel)

I. Roll Call to Establish a Quorum

President Mathieson called the meeting to order at 9:03 a.m., and a quorum was established.

II. Pledge of Allegiance

Mr. Hartley led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

There was no public comment.

IV. Administration

A. Fiscal Year 2021/22 Budget Report

Ms. Hall reviewed Fiscal Month 8 results and the Financial Statement that reflected the increase in revenue due to the fee increase that was enacted January 2021. She is not expecting any significant increases through the end of the year. Likewise, she is not expecting a significant increase in the Board's projections for expenses. Mr. King asked what staff will do as the Board's reserve is projected to fall to below zero. Ms. Hall explained that the information published in the Fund Condition is based on what is published in the Governor's Budget and reflects the Governor's Budget expenditures. Historically, the Board has reverted significant savings and typically runs about 85-86% of that budgeted amount. In addition, the revenue for the budget year is also conservative as there were issues with projections in the past and the uncertainty related to revenue from the fee increase and the pandemic.

Ms. Hall introduced representatives from the DCA Budget Office, Renee Milano and Camillio Branch, who offered more insight. Ms. Milano further explained that they tend to project relatively high when it comes to expenditures. In Fiscal Year 23/24, the DCA Budget Office is projecting a 3% increase from what was originally projected in the Governor's Budget for Fiscal Year 22/23. The Board does historically revert a three-year average of \$1.5 million in expenditures that is included in the projections based on historical data. As stated, the revenue is currently very conservative, and there is not a full year of data that includes the new fees, which makes it difficult to predict. Ms. Milano believes a year's worth of data would be useful in deciding whether the new fees are going to be necessary to sustain the fund's solvency. Mr. King was pleased to see Fiscal Month 8 projections in line with the 12-month projections.

V. Consideration of Rulemaking Proposals

Ms. Eissler reminded the Board that, in November of 2021, the Board approved moving forward with and approved the draft text for the following Rulemaking Proposals. As a result of DCA's Regulation Unit's review, additional changes to the language need to be made and should be presented at the June meeting.

- A. Amendments to, Adoption of, and Repeal of Title 16, California Code of Regulations sections 3005, 3024, 3024.5, and 3026 relating to ASBOG Examination Fees, Abandoned Applications, and Postponements
- B. Amendments to and Adoption of Title 16, California Code of Regulations sections 420, 422, 3021, 3023, 3023.1, and 3032 relating to Applications, Final Filing Dates, and Schedules of Examinations
- C. Amendments to Title 16, California Code of Regulations sections 426.14, 427.10, 427.20, and 427.30 regarding References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers.

VI. Legislation

A. 2022 Legislative Calendar

Ms. Eissler reviewed the Legislative Calendar and noted that May 27th is the last day for bills to get out of their house of origin for this legislative session.

B. Discussion of Legislation for 2022

- 1. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.
No action needed.
- 2. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
Ms. Eissler explained that AB 1662 was amended on April 27, 2022, and the Board needs to decide if those amendments are sufficient to remove its opposition.

MOTION:	Mr. King and Ms. Wong moved to take a position of “watch” on AB 1662 as amended April 27, 2022.
VOTE:	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson				X	
Coby King	X				
Paul Novak	X				
Mohammad Qureshi				X	
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

3. AB 1733 (Quirk) State bodies: open meetings.
No action taken.
4. AB 1795 (Fong) Open meetings: remote participation.

Eric Johnson arrived at 9:39 a.m.

MOTION:	Mr. Ruffino and Ms. Mathieson moved to take a position of “Oppose Unless Amended” to allow Board members to attend a meeting via teleconference without their locations being disclosed on the notice.
VOTE:	3-7-1, Motion Failed

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson		X			
Vice-President D’Antonio		X			
Fel Amistad	X				
Alireza Asgari		X			
Duane Friel				X	
Michael Hartley		X			
Kathy Jones Irish				X	
Eric Johnson			X		

Coby King		X			
Paul Novak		X			
Mohammad Qureshi				X	
Frank Ruffino	X				
Wilfredo Sanchez		X			
Christina Wong	X				

MOTION:	Mr. Ruffino and Mr. Amistad moved to take a position of “Support if Amended” to allow Board members to attend meetings remotely without their location being publicly disclosed on the notice.
VOTE:	2-9, Motion Failed

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson		X			
Vice-President D’Antonio		X			
Fel Amistad	X				
Alireza Asgari		X			
Duane Friel				X	
Michael Hartley		X			
Kathy Jones Irish				X	
Eric Johnson		X			
Coby King		X			
Paul Novak		X			
Mohammad Qureshi				X	
Frank Ruffino	X				
Wilfredo Sanchez		X			
Christina Wong		X			

5. SB 1120 (Jones) Engineering, land surveying, and geology.

MOTION:	Mr. Sanchez and Mr. Ruffino moved to take a position of “Support” on SB 1120, as amended March 15, 2022.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	

Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi				X	
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

6. SB 1237 (Newman) Licenses: military service.

MOTION:	Mr. King and Dr. Amistad moved to take a position of "Watch" on SB 1237, as amended March 30, 2022.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D'Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi				X	
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

7. SB 1365 (Jones) Licensing boards: procedures.
No action taken.

8. SB 1443 (Roth) The Department of Consumer Affairs.
No action taken.

9. SB 1487 (Rubio) Teacher credentialing: Integrated Undergraduate Credentialing Tuition Grant Program.

MOTION:	Ms. Wong and Mr. Ruffino moved to remove the Board's position of "Watch" on SB 1487 and take no position on SB 1487, as amended April 20, 2022
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				

Vice-President D'Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi				X	
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

10. SB 1495 (Committee on Business, Professions and Economic Development) Professions and vocations.

MOTION:	Mr. Novak and Vice-President D'Antonio moved to take a position of "Support" on SB 1495.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D'Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi				X	
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

VII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2021/22 Update

Ms. Criswell presented the Enforcement Statistics. Mr. King inquired as to the frequency in which the Board refers cases to the District Attorneys for criminal prosecution. Ms. Criswell reported that it is very rare. Typically, those are unlicensed cases that reach a level that the district attorney may

take an interest, but they are often returned to the Board to take administrative action .

VIII. Exams/Licensing

A. Examination Updates

Mr. Moore provided an update on exams that were administered since the last Board meeting. The NCEES 16-hour structural engineering exam was administered April 21-22, 2022, in Pomona. The structural engineering exam is the last remaining paper and pencil exam that NCEES administers. The ASBOG National paper and pencil geology exams were administered in Sacramento March 18, 2022. The state specific land surveyor exam was administered April 13, 2022, via CBT (Computer Based Testing). The state specific Professional Geologist exam was administered by CBT on March 8, 2022.

B. 2021 Examination Results

During Public Comment, an individual by the name of Brandon inquired as to when the state specific land surveyor results will be released. Mr. Moore indicated that it is possible that they will be released before the June meeting.

Carl Josephson, representing SEAOC, clarified that the last 16-hour paper and pencil structural exam will be administered at the end of 2023. The CBT version will take place April of 2024. Mr. Moore concurred and explained that when he reported on the last Structural paper and pencil exam, he meant it was simply the last state specific exam to convert to CBT.

IX. Executive Officer's Report

A. Rulemaking Status Report

No report given.

B. Update on Board's Business Modernization Project

Mr. Moore reported that Product Increment 4 went live on April 29, 2022. The transition went smoothly with online support from DCA and the development staff. This is the end of the primary contract before moving into Maintenance and Operations. He reintroduced Sean O'Connor and Jeff Alameida, from DCA Office of Information Services, and praised them for their hard work and dedication to the project. President Mathieson expressed her gratitude to the team and is very pleased with the results. Mr. King also conveyed how impressed he has been with the execution of the project and as the end of the primary contract nears, he reiterated that he has never heard of another State of California IT project that has gone as well as this one. Mr. O'Connor took a moment to thank Mr. Moore and the Board members for their kind comments and explained that much of the success was the active participation of Board staff and their early buy-in and implementation. He further thanked Mr. Alameida as he was a huge part of the success as well as his commitment, competence, and level of effort is above reproach.

C. Personnel

Mr. Moore reported that there is still a vacancy in the Administrative Unit, there are two vacancies in the Licensing Unit with one of those vacancies being filled soon. The Geologist Registrar position was noticed, and Mr. Moore is hopeful to have more information at the next meeting.

D. ABET

Mr. Moore indicated that he may have information on possible ABET visits in the fall and will share this information at a future Board meeting.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore reported that the Annual Meeting which will be held in North Carolina in the fall was not approved in the blanket Out-of-State travel request as North Carolina is on the Attorney General's list of prohibited travel. An independent request will be submitted as there are a lot of changes with the national ASBOG exams converting to CBT and logistics being discussed. ASBOG has been good at administering online meetings; however, it is a critical time as CBT is scheduled for next spring, and we need to be kept informed to ensure that our applications and examinee lists are working appropriately in the new system.

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

1. Western Zone Interim Meeting, May 19-21, 2022, Stateline, NV – Update
Mr. Moore provided an update on the NCEES Western Zone Vice-President nominations. There are now three nominees, Elizabeth Johnston, Karen Purcell, and Dr. Mohammad Qureshi. There are currently no nominations for the Assistant Vice-President.

2. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Update

Mr. Moore noted that he needs to advise NCEES of who the funded delegates will be for the August meeting. In addition to three funded delegates, NCEES also funds first-time attendees, who are Board members appointed within the two years prior to the Annual Meeting. NCEES graciously extended the opportunity by an additional two years for funded first-time attendees to attend due to the pandemic. Anyone on the Board who was appointed after August 26, 2018, and has never attended an NCEES Annual Meeting, is eligible to take advantage of this as a funded first-time attendee. Mr. Moore advised that he is funded as the Member Board Administrator, and Dr. Qureshi is funded as the current Western Zone Assistant Vice President.

The August Board meeting date will be moved to August 22, 2022, to better align with the Annual Meeting.

Mr. Ruffino volunteered to attend as a funded delegate. Mr. Hartley, Ms. D'Antonio, and Ms. Wong volunteered to attend as first-time attendees. Mr.

King requested to be considered as a back-up funded delegate. Mr. Moore noted he will reach out to Mr. Friel to see if he would be interested in attending as a first-time attendee.

Since California is the host board, NCEES is looking for various speakers to provide a welcome speech at the first business session and a non-denominational or spiritual speaker to deliver the invocation. Mr. Moore requested that Board members reach out to him with suggestions.

3. Proposed Motion from New Mexico Board related to NCEES Model Law 130.10.B.2 Related to Professional Engineer Licensure

Mr. Moore reported that the New Mexico Board is going to present a motion to modify Model Law. The California Board's laws and statutes do not specifically address or incorporate Model Law. When there is a proposal to change Model Law, it could affect licensure requirements and regulatory discipline. The New Mexico Board would like to modify Model Law that pertains to licensure by comity as a professional engineer. While there are two different pathway requirements, they are proposing adding a third method towards licensure if licensed in another state: a) has been actively licensed for a minimum of ten (10) years contiguous immediately preceding application to this jurisdiction; b) has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five (5) years immediately preceding application to this jurisdiction; and c) has not had their professional license suspended or revoked at any time from any jurisdiction.

G. Update on Outreach Efforts

Mr. Moore noted that the top Facebook post for the last quarter was for when California approved the very first law in the nation for the licensing of land surveyors by establishing the Board of Examining Surveyors which occurred March 31, 1891.

During Public Comment, Carl Josephson announced that there will be a Structural Caucus at the NCEES Annual meeting on Tuesday, August 23, at 10:30 a.m. Jason Gamble, Chief Examination Officer for NCEES, is going to present the new model for the administration of the structural exam. Mr. Josephson encouraged everyone to attend.

X. President's Report/Board Member Activities

President Mathieson had nothing to report. Dr. Asgari encouraged nominations for the Board President and Vice-President.

Mr. Johnson announced that this will be his last meeting since he will be unable to attend the June meeting, after which his term will expire. He noted that it has been an honor and a privilege to serve on the Board and expressed his gratitude to the Board Members and Staff.

Mr. Hartley shared with the Board that he has been involved with the American Council of Engineering Companies (ACEC) in which the members are firms and not individual licensees. Mr. Hartley’s company, Bedrock Engineering, is a member of ACEC and has been acquainted with the Little Brooks Act. There was a push to allow municipalities and government agencies to hire based on qualifications and not price. He wanted to share that he continues to be involved in that discussion.

Mr. King reported that Mr. Johnson has been one of his favorite Board members on many levels. He is sorry his term has come to an end and the Board will be a less funny place without him.

During Public Comment, Brianna Miller representing DCA’s Board and Bureau Relations expressed the Department’s gratitude to Mr. Johnson for his service and dedication and wished him the best.

XI. Approval of Meeting Minutes

A. Approval of the Minutes of the March 7, 2022, Board Meeting

MOTION:	Dr. Amistad and Mr. Novak moved to approve the meeting minutes.
VOTE:	10-0-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi				X	
Frank Ruffino			X		
Wilfredo Sanchez	X				
Christina Wong	X				

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Mr. Moore reported that future Board meeting locations are being discussed.

Mr. Ruffino recognized that the month of May is AAPI (Asian American and Pacific Islander) Heritage Month where the significant historical, social, and cultural impact the generations of Asian-Americans, Native Hawaiians, and Pacific Islanders have made to our country are recognized and honored. He recognized Board members

Dr. Amistad and Ms. Wong and thanked them. He also thanked Mr. Johnson for his service.

Ms. Wong and Dr. Amistad thanked Mr. Ruffino for the recognition.

XIII. 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)]

XIV. Adjournment

Adjournment immediately followed Closed Session, and there were no other items of business discussed.

PUBLIC PRESENT

Carl Josephson, SEAO

XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

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

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]

XV. Open Session to Announce the Results of Closed Session

XVI. Adjourn
