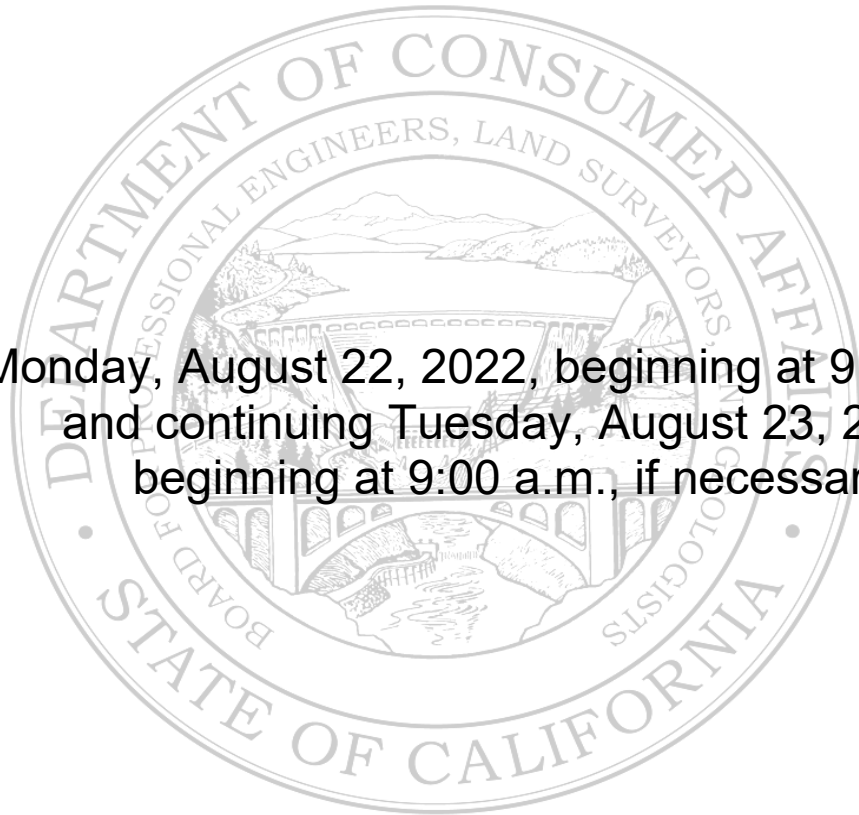




Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists

Monday, August 22, 2022, beginning at 9:00 a.m.,
and continuing Tuesday, August 23, 2022,
beginning at 9:00 a.m., if necessary



California Department of Transportation
Gallegos Room
4050 Taylor Street
San Diego, CA 92110

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MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

BOARD MEETING

AUGUST 22-23, 2022

California Department of Transportation
Gallegos Room
4050 Taylor Street
San Diego, CA 92110

BOARD MEMBERS

President Rossana D'Antonio; Vice-President Michael Hartley; Fel Amistad; Alireza Asgari; Duane Friel; Kathy Jones Irish; Coby King; Betsy Mathieson; 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

NOTE: The Board cannot take action on items not on the agenda. The Board will also allow for public comment during the discussion of each item on the agenda and will allow time for public comment for items not on the agenda at the beginning of both days of the meeting. Please see the last page of this Official Notice and Agenda for additional information regarding public comment.

IV. Administration

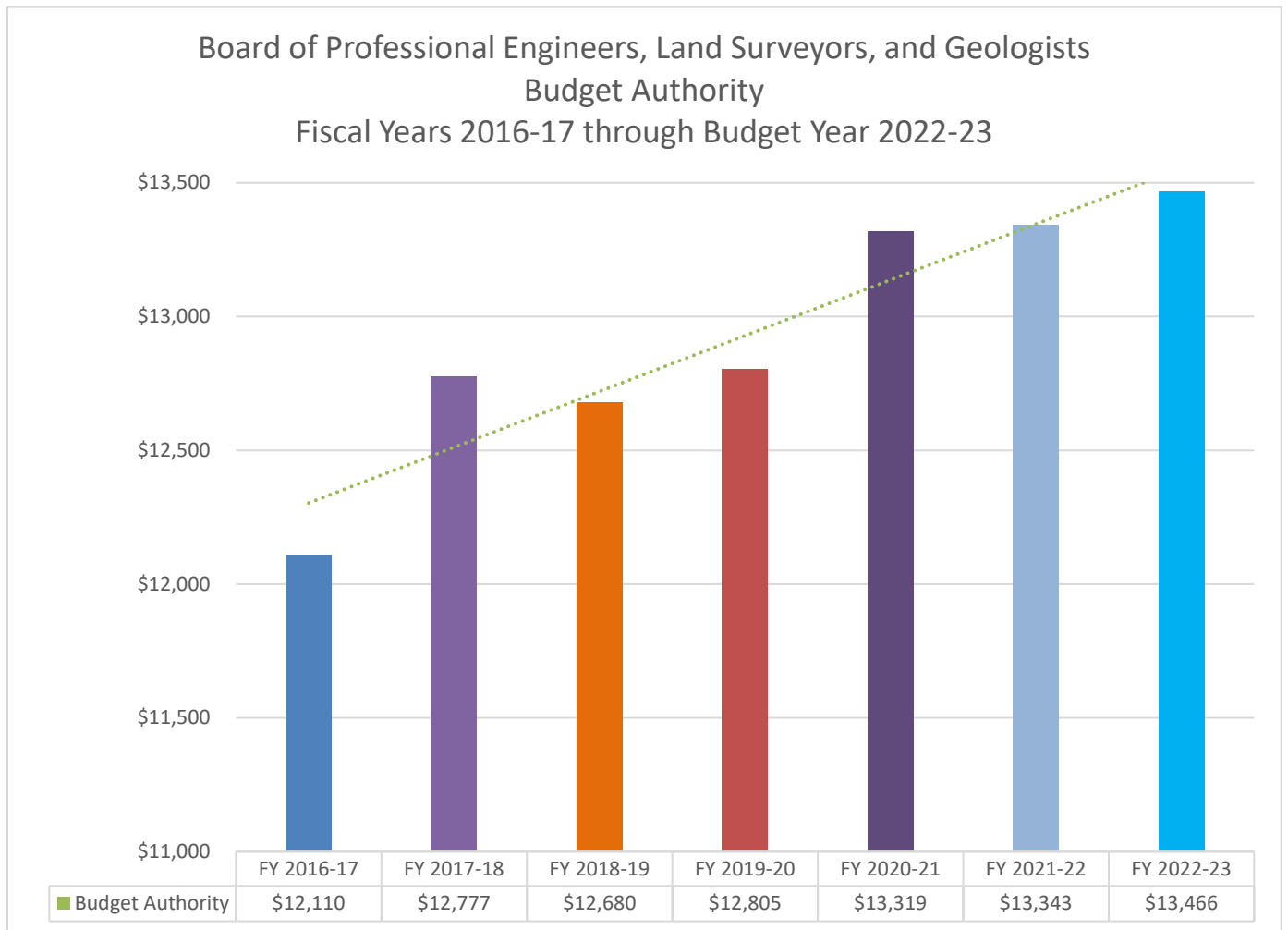
A. Fiscal Year 2021/22 Budget Report

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.

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.

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

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 11 FINANCIAL STATEMENT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$4,058,917 (33%) over prior period.

REVENUE CATEGORY	PRIOR YEAR FY 2020-21 FM 11		CURRENT YEAR FY 2021-22 FM 11	CURRENT YEAR PROJECTIONS
Delinquent Fees	\$106,574	↑	\$133,365	\$150,076
Other Regulatory Fees	\$87,960	↑	\$123,215	\$102,138
Other Regulatory Licenses & Permits	\$1,329,556	↑	\$1,896,218	\$1,743,588
Other Revenue	\$50,436	↓	\$27,775	\$51,328
Renewal Fees	\$6,645,820	↑	\$10,098,691	\$10,269,519
Total	\$8,220,347	↑	\$12,279,264	\$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 11 revenue is 99% of current year projections.

Reimbursements total \$111,828 including \$61,691 for background checks and \$48,937 in cost recovery. Background check expenses are included in the 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: 11

Fiscal Year: 2021 - 2022

Run Date: 6/22/2022

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 11 YTD + Encumbrance	CY 21-22 FM 11 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$2,636,612	\$3,032,632	\$3,589,000	84%	\$3,377,233
	5100 TEMPORARY POSITIONS	\$100,760	\$120,946	\$232,000	52%	\$132,926
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$10,081	\$46,376	\$36,000	129%	\$81,823
	5150 STAFF BENEFITS	\$1,515,557	\$1,716,348	\$1,776,000	97%	\$1,906,110
	PERSONAL SERVICES	\$4,263,010	\$4,916,304	\$5,633,000	87%	\$5,498,092

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$54,545	\$73,725	\$32,000	230%	\$78,411
3	5302 PRINTING	\$44,218	\$88,633	\$26,000	341%	\$79,377
	5304 COMMUNICATIONS	\$18,180	\$14,031	\$15,000	94%	\$17,393
	5306 POSTAGE	\$25,058	\$25,399	\$36,000	71%	\$26,512
	5308 INSURANCE	\$93	\$83	\$0	0%	\$100
	53202-204 IN STATE TRAVEL	\$543	\$5,196	\$22,000	24%	\$5,900
	53206-208 OUT OF STATE TRAVEL	\$0	\$1,199	\$0	0%	\$1,370
	5322 TRAINING	\$0	\$2,000	\$15,000	13%	\$2,000
4	5324 FACILITIES*	\$722,242	\$478,507	\$377,000	127%	\$563,286
5	53402-53403 C/P SERVICES (INTERNAL)	\$681,585	\$548,953	\$696,000	79%	\$534,139
6	53404-53405 C/P SERVICES (EXTERNAL)	\$2,231,022	\$1,719,548	\$3,324,000	52%	\$1,791,926
7	5342 DEPARTMENT PRORATA	\$1,562,916	\$1,939,000	\$1,935,000	100%	\$1,935,000
8	5342 DEPARTMENTAL SERVICES	\$16,102	\$19,420	\$27,000	72%	\$27,000
	5344 CONSOLIDATED DATA CENTERS	\$14,167	\$11,359	\$22,000	52%	\$22,000
	5346 INFORMATION TECHNOLOGY	\$110,587	\$170,271	\$166,000	103%	\$141,050
	5362-5368 EQUIPMENT	\$24,385	\$53,080	\$0	0%	\$84,279
9	5390 OTHER ITEMS OF EXPENSE	\$0	\$0	\$3,000	0%	\$0
	54 SPECIAL ITEMS OF EXPENSE	\$0	\$2,586	\$0	0%	\$1,490
	OPERATING EXPENSES & EQUIPMENT	\$5,505,644	\$5,152,990	\$6,696,000	77%	\$5,311,233
	OVERALL TOTALS	\$9,768,653	\$10,069,293	\$12,329,000	82%	\$10,809,325

*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 11 are \$61,691.
- 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 7.14.2022

(Dollars in Thousands)

2022-23 Governor's Budget with PY Actuals & CY FM 11 Projections

	PY 2020-21	CY 2021-22	BY 2022-23	BY+1 2023-24
BEGINNING BALANCE	\$ 4,844	\$ 2,351	\$ 2,859	\$ 512
Prior Year Adjustment	\$ 36	\$ 171	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,879	\$ 2,522	\$ 2,859	\$ 512
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	\$ -	\$ -	\$ 0
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	\$ 12,622
Totals, Revenues and Transfers	\$ 8,559	\$ 12,288	\$ 11,119	\$ 12,622
Totals, Resources	\$ 13,438	\$ 14,810	\$ 13,978	\$ 13,134
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 10,243	\$ 10,701	\$ 12,408	\$ 12,780
Chapter 16, Statutes of 2020 (AB 84)	\$ -	\$ 385	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 635	\$ 656	\$ 849	\$ 849
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 11,087	\$ 11,951	\$ 13,466	\$ 13,838
FUND BALANCE				
Reserve for economic uncertainties	\$ 2,351	\$ 2,859	\$ 512	\$ -704
Months in Reserve	2.4	2.5	0.4	-0.6

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. Legislation

A. 2022 Legislative Calendar

B. Discussion of Legislation for 2022 (**Possible Action**)

1. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.
2. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
3. AB 1733 (Quirk) State bodies: open meetings.
4. SB 189 (Committee on Budget and Fiscal Review) State Government {Chapter 89, Statutes of 2022}.
5. SB 1120 (Jones) Engineering, land surveying, and geology.
6. SB 1237 (Newman) Licenses: military service.
7. SB 1443 (Roth) The Department of Consumer Affairs.
8. SB 1495 (Committee on Business, Professions and Economic Development) Professions and vocations.

C. Proposed Legislation regarding Public Resources Code section 677 relating to the State Geologist from the Department of Conservation, California Natural Resources Agency (Possible Action)

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: 8/5/2022 – Referred to Senate Committee on Appropriations suspense file; hearing set for 8/11/2022.

Location: 8/5/2022 – Senate Committee on Appropriations

Introduced: 2/12/2021

Last Amended: 1/24/2022

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

Board Staff Analysis: 8/5/2022

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

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

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 was referred to the suspense file by the Appropriations Committee on August 2, 2022. It is scheduled for hearing in the Committee on August 11, 2022.

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.

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AB 1662 (Gipson, D-Gardena)
Licensing boards: disqualification from licensure: criminal conviction.

Status/History: 8/8/2022 – Referred to Senate Committee on Appropriations Suspense File; set for hearing on 8/11/2022.

Location: 8/5/2022 – Senate Committee on Appropriations

Introduced: 1/18/2022

Last Amended: 4/27/2022

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

Board Staff Analysis: 8/10/2022

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 Appropriations on August 8, 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.~~

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

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

Location: 8/5/2022 – Committee on Governmental Organization

Introduced: 1/31/2022

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

Board Staff Analysis: 8/5/2022

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. Based on the passage of SB 189 extending the provisions of Government Code section 11133 until July 1, 2023, AB 1733 is not moving forward this session. It is likely that a bill will be introduced next session relating to amending the Bagley-Keene Open Meeting Act to address virtual meetings.

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 ~~(c) 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.

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SB 189 (Committee on Budget and Fiscal Review)
Chapter 48, Statutes of 2022
State government.

Status/History: 6/30/2022 – Chaptered as Chapter 48, Statutes of 2022, effective June 30, 2022
Board Staff Analysis: 8/5/2022

Bill Summary: This bill makes necessary statutory changes to implement the general government provisions of the Budget Act of 2022. The portion pertinent to the Board relates to Government Code section 11133 regarding the Bagley-Keene Open Meeting Act; only that portion is addressed here.

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 requires at least one member of the state body to be physically present at the location specified in the notice of the meeting. Existing law authorizes teleconferencing subject to specified criteria, including, among others, that agendas be posted at all teleconference locations and that each teleconference location be identified in the notice and agenda of the meeting or proceeding and be accessible to the public, and that members of the public be able to address the state body directly at each teleconference location.

This bill, until July 1, 2023, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to otherwise applicable provisions, as provided. This bill would repeal those provisions as of July 1, 2023.

Affected Laws: An act to amend Sections 8051 and 19951 of, and to add Section 19440.1 to, the Business and Professions Code, to amend Sections 51.7, 52, 54.3, 4225, and 6606 of the Civil Code, to amend Section 67380 of the Education Code, to amend Sections 3527, 7903, 8310.7, 8310.8, 9112, 9112.5, 11136, 11343, 11512, 11540, 12804, 12901, 12903, 12907, 12925, 12935, 12940, 12940.3, 12944, 12945, 12965, 13957, 14692, 15670, 15676.2, 18720, 18720.2, 18720.3, 18720.4, 19704, 50085.5, and 65040 of, to amend the headings of Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of, and Article 2 (commencing with Section 12935) of Chapter 5 of Part 2.8 of Division 3 of Title 2 of, to add Sections 8286.5, 8310.6, 11540.5, 12482,

and 12816.5 to, to add Chapter 1.5 (commencing with Section 16343) to Part 2 of Division 4 of Title 2 of, and Article 5.5 (commencing with Section 65052) to Chapter 1.5 of Division 1 of Title 7 of, and to add and repeal Section 11133 of, and to add and repeal Article 5.10 (commencing with Section 8590.15) of Chapter 7 of Division 1 of Title 2 of, and to repeal Section 15676.5 of, the Government Code, to amend Sections 1262.6 and 17008.5 of, and to add Section 131052.5 to, the Health and Safety Code, to amend Sections 107.5, 1156.3, 1424, 1429, 1429.5, 1430, 1684, 1697.5, 1700.50, 1700.52, 3073, and 3073.9 of the Labor Code, to amend Sections 243.4, 422.92, and 679.10 of the Penal Code, to add Section 95.60 to the Revenue and Taxation Code, to amend Sections 1095 and 14034 of the Unemployment Insurance Code, and to amend Section 11216.2 of the Vehicle Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Staff Comment: This bill reinstates Government Code section 11133, which had been subject to repeal on March 31, 2022. This section allows the Board to conduct its meetings solely via teleconference without providing a physical location at which members of the public could attend and without listing all of the locations from which Board Members would be attending the meeting. This section will be repealed on July 1, 2023.

SB 189 was one of the bills addressing the Fiscal Year 2022/23 state budget. It was chaptered on June 30, 2022, as Chapter 48, Statutes of 2022, and became effective immediately. As such, the Board may once again hold its meetings via teleconference only without providing a physical location for the public to attend the meeting.

Only the portions of the bill relating to Government Code section 11133 are included.

Staff Recommendation: No action needed.

AMENDED IN ASSEMBLY JUNE 26, 2022

SENATE BILL

No. 189

Introduced by Committee on Budget and Fiscal Review

January 8, 2021

~~An act relating to the Budget Act of 2021. An act to amend Sections 8051 and 19951 of, and to add Section 19440.1 to, the Business and Professions Code, to amend Sections 51.7, 52, 54.3, 4225, and 6606 of the Civil Code, to amend Section 67380 of the Education Code, to amend Sections 3527, 7903, 8310.7, 8310.8, 9112, 9112.5, 11136, 11343, 11512, 11540, 12804, 12901, 12903, 12907, 12925, 12935, 12940, 12940.3, 12944, 12945, 12965, 13957, 14692, 15670, 15676.2, 18720, 18720.2, 18720.3, 18720.4, 19704, 50085.5, and 65040 of, to amend the headings of Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of, and Article 2 (commencing with Section 12935) of Chapter 5 of Part 2.8 of Division 3 of Title 2 of, to add Sections 8286.5, 8310.6, 11540.5, 12482, and 12816.5 to, to add Chapter 1.5 (commencing with Section 16343) to Part 2 of Division 4 of Title 2 of, and Article 5.5 (commencing with Section 65052) to Chapter 1.5 of Division 1 of Title 7 of, and to add and repeal Section 11133 of, and to add and repeal Article 5.10 (commencing with Section 8590.15) of Chapter 7 of Division 1 of Title 2 of, and to repeal Section 15676.5 of, the Government Code, to amend Sections 1262.6 and 17008.5 of, and to add Section 131052.5 to, the Health and Safety Code, to amend Sections 107.5, 1156.3, 1424, 1429, 1429.5, 1430, 1684, 1697.5, 1700.50, 1700.52, 3073, and 3073.9 of the Labor Code, to amend Sections 243.4, 422.92, and 679.10 of the Penal Code, to add Section 95.60 to the Revenue and Taxation Code, to amend Sections 1095 and 14034 of the Unemployment Insurance Code, and to amend Section 11216.2 of the Vehicle Code, relating to state government, and making~~

an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 189, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2021. State Government.~~

(1) Existing law, the Horse Racing Law, establishes the California Horse Racing Board within the Business, Consumer Services, and Housing Agency. That law vests the board with all powers necessary and proper to enable it to carry out the Horse Racing Law and makes the board responsible for, among other things, adopting rules and regulations for the protection of the public and the control of horse racing and parimutuel wagering and administration and enforcement of all laws, rules, and regulations affecting horse racing and parimutuel wagering.

Existing federal law, the Horseracing Integrity and Safety Act of 2020, requires the Federal Trade Commission, the Horseracing Integrity and Safety Authority, and a specified antidoping and medication control enforcement agency to implement and enforce a horseracing antidoping and medication control program and a racetrack safety program, as specified.

This bill would authorize the board to enter into agreements with the authority and any other private, state, or federal entity that is responsible for administering the federal act for the purpose of providing services consistent with the enforcement of the horseracing antidoping and medication control program and the racetrack safety program. The bill would authorize the board, on behalf of the authority, to collect and remit fees assessed by the authority to fund California's proportionate share of the authority's horseracing antidoping and medication control program and racetrack safety program, as specified. The bill would authorize the board to elect to subject breeds other than thoroughbreds to the act.

(2) Existing law, the Gambling Control Act, establishes the California Gambling Control Commission, which is responsible for licensing and regulating various gambling activities and establishments. Existing law requires the Department of Justice to investigate any violations of, and to enforce, the act. Existing law requires a person who deals, operates, carries on, conducts, maintains, or exposes for play any controlled game in this state, or who receives any compensation or reward, or any

of taxes levied by or for the state, exclusive of, among other things, state subventions for the use and operation of local government, except as specified. The California Constitution defines “appropriations subject to limitation” of an entity of local government to mean any authorization to expend during a fiscal year the proceeds of taxes levied by or for that entity and the proceeds of state subventions to that entity, except as specified, exclusive of refunds of taxes.

Existing statutory provisions implementing these constitutional provisions establish the procedure for establishing the appropriations limit of the state and of each local jurisdiction for each fiscal year. Under existing law, revenues and appropriations for a local jurisdiction include subventions and with respect to the state, revenues and appropriations exclude those subventions. Existing law defines, for those purposes, “state subventions” as only including money received by a local agency from the state, the use of which is unrestricted by the statute providing the subvention.

This bill, for fiscal years commencing with the 2020–21 fiscal year, would define “state subventions” to additionally include money provided to a local agency pursuant to certain state programs and would require any money received by a local agency pursuant to that provision to be included within the appropriations limit of the local agency, up to the full appropriations limit of the local agency, as prescribed.

(20) 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 requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

Existing law authorizes teleconferencing subject to specified criteria, including, among others, that agendas be posted at all teleconference locations and that each teleconference location be identified in the notice and agenda of the meeting or proceeding and be accessible to the public, and that members of the public be able to address the state body directly at each teleconference location.

This bill, until July 1, 2023, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law,

including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to otherwise applicable provisions, as provided.

This bill would repeal those provisions as of July 1, 2023.

(21) The California Constitution provides that the Legislature may make no law except by statute and may enact no statute except by bill. The California Constitution requires the Legislature to pass a budget bill making appropriations for the ensuing fiscal year by midnight on June 15 of each year.

This bill would add a section to the Government Code that identifies the bills that constitute the Budget Act for each fiscal year from 2011–12 through 2020–21.

(22) Existing law establishes the Office of Broadband and Digital Literacy within the Department of Technology. Existing law requires the office to oversee the acquisition and management of contracts for the development and construction of a statewide open-access middle-mile broadband network, as defined.

The bill would make a statement of the Legislature’s goals, as part of the 2022 Budget agreement, to provide for the development, construction, and acquisition of a statewide open-access middle-mile broadband network, and for the maintenance and operation of the resulting infrastructure. The bill would specify, in this regard, appropriations to be made in the future and would prescribe requirements to be satisfied before the funds would be available for encumbrance or expenditure.

(23) 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.

1 ~~(b), shall commit a sufficient portion of its budget to repay any~~
2 ~~interim financing.~~

3 ~~(f) It~~

4 9112.5. It is the intent of the Legislature that available cash
5 sources, including, but not limited to, an allocation of the moneys
6 deposited into the State Project Infrastructure Fund prior to 2018
7 and moneys appropriated in the Budget Act Acts of 2018, 2018,
8 2021, and 2022, be used to the maximum extent available to fund
9 the projects authorized by Section 9112 before utilizing the
10 lease-revenue bond authority provided by this section. 9112.

11 *SEC. 20. Section 11133 is added to the Government Code, to*
12 *read:*

13 11133. (a) Notwithstanding any other provision of this article,
14 and subject to the notice and accessibility requirements in
15 subdivisions (d) and (e), a state body may hold public meetings
16 through teleconferencing and make public meetings accessible
17 telephonically, or otherwise electronically, to all members of the
18 public seeking to observe and to address the state body.

19 (b) (1) For a state body holding a public meeting through
20 teleconferencing pursuant to this section, all requirements in this
21 article requiring the physical presence of members, the clerk or
22 other personnel of the state body, or the public, as a condition of
23 participation in or quorum for a public meeting, are hereby
24 suspended.

25 (2) For a state body holding a public meeting through
26 teleconferencing pursuant to this section, all of the following
27 requirements in this article are suspended:

28 (A) Each teleconference location from which a member will be
29 participating in a public meeting or proceeding be identified in
30 the notice and agenda of the public meeting or proceeding.

31 (B) Each teleconference location be accessible to the public.

32 (C) Members of the public may address the state body at each
33 teleconference conference location.

34 (D) Post agendas at all teleconference locations.

35 (E) At least one member of the state body be physically present
36 at the location specified in the notice of the meeting.

37 (c) A state body that holds a meeting through teleconferencing
38 and allows members of the public to observe and address the
39 meeting telephonically or otherwise electronically, consistent with
40 the notice and accessibility requirements in subdivisions (d) and

1 (e), shall have satisfied any requirement that the state body allow
2 members of the public to attend the meeting and offer public
3 comment. A state body need not make available any physical
4 location from which members of the public may observe the
5 meeting and offer public comment.

6 (d) If a state body holds a meeting through teleconferencing
7 pursuant to this section and allows members of the public to
8 observe and address the meeting telephonically or otherwise
9 electronically, the state body shall also do both of the following:

10 (1) Implement a procedure for receiving and swiftly resolving
11 requests for reasonable modification or accommodation from
12 individuals with disabilities, consistent with the federal Americans
13 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and
14 resolving any doubt whatsoever in favor of accessibility.

15 (2) Advertise that procedure each time notice is given of the
16 means by which members of the public may observe the meeting
17 and offer public comment, pursuant to paragraph (2) of subdivision
18 (e).

19 (e) Except to the extent this section provides otherwise, each
20 state body that holds a meeting through teleconferencing pursuant
21 to this section shall do both of the following:

22 (1) Give advance notice of the time of, and post the agenda for,
23 each public meeting according to the timeframes otherwise
24 prescribed by this article, and using the means otherwise
25 prescribed by this article, as applicable.

26 (2) In each instance in which notice of the time of the meeting
27 is otherwise given or the agenda for the meeting is otherwise
28 posted, also give notice of the means by which members of the
29 public may observe the meeting and offer public comment. As to
30 any instance in which there is a change in the means of public
31 observation and comment, or any instance prior to the effective
32 date of this section in which the time of the meeting has been
33 noticed or the agenda for the meeting has been posted without
34 also including notice of the means of public observation and
35 comment, a state body may satisfy this requirement by advertising
36 the means of public observation and comment using the most rapid
37 means of communication available at the time. Advertising the
38 means of public observation and comment using the most rapid
39 means of communication available at the time shall include, but

1 *need not be limited to, posting such means on the state body's*
2 *internet website.*

3 (f) *All state bodies utilizing the teleconferencing procedures in*
4 *this section are urged to use sound discretion and to make*
5 *reasonable efforts to adhere as closely as reasonably possible to*
6 *the otherwise applicable provisions of this article, in order to*
7 *maximize transparency and provide the public access to state body*
8 *meetings.*

9 (g) *This section shall remain in effect only until July 1, 2023,*
10 *and as of that date is repealed.*

11 *SEC. 21. Section 11136 of the Government Code is amended*
12 *to read:*

13 11136. Whenever a state agency that administers a program
14 or activity that is funded directly by the state or receives any
15 financial assistance from the state has reasonable cause to believe
16 that a contractor, grantee, or local agency has violated the
17 provisions of Section 11135, Part 2.8 (commencing with Section
18 12900) of this code, Section 51, 51.5, 51.7, 54, 54.1, or 54.2 of
19 the Civil Code, or any regulation adopted to implement these
20 sections or Article 1 (commencing with Section 12960) of Chapter
21 7 of this code, the head of the state agency, or ~~his or her~~ *that*
22 *person's* designee, shall notify the contractor, grantee, or local
23 agency of such violation and shall submit a complaint detailing
24 the alleged violations to the ~~Department of Fair Employment and~~
25 ~~Housing~~ *Civil Rights Department* for investigation and
26 determination pursuant to Article 1 (commencing with Section
27 12960) of Chapter 7 of this code.

28 *SEC. 22. Section 11343 of the Government Code is amended*
29 *to read:*

30 11343. Every state agency shall:

31 (a) Transmit to the office for filing with the Secretary of State
32 a certified copy of every regulation adopted or amended by it
33 except one that is a building standard.

34 (b) Transmit to the office for filing with the Secretary of State
35 a certified copy of every order of repeal of a regulation required
36 to be filed under subdivision (a).

37 (c) (1) Within 15 days of the office filing a state agency's
38 regulation with the Secretary of State, post the regulation on its
39 ~~Internet Web site~~ *internet website* in an easily marked and
40 identifiable location. The state agency shall keep the regulation

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

Status/History: 8/10/2022 – In Senate. Concurrence in Assembly amendments pending.

Location: 8/10/2022 – Senate Unfinished Business, File Date 8/10/2022

Introduced: 2/16/2022

Amended: 6/15/2022

Board Position: Support (as of 6/23/2022)

Board Staff Analysis: 8/10/2022

Bill Summary: As amended March 2, March 15, and June 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." 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.

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 Section 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. SB 1120 was heard in the Assembly Business and Professions Committee on June 14, 2022. During the hearing, the author proposed amendments to remove the proposed changes to Public Resources Code section 8801 that dealt with the 2022 updates to the State Plane Coordinate System; these updates have been delayed. These amendments were accepted, and the bill passed out of the Committee and has been referred to the Assembly Appropriations Committee. These amendments do not affect the Board or its operations. At its June 23, 2022, meeting, the Board took a position of “Support” on SB 1120, as amended June 15, 2022.

SB 1120 passed the Assembly and was referred back to the Senate for concurrence with the Assembly amendments.

Staff Recommendation: No action needed.

AMENDED IN ASSEMBLY JUNE 15, 2022

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~~ *Section* 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, 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 certificate or

license holders to notify the board of any change to an email address, as specified. The bill, in the interest of protecting the privacy of applicants and certificate or license holders, would prohibit the public disclosure 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~~

~~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)~~

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

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

~~(7)~~

(6) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 6738. (a) This chapter does not prohibit one or more civil,
35 electrical, or mechanical engineers from practicing or offering to
36 practice within the scope of their license civil (including
37 geotechnical and structural), electrical, or mechanical engineering
38 as a sole proprietorship, partnership, firm, or corporation
39 (hereinafter called business), if all of the following requirements
40 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.

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

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

17 6787. A person who does any of the following is guilty of a
18 misdemeanor:

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

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

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

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

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

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

38 (g) Unless appropriately licensed, manages, or conducts as
39 manager, proprietor, or agent, any place of business from which
40 civil, electrical, or mechanical engineering work is solicited,

1 performed, or practiced, except as authorized pursuant to Section
2 8726.1.

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

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

16 (j) Violates any provision of this chapter.

17 SEC. 5. Section 6795.1 of the Business and Professions Code
18 is repealed.

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

21 7856. (a) Each applicant for licensure or certification who has
22 a valid email address shall report to the board that email address
23 at the time of application.

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

27 (c) Each applicant or certificate or license holder shall notify
28 the board within 30 days of any change to their email address on
29 file with the board.

30 (d) In the interest of protecting the privacy of applicants and
31 certificate or license holders, the email address provided to the
32 board pursuant to this chapter shall not be considered a public
33 record and shall not be disclosed pursuant to Section 27 or pursuant
34 to a request under the California Public Records Act (Division 10
35 (commencing with Section 7920.000) of Title 1 of the Government
36 Code), unless required pursuant to a court order by a court of
37 competent jurisdiction.

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

1 8729. (a) This chapter does not prohibit one or more licensed
2 land surveyors or civil engineers licensed in this state before 1982
3 (hereinafter called civil engineers) from practicing or offering to
4 practice, within the scope of their licensure, land surveying as a
5 sole proprietorship, partnership, limited liability partnership, firm,
6 or corporation (hereinafter called business), if the following
7 conditions are satisfied:

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

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

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

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

33 (c) The business name of a California land surveying business
34 may be a fictitious name. However, if the fictitious name includes
35 the names of any person, the requirements of paragraph (3) of
36 subdivision (a) shall be met.

37 (d) A person not licensed under this chapter or licensed as a
38 civil engineer in this state before 1982 may also be a partner or an
39 officer of a land surveying business if the conditions of subdivision
40 (a) are satisfied. This section does not permit a person who is not

1 licensed under this chapter or licensed as a civil engineer in this
2 state before 1982 to be the sole owner or office of a land surveying
3 business, unless otherwise exempt under this chapter.

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

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

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

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

18 (3) The person shall have been licensed as a land surveyor or a
19 civil engineer by the board, if operating a place of business or
20 practice in this state, or by an applicable state board in the event
21 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 land
24 surveying business in this state during the period of that consent,
25 except that a retired person may use their name as the name of a
26 new or purchased business, if that business is not identical in every
27 respect to that person's name as used in the former business.

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

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

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

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

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

39 8729. (a) This chapter does not prohibit one or more licensed
40 land surveyors or civil engineers licensed in this state before 1982

1 (hereinafter called civil engineers) from practicing or offering to
2 practice within the scope of their licensure, land surveying as a
3 sole proprietorship, partnership, firm, or corporation (hereinafter
4 called business), if the following conditions are satisfied:

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

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

10 (3) If the business name of a California land surveying business
11 contains the name of a person, then that person shall be licensed
12 by the board as a land surveyor or licensed by the board in any
13 year as a civil engineer. Any offer, promotion, or advertisement
14 by the business that contains the name of any individual in the
15 business, other than by use of the name of the individual in the
16 business name, shall clearly and specifically designate the license
17 discipline of 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 land surveying
21 work 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 a person not licensed in this state, if that person is appropriately
25 licensed or registered in another state. Any offer, promotion, or
26 advertisement that contains the name of any individual in the
27 business, other than by use of the name of the individual in the
28 business name, shall clearly and specifically designate the license
29 or registration discipline of each individual named.

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

34 (d) A person not licensed under this chapter or licensed as a
35 civil engineer in this state before 1982 may also be a partner or an
36 officer of a land surveying business if the conditions of subdivision
37 (a) are satisfied. This section does not permit a person who is not
38 licensed under this chapter or licensed as a civil engineer in this
39 state before 1982 to be the sole owner or office of a land surveying
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 land surveying services, including
3 the use by any lawful successor or survivor, that lawfully was in
4 existence on June 1, 1941. However, the business is subject to the
5 provisions of paragraphs (1) and (2) of subdivision (a).

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

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

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

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

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

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

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

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

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

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

34 8753. (a) Each applicant for licensure or certification who has
35 a valid email address shall report to the board that email address
36 at the time of application.

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

1 (c) Each applicant or certificate or license holder shall notify
2 the board within 30 days of any change to their email address on
3 file with the board.

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

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

14 8792. A person who does any of the following is guilty of a
15 misdemeanor:

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

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

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

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

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

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

28 (g) Represents themselves as, or uses the title of, professional
29 land surveyor, or any other title whereby that person could be
30 considered as practicing or offering to practice land surveying,
31 unless the person is correspondingly qualified by licensure as a
32 land surveyor under this chapter.

33 (h) Uses the title, or any combination of that title, of
34 "professional land surveyor," "licensed land surveyor," "land
35 surveyor," or the titles specified in Sections 8751 and 8775, or
36 "land surveyor-in-training," or who makes use of any abbreviation
37 of that title that might lead to the belief that the person is a licensed
38 land surveyor or holds a certificate as a land surveyor-in-training,
39 without being licensed or certified as required by this chapter.

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

5 (j) Violates any provision of this chapter.

6 ~~SEC. 11. Section 8801 of the Public Resources Code is~~
7 ~~amended to read:~~

8 ~~8801. (a) The system of plane coordinates that has been~~
9 ~~established by the United States Coast and Geodetic Survey for~~
10 ~~defining and stating the positions or locations of points on the~~
11 ~~surface of the earth within the State of California is based on the~~
12 ~~North American Datum of 1927 and is identified as the "California~~
13 ~~Coordinate System." After January 1, 1987, this system shall be~~
14 ~~known as the "California Coordinate System of 1927."~~

15 ~~(b) The system of plane coordinates that has been established~~
16 ~~by the National Geodetic Survey for defining and stating the~~
17 ~~positions or locations of points on the surface of the earth within~~
18 ~~the State of California and that is based on the North American~~
19 ~~Datum of 1983 shall be known as the "California Coordinate~~
20 ~~System of 1983."~~

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

22 ~~(1) "NAD27" means the North American Datum of 1927.~~
23 ~~(2) "CCS27" means the California Coordinate System of 1927.~~
24 ~~(3) "NAD83" means the North American Datum of 1983.~~
25 ~~(4) "CCS83" means the California Coordinate System of 1983.~~
26 ~~(5) "USC&GS" means the United States Coast and Geodetic~~
27 ~~Survey.~~

28 ~~(6) "NGS" means the National Geodetic Survey or its successor.~~

29 ~~(7) "FGCS" means the Federal Geodetic Control Subcommittee~~
30 ~~or its successor.~~

31 ~~(8) "CSRC" means the California Spatial Reference Center or~~
32 ~~its successor.~~

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

36 ~~(10) "GPS" means Global Positioning System and includes~~
37 ~~other, similar space-based systems.~~

38 ~~(11) "FGDC" means the Federal Geographic Data Committee~~
39 ~~or its successor.~~

1 ~~(d) The California portion of the system of plane coordinates~~
2 ~~defined as the State Plane Coordinate System of 2022 (SPCS2002)~~
3 ~~as established by NGS and maintained by either NGS or CSRC~~
4 ~~shall be known as the “California Coordinate System of 2022.”~~

5 ~~(e) The use of the term “State Plane Coordinates” refers only~~
6 ~~to CCS27 and CCS83 coordinates.~~

7 ~~SEC. 12.~~

8 *SEC. 11.* Section 8813.1 of the Public Resources Code is
9 amended to read:

10 8813.1. On and after December 31, 2005, a survey that uses
11 or establishes a CCS83 value or values shall meet all of the
12 following requirements:

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

17 (A) CSRN station.

18 (B) Geodetic control station located outside of the State of
19 California that meets all the requirements for inclusion in the CSRN
20 except that the station is outside California.

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

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

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

27 (iii) Has an accuracy, conforming to the applicable CSRN
28 requirements, stated for the station’s value.

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

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

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

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

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

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

4 ~~SEC. 13.~~

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

14 ~~SEC. 14.~~

15 *SEC. 13.* The Legislature finds and declares that Sections 3,
16 6, and 9 of this act, which add Sections 6767, 7856, and 8753 to
17 the Business and Professions Code, impose a limitation on the
18 public's right of access to the meetings of public bodies or the
19 writings of public officials and agencies within the meaning of
20 Section 3 of Article I of the California Constitution. Pursuant to
21 that constitutional provision, the Legislature makes the following
22 findings to demonstrate the interest protected by this limitation
23 and the need for protecting that interest:

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

O

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

Status/History: 8/4/2022 – Referred to Assembly Consent Calendar.

Location: 8/10/2022 – Assembly Consent Calendar 2nd Day-Senate Bills, file date 8/10/2022

Introduced: 2/17/2022

Amended: 3/30/2022

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

Board Staff Analysis: 8/10/2022

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 has been placed on the Assembly Consent Calendar for August 8, 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 1443 (Roth, D-Riverside)
The Department of Consumer Affairs.

Status/History: 8/3/2022 – Referred to the Assembly Committee on Appropriations Suspense File; hearing set for 8/11/2022.

Location: 8/5/2022 – Assembly Committee on Appropriations

Introduced: 2/18/2022

Amended: 6/21/2022

Board Position: Support (as of 6/23/2022)

Board Staff Analysis: 8/5/2022

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, 2456.1, 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, 7653, 7712.5, 7712.9, 7729, 7729.3, 7729.4, 7729.5, 7729.6, 7729.7, 7729.8, 7729.10, 7730, 7730.1, 7730.2, 7730.3, 7730.4, 7730.5, 7730.6, 7730.7, 7730.8, 7730.10, 7730.11, 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, and 18602 of, and to add Section 7729.11 to, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefore.

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. Section 8710 was added when the bill was amended on May 19, 2022. At its June 23, 2022, meeting, the Board took a position of “Support” on SB 1443, as amended. The bill has been placed on the Assembly Suspense File and is scheduled to be heard on August 11, 2022.

Staff Recommendation: No action needed.

AMENDED IN ASSEMBLY JUNE 21, 2022

AMENDED IN SENATE MAY 19, 2022

SENATE BILL

No. 1443

Introduced by Senator Roth

February 18, 2022

An act to amend Sections 1601.1, 1616.5, 2456.1, 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, 7653, 7712.5, 7712.9, 7729, 7729.3, 7729.4, 7729.5, 7729.6, 7729.7, 7729.8, 7729.10, 7730, 7730.1, 7730.2, 7730.3, 7730.4, 7730.5, 7730.6, 7730.7, 7730.8, 7730.10, 7730.11, 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 *and 18602 of, and to add Section 7729.11 to*, the Business and Professions Code, relating to professions and 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 specifies that all osteopathic physician's and surgeon's certificates shall expire at midnight on the last day of the birth month of the licensee during the 2nd year of a 2-year term. Existing law requires the Osteopathic Medical Board of California to establish by regulation procedures for the administration of a birth date renewal program.

This bill, instead, would specify that physician's and surgeon's certificates shall be issued for 2 years and shall expire at midnight on the last day of the month in which the license was issued. The bill would also remove the provisions requiring the board to establish procedures for the administration of a birth date renewal program.

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, the Cemetery and Funeral Act, establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of cemeteries, crematories, funeral establishments, and their personnel. Existing law authorizes the bureau to set the amount, within specified parameters, of various fees and regulatory charges under the act,

including fees and charges relating to a certificate of authority, a crematory license, a funeral director's license, a funeral establishment's license, an embalmer's license, a cemetery broker's license, a cemetery salesperson's license, a cremated remains disposer, a crematory manager license, a cemetery manager license, a cemetery authority operating a cemetery, and a hydrolysis facility license.

This bill would remove the bureau's authority to set the amount of those fees and, instead, specify the amount of each fee. The bill would establish a delinquent renewal fee for a funeral establishment license. The bill would make other conforming changes.

Existing law authorizes a cemetery authority that maintains a cemetery to place its cemetery under endowment care and establish, maintain, and operate an endowment care fund. Existing law prohibits commingling special care funds derived from trusts created by a revocable agreement for investment and requires those funds to be accounted for separately from all other funds. Existing law requires a cemetery authority to file with the bureau an annual audit report of the endowment care fund and special care fund, as specified.

This bill would establish fees for filing an annual report on the endowment care fund and special care fund, as specified.

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: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 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

1 powers and perform the duties delegated by the board and vested
2 in the executive officer by this chapter.

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

5 *SEC. 3. Section 2456.1 of the Business and Professions Code*
6 *is amended to read:*

7 2456.1. All osteopathic physician's and surgeon's certificates
8 shall *be issued for two years and shall* expire at ~~12~~ midnight on
9 the last day of the ~~birth~~ month of the licensee *in which the license*
10 *was issued* during the second year of ~~a~~ *the* two-year term if not
11 renewed on or before that day.

12 ~~The board shall establish by regulation procedures for the~~
13 ~~administration of a birth date renewal program, including, but not~~
14 ~~limited to, the establishment of a system of staggered license~~
15 ~~expiration dates such that a relatively equal number of licenses~~
16 ~~expire monthly.~~

17 To renew an unexpired license, the licensee shall, on or before
18 the dates on which it would otherwise expire, apply for renewal
19 on a form prescribed by the board and pay the prescribed renewal
20 fee.

21 ~~SEC. 3.~~

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

24 5000. (a) There is in the Department of Consumer Affairs the
25 California Board of Accountancy, which consists of 15 members,
26 7 of whom shall be licensees, and 8 of whom shall be public
27 members who shall not be licentiates of the board or registered by
28 the board. The board has the powers and duties conferred by this
29 chapter.

30 (b) The Governor shall appoint four of the public members, and
31 the seven licensee members as provided in this section. The Senate
32 Committee on Rules and the Speaker of the Assembly shall each
33 appoint two public members. In appointing the seven licensee
34 members, the Governor shall appoint individuals representing a
35 cross section of the accounting profession.

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

38 (d) Notwithstanding any other law, the repeal of this section
39 renders the board subject to review by the appropriate policy
40 committees of the Legislature. However, the review of the board

1 shall be limited to reports or studies specified in this chapter and
2 those issues identified by the appropriate policy committees of the
3 Legislature and the board regarding the implementation of new
4 licensing requirements.

5 ~~SEC. 4.~~

6 *SEC. 5.* Section 5015.6 of the Business and Professions Code
7 is amended to read:

8 5015.6. The board may appoint a person exempt from civil
9 service who shall be designated as an executive officer and who
10 shall exercise the powers and perform the duties delegated by the
11 board and vested in the executive officer by this chapter.

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

14 ~~SEC. 5.~~

15 *SEC. 6.* Section 5510 of the Business and Professions Code
16 is amended to read:

17 5510. There is in the Department of Consumer Affairs a
18 California Architects Board which consists of 10 members.

19 Any reference in law to the California Board of Architectural
20 Examiners shall mean the California Architects Board.

21 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. 6.~~

26 *SEC. 7.* Section 5517 of the Business and Professions Code
27 is amended to read:

28 5517. 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. 7.~~

35 *SEC. 8.* Section 5620 of the Business and Professions Code
36 is amended to read:

37 5620. The duties, powers, purposes, responsibilities, and
38 jurisdiction of the California State Board of Landscape Architects
39 that were succeeded to and vested with the Department of
40 Consumer Affairs in accordance with Chapter 908 of the Statutes

1 of 1994 are hereby transferred to the California Architects Board.
2 The Legislature finds that the purpose for the transfer of power is
3 to promote and enhance the efficiency of state government and
4 that assumption of the powers and duties by the California
5 Architects Board shall not be viewed or construed as a precedent
6 for the establishment of state regulation over a profession or
7 vocation that was not previously regulated by a board, as defined
8 in Section 477.

9 (a) There is in the Department of Consumer Affairs a California
10 Architects Board as defined in Article 2 (commencing with Section
11 5510) of Chapter 3 of Division 3.

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

14 (b) Except as provided herein, the board may delegate its
15 authority under this chapter to the Landscape Architects Technical
16 Committee.

17 (c) After review of proposed regulations, the board may direct
18 the examining committee to notice and conduct hearings to adopt,
19 amend, or repeal regulations pursuant to Section 5630, provided
20 that the board itself shall take final action to adopt, amend, or
21 repeal those regulations.

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

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

27 ~~SEC. 8.~~

28 *SEC. 9.* Section 5621 of the Business and Professions Code
29 is amended to read:

30 5621. (a) There is hereby created within the jurisdiction of the
31 board, a Landscape Architects Technical Committee, hereinafter
32 referred to in this chapter as the landscape architects committee.

33 (b) The landscape architects committee shall consist of five
34 members who shall be licensed to practice landscape architecture
35 in this state. The Governor shall appoint three of the members.
36 The Senate Committee on Rules and the Speaker of the Assembly
37 shall appoint one member each.

38 (c) The initial members to be appointed by the Governor are as
39 follows: one member for a term of one year; one member for a
40 term of two years; and one member for a term of three years. The

1 Senate Committee on Rules and the Speaker of the Assembly shall
2 initially each appoint one member for a term of four years.
3 Thereafter, appointments shall be made for four-year terms,
4 expiring on June 1 of the fourth year and until the appointment
5 and qualification of the member's successor or until one year shall
6 have elapsed, whichever first occurs. Vacancies shall be filled for
7 the unexpired term.

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

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

12 ~~SEC. 9.~~

13 *SEC. 10.* Section 5622 of the Business and Professions Code
14 is amended to read:

15 5622. (a) The landscape architects committee may assist the
16 board in the examination of candidates for a landscape architect's
17 license and, after investigation, evaluate and make
18 recommendations regarding potential violations of this chapter.

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

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

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

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

30 ~~SEC. 10.~~

31 *SEC. 11.* Section 6710 of the Business and Professions Code
32 is amended to read:

33 6710. (a) There is in the Department of Consumer Affairs a
34 Board for Professional Engineers, Land Surveyors, and Geologists,
35 which consists of 15 members.

36 (b) Any reference in any law or regulation to the Board of
37 Registration for Professional Engineers and Land Surveyors, or
38 the Board for Professional Engineers and Land Surveyors, is
39 deemed to refer to the Board for Professional Engineers, Land
40 Surveyors, and Geologists.

1 (c) 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. 11.~~

6 *SEC. 12.* Section 6714 of the Business and Professions Code
7 is amended to read:

8 6714. The board shall appoint an executive officer at a salary
9 to be fixed and determined by the board with the approval of the
10 Director of Finance.

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

13 ~~SEC. 12.~~

14 *SEC. 13.* Section 6981 of the Business and Professions Code
15 is amended to read:

16 6981. Notwithstanding any other law, the powers and duties
17 of the bureau, as set forth in this chapter, shall be subject to review
18 by the appropriate policy committees of the Legislature. The review
19 shall be performed as if this chapter were scheduled to be repealed
20 as of January 1, 2025.

21 ~~SEC. 13.~~

22 *SEC. 14.* Section 7000.5 of the Business and Professions Code
23 is amended to read:

24 7000.5. (a) There is in the Department of Consumer Affairs
25 a Contractors State License Board, which consists of 15 members.

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

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

31 ~~SEC. 14.~~

32 *SEC. 15.* Section 7011 of the Business and Professions Code
33 is amended to read:

34 7011. (a) The board, by and with the approval of the director,
35 shall appoint a registrar of contractors and fix the registrar's
36 compensation.

37 (b) The registrar shall be the executive officer and secretary of
38 the board and shall carry out all of the administrative duties as
39 provided in this chapter and as delegated to the registrar by the
40 board.

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

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

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

9 ~~SEC. 15.~~

10 *SEC. 16.* Section 7511.5 of the Business and Professions Code
11 is amended to read:

12 7511.5. Notwithstanding any other law, the powers and duties
13 of the bureau, as set forth in this chapter, shall be subject to review
14 by the appropriate policy committees of the Legislature. The review
15 shall be performed as if this chapter were scheduled to be repealed
16 as of January 1, 2025.

17 ~~SEC. 16.~~

18 *SEC. 17.* Section 7512.3 of the Business and Professions Code,
19 as amended by Section 76 of Chapter 312 of the Statutes of 2020,
20 is amended to read:

21 7512.3. (a) As used in this chapter, “person” includes any
22 individual, firm, company, limited liability company, association,
23 organization, partnership, and corporation.

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

26 ~~SEC. 17.~~

27 *SEC. 18.* Section 7512.3 of the Business and Professions Code,
28 as amended by Section 77 of Chapter 312 of the Statutes of 2020,
29 is amended to read:

30 7512.3. (a) As used in this chapter, “person” includes any
31 individual, firm, company, association, organization, partnership,
32 and corporation.

33 (b) This section shall become operative on January 1, 2025.

34 ~~SEC. 18.~~

35 *SEC. 19.* Section 7512.14 of the Business and Professions
36 Code is amended to read:

37 7512.14. (a) As used in this chapter, “member” means an
38 individual who is a member of a limited liability company as
39 specified in Section 17704.01 of the Corporations Code.

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

3 ~~SEC. 19.~~

4 *SEC. 20.* Section 7512.15 of the Business and Professions
5 Code is amended to read:

6 7512.15. (a) As used in this chapter, “manager” means an
7 individual designated under an operating agreement of a
8 manager-managed limited liability company who is responsible
9 for performing the management functions for the limited liability
10 company specified in subdivision (c) of Section 17704.07 of the
11 Corporations Code.

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

14 ~~SEC. 20.~~

15 *SEC. 21.* Section 7520.3 of the Business and Professions Code
16 is amended to read:

17 7520.3. (a) As a condition of the issuance, reinstatement,
18 reactivation, or continued valid use of a license under this chapter,
19 a limited liability company shall, in accordance with this section,
20 maintain a policy or policies of insurance against liability imposed
21 on or against it by law for damages arising out of claims based
22 upon acts, errors, or omissions arising out of the private investigator
23 services it provides.

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

26 (1) For a limited liability company licensee with five or fewer
27 persons named as members pursuant to subdivision (i) of Section
28 7525.1, the aggregate limit shall not be less than one million dollars
29 (\$1,000,000).

30 (2) For a limited liability company licensee with more than five
31 persons named as members pursuant to subdivision (i) of Section
32 7525.1, an additional one hundred thousand dollars (\$100,000) of
33 insurance shall be obtained for each person named as members of
34 the licensee except that the maximum amount of insurance is not
35 required to exceed five million dollars (\$5,000,000) in any one
36 designated period, less amounts paid in defending, settling, or
37 discharging claims as set forth under this section.

38 (c) Prior to the issuance, reinstatement, or reactivation of a
39 limited liability company license as provided under this chapter,
40 the applicant or licensee shall, in the manner prescribed by the

1 bureau, submit the information and documentation required by
2 this section and requested by the bureau, demonstrating compliance
3 with the financial security requirements specified by this section.

4 (d) For any insurance policy secured by a licensee in satisfaction
5 of this section, a Certificate of Liability Insurance, signed by an
6 authorized agent or employee of the insurer, shall be submitted
7 electronically or otherwise to the bureau. The insurer issuing the
8 certificate shall report to the bureau the following information for
9 any policy required under this section: name, license number,
10 policy number, dates that coverage is scheduled to commence and
11 lapse, and cancellation date if applicable. The insurer shall list the
12 bureau as the certificate holder for the purposes of receiving
13 notifications related to the policy's status.

14 (e) (1) If a licensee fails to maintain sufficient insurance as
15 required by this section, or fails to provide proof of the required
16 insurance upon request by the bureau, the license is subject to
17 suspension and shall be automatically suspended pursuant to this
18 subdivision until the date that the licensee provides proof to the
19 bureau of compliance with the insurance coverage requirement.

20 (2) Prior to an automatic suspension, the bureau shall notify the
21 licensee, in writing, that it has 30 days to provide proof to the
22 bureau of having the required insurance or the license shall be
23 automatically suspended.

24 (3) If the licensee fails to provide proof of insurance coverage
25 within this period, the bureau may automatically suspend the
26 license.

27 (f) If the license of a limited liability company is suspended
28 pursuant to subdivision (e), each member of the limited liability
29 company shall be personally liable up to one million dollars
30 (\$1,000,000) each for damages resulting to third parties in
31 connection with the company's performance, during the period of
32 suspension, of any act or contract when a license is required by
33 this chapter.

34 (g) On and after July 1, 2018, a licensee organized as a limited
35 liability company shall report a paid or pending claim against its
36 liability insurance to the bureau, which shall post a notice of the
37 claim on the Department of Consumer Affairs BreEZe License
38 Verification Internet Web page.

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

1 ~~SEC. 21.~~

2 *SEC. 22.* Section 7525.1 of the Business and Professions Code,
3 as amended by Section 81 of Chapter 312 of the Statutes of 2020,
4 is amended to read:

5 7525.1. An application shall be verified and shall include:

6 (a) The full name and business address of the applicant.

7 (b) The name under which the applicant intends to do business.

8 (c) A statement as to the general nature of the business in which
9 the applicant intends to engage.

10 (d) A verified statement of their experience qualifications.

11 (e) (1) If the applicant is an individual, a qualified manager, a
12 partner of a partnership, an officer of a corporation designated in
13 subdivision (h), or a member, officer, or manager of a limited
14 liability company designated in subdivision (i), one personal
15 identification form provided by the bureau upon which shall appear
16 a photograph taken within one year immediately preceding the
17 date of the filing of the application together with two legible sets
18 of fingerprints, one set of which shall be forwarded to the Federal
19 Bureau of Investigation for purposes of a background check, on a
20 form approved by the Department of Justice, and a personal
21 description of each person, respectively. The identification form
22 shall include residence addresses and employment history for the
23 previous five years and be signed under penalty of perjury.

24 (2) The bureau may impose a fee not to exceed three dollars
25 (\$3) for processing classifiable fingerprint cards submitted by
26 applicants, excluding those submitted into an electronic fingerprint
27 system using electronic fingerprint technology.

28 (f) In addition, if the applicant for a license is an individual, the
29 application shall list all other names known as or used during the
30 past 10 years and shall state that the applicant is to be personally
31 and actively in charge of the business for which the license is
32 sought. If any other qualified manager is to be actively in charge
33 of the business, the application shall be subscribed, verified, and
34 signed by the applicant, under penalty of perjury. If any other
35 person is to be actively in charge of the business, the application
36 shall also be subscribed, verified, and signed by that person under
37 penalty of perjury.

38 (g) If the applicants for a license are copartners, the application
39 shall state the true names and addresses of all partners and the
40 name of the partner to be actively in charge of the business for

1 which the license is sought and list all other names known as or
2 used during the past 10 years. If a qualified manager other than a
3 partner is to be actively in charge of the business, then the
4 application shall be subscribed, verified, and signed by all of the
5 partners under penalty of perjury. If any other person is to be
6 actively in charge of the business, the application shall also be
7 subscribed, verified, and signed by that person, under penalty of
8 perjury, under penalty of perjury by all of the partners and the
9 qualified manager, or by all of the partners or the qualified
10 manager.

11 (h) If the applicant for a license is a corporation, the application
12 shall state the true names and complete residence addresses of the
13 chief executive officer, secretary, chief financial officer, and any
14 other corporate officer who will be active in the business to be
15 licensed. The application shall also state the name and address of
16 the designated person to be actively in charge of the business for
17 which the license is sought. The application shall be subscribed,
18 verified, and signed by a duly authorized officer of the applicant
19 and by the qualified manager thereof, under penalty of perjury.

20 (i) If the applicant for a license is a limited liability company,
21 the application shall state the true name and complete residence
22 address of each member, manager, and any officer who will be
23 active in the business to be licensed. A certified copy of the articles
24 of organization, as filed by the Secretary of State, shall be supplied
25 to the bureau upon request. In the case of a manager-managed
26 limited liability company, the application shall be subscribed,
27 verified, and signed by a manager; otherwise, in the case of a
28 member-managed limited liability company, the application shall
29 be subscribed, verified, and signed by a duly authorized member
30 of the applicant and by the qualified manager thereof. The
31 application shall also state whether any of the members, managers,
32 officers, or the qualified manager has ever used an alias.

33 (j) Any other information, evidence, statements, or documents
34 as may be required by the director.

35 (k) At the discretion of the applicant, a valid email address.

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

1 ~~SEC. 22.~~

2 SEC. 23. Section 7525.1 of the Business and Professions Code,
3 as amended by Section 82 of Chapter 312 of the Statutes of 2020,
4 is amended to read:

5 7525.1. An application shall be verified and shall include:

6 (a) The full name and business address of the applicant.

7 (b) The name under which the applicant intends to do business.

8 (c) A statement as to the general nature of the business in which
9 the applicant intends to engage.

10 (d) A verified statement of their experience qualifications.

11 (e) (1) If the applicant is an individual, a qualified manager, a
12 partner of a partnership, or an officer of a corporation designated
13 in subdivision (h), one personal identification form provided by
14 the bureau upon which shall appear a photograph taken within one
15 year immediately preceding the date of the filing of the application
16 together with two legible sets of fingerprints, one set of which
17 shall be forwarded to the Federal Bureau of Investigation for
18 purposes of a background check, on a form approved by the
19 Department of Justice, and a personal description of each person,
20 respectively. The identification form shall include residence
21 addresses and employment history for the previous five years and
22 be signed under penalty of perjury.

23 (2) The bureau may impose a fee not to exceed three dollars
24 (\$3) for processing classifiable fingerprint cards submitted by
25 applicants, excluding those submitted into an electronic fingerprint
26 system using electronic fingerprint technology.

27 (f) In addition, if the applicant for a license is an individual, the
28 application shall list all other names known as or used during the
29 past 10 years and shall state that the applicant is to be personally
30 and actively in charge of the business for which the license is
31 sought. If any other qualified manager is to be actively in charge
32 of the business, the application shall be subscribed, verified, and
33 signed by the applicant, under penalty of perjury. If any other
34 person is to be actively in charge of the business, the application
35 shall also be subscribed, verified, and signed by that person under
36 penalty of perjury.

37 (g) If the applicants for a license are copartners, the application
38 shall state the true names and addresses of all partners and the
39 name of the partner to be actively in charge of the business for
40 which the license is sought and list all other names known as or

1 used during the past 10 years. If a qualified manager other than a
2 partner is to be actively in charge of the business, then the
3 application shall be subscribed, verified, and signed by all of the
4 partners under penalty of perjury. If any other person is to be
5 actively in charge of the business, the application shall also be
6 subscribed, verified, and signed under penalty of perjury by that
7 person, by all of the partners and the qualified manager, or by all
8 of the partners or the qualified manager.

9 (h) If the applicant for a license is a corporation, the application
10 shall state the true names and complete residence addresses of the
11 chief executive officer, secretary, chief financial officer, and any
12 other corporate officer who will be active in the business to be
13 licensed. The application shall also state the name and address of
14 the designated person to be actively in charge of the business for
15 which the license is sought. The application shall be subscribed,
16 verified, and signed by a duly authorized officer of the applicant
17 and by the qualified manager thereof, under penalty of perjury.

18 (i) Any other information, evidence, statements, or documents
19 as may be required by the director.

20 (j) At the discretion of the applicant, a valid email address.

21 (k) This section shall become operative on January 1, 2025.

22 ~~SEC. 23.~~

23 *SEC. 24.* Section 7529 of the Business and Professions Code,
24 as amended by Section 83 of Chapter 312 of the Statutes of 2020,
25 is amended to read:

26 7529. (a) (1) Upon the issuance of and with each biennial
27 renewal of a license, a license in the form of an enhanced photo
28 identification card of the size, design, and content as may be
29 determined by the director or the director's designee shall be issued
30 by the bureau to each licensee, as follows:

31 (A) If the licensee is an individual, the enhanced photo
32 identification card shall be issued to the licensee and to the
33 licensee's qualified manager.

34 (B) If the licensee is a partnership, the enhanced photo
35 identification card shall be issued to each partner of the partnership
36 licensee active in the business and to the licensee's qualified
37 manager.

38 (C) If the licensee is a corporation, the enhanced photo
39 identification card shall be issued to each officer active in the
40 business and to the licensee's qualified manager.

1 (D) If the licensee is a limited liability company, the enhanced
2 photo identification card shall be issued to each member, officer,
3 and manager of the licensee active in the business and to the
4 licensee's qualified manager.

5 (2) The enhanced photo identification card is evidence that the
6 licensee is licensed pursuant to this chapter. The card shall contain
7 the name of the licensee, license expiration date, and a photograph
8 of the licensee. The enhanced photo identification card shall clearly
9 state that the person is licensed as a private investigator or is the
10 qualified manager or officer of the licensee. The enhanced photo
11 identification card is to be composed of a durable material and
12 may incorporate technologically advanced security features. The
13 bureau may recover its costs in an amount sufficient to reimburse
14 the department's costs for furnishing the enhanced photo
15 identification card. The fee charged shall not exceed the actual
16 direct costs for system development, maintenance, and processing
17 necessary to provide this service. The total amount of costs shall
18 be recovered by including that amount in the fee charged for the
19 initial application of and renewal of licensure. When the position,
20 office, or association with a licensee belonging to a person to whom
21 a card is issued is terminated, the person shall surrender the card
22 to the licensee and, within five days thereafter, the licensee shall
23 mail or deliver the card to the bureau for cancellation. Every
24 person, while engaged in any activity for which licensure is
25 required, shall display the person's valid enhanced photo
26 identification card as provided by regulation.

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

29 ~~SEC. 24.~~

30 *SEC. 25.* Section 7529 of the Business and Professions Code,
31 as amended by Section 84 of Chapter 312 of the Statutes of 2020,
32 is amended to read:

33 7529. (a) Upon the issuance of and with each biennial renewal
34 of a license, a license in the form of an enhanced photo
35 identification card of the size, design, and content as may be
36 determined by the director or the director's designee shall be issued
37 by the bureau to each licensee, as follows:

38 (1) If the licensee is an individual, the enhanced photo
39 identification card shall be issued to the licensee and to the
40 licensee's qualified manager.

1 (2) If the licensee is a partnership, the enhanced photo
2 identification card shall be issued to each partner of the partnership
3 licensee active in the business and to the licensee's qualified
4 manager.

5 (3) If the licensee is a corporation, the enhanced photo
6 identification card shall be issued to each officer active in the
7 business and to the licensee's qualified manager.

8 (b) The enhanced photo identification card is evidence that the
9 licensee is licensed pursuant to this chapter. The card shall contain
10 the name of the licensee, license expiration date, and a photograph
11 of the licensee. The enhanced photo identification card shall clearly
12 state that the person is licensed as a private investigator or is the
13 qualified manager or officer of the licensee. The enhanced photo
14 identification card is to be composed of a durable material and
15 may incorporate technologically advanced security features. The
16 bureau may recover its costs in an amount sufficient to reimburse
17 the department's costs for furnishing the enhanced photo
18 identification card. The fee charged shall not exceed the actual
19 direct costs for system development, maintenance, and processing
20 necessary to provide this service. The total amount of costs shall
21 be recovered by including that amount in the fee charged for the
22 initial application of and renewal of licensure. When the position,
23 office, or association with a licensee belonging to a person to whom
24 a card is issued is terminated, the person shall surrender the card
25 to the licensee and, within five days thereafter, the licensee shall
26 mail or deliver the card to the bureau for cancellation. Every
27 person, while engaged in any activity for which licensure is
28 required, shall display the person's valid enhanced photo
29 identification card as provided by regulation.

30 (c) This section shall become operative on January 1, 2025.

31 ~~SEC. 25.~~

32 *SEC. 26.* Section 7533.5 of the Business and Professions Code,
33 as amended by Section 85 of Chapter 312 of the Statutes of 2020,
34 is amended to read:

35 7533.5. (a) A licensee shall notify the bureau within 30 days
36 of any change in its corporate officers required to be named
37 pursuant to subdivision (h) of Section 7525.1 or members or
38 managers required to be named pursuant to subdivision (i) of
39 Section 7525.1, and of any addition of a new partner.

1 (b) Applications, on forms prescribed by the director, shall be
2 submitted by all new officers, members or managers, and partners.
3 The director may suspend or revoke a license issued under this
4 chapter if the director determines that the new officer, member or
5 manager, or partner of a licensee has committed any of the acts
6 constituting grounds to deny an application for a license or to take
7 disciplinary action against a licensee pursuant to Section 7538 or
8 7538.5, respectively.

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

11 ~~SEC. 26.~~

12 *SEC. 27.* Section 7533.5 of the Business and Professions Code,
13 as amended by Section 86 of Chapter 312 of the Statutes of 2020,
14 is amended to read:

15 7533.5. (a) A licensee shall notify the bureau within 30 days
16 of any change in its corporate officers required to be named
17 pursuant to subdivision (h) of Section 7525.1, and of any addition
18 of a new partner.

19 (b) Applications, on forms prescribed by the director, shall be
20 submitted by all new officers and partners. The director may
21 suspend or revoke a license issued under this chapter if the director
22 determines that the new officer or partner of a licensee has
23 committed any of the acts constituting grounds to deny an
24 application for a license or to take disciplinary action against a
25 licensee pursuant to Section 7538 or 7538.5, respectively.

26 (c) This section shall become operative on January 1, 2025.

27 ~~SEC. 27.~~

28 *SEC. 28.* Section 7538 of the Business and Professions Code,
29 as amended by Section 87 of Chapter 312 of the Statutes of 2020,
30 is amended to read:

31 7538. (a) After a hearing the director may deny a license unless
32 the applicant makes a showing satisfactory to the director that the
33 applicant, if an individual, and the applicant's qualified manager
34 have not, or, if the applicant is a person other than an individual,
35 that its qualified manager and each of its officers, partners,
36 members, or managers have not:

37 (1) Committed any act that, if committed by a licensee, would
38 be a ground for the suspension or revocation of a license under
39 this chapter.

40 (2) Committed any act constituting dishonesty or fraud.

1 (3) Committed any act or crime constituting grounds for denial
2 of licensure under Section 480, including illegally using, carrying,
3 or possessing a deadly weapon.

4 (4) Been refused a license under this chapter or had a license
5 revoked.

6 (5) Been an officer, partner, qualified manager, member, or
7 manager of any person who has been refused a license under this
8 chapter or whose license has been revoked.

9 (6) While unlicensed committed, or aided and abetted the
10 commission of, any act for which a license is required by this
11 chapter.

12 (7) Knowingly made any false statement in their application.

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

15 ~~SEC. 28.~~

16 *SEC. 29.* Section 7538 of the Business and Professions Code,
17 as amended by Section 88 of Chapter 312 of the Statutes of 2020,
18 is amended to read:

19 7538. (a) After a hearing the director may deny a license unless
20 the applicant makes a showing satisfactory to the director that the
21 applicant, if an individual, and the applicant's qualified manager
22 have not, or, if the applicant is a person other than an individual,
23 that its qualified manager and each of its officers and partners have
24 not:

25 (1) Committed any act that, if committed by a licensee, would
26 be a ground for the suspension or revocation of a license under
27 this chapter.

28 (2) Committed any act constituting dishonesty or fraud.

29 (3) Committed any act or crime constituting grounds for denial
30 of licensure under Section 480, including illegally using, carrying,
31 or possessing a deadly weapon.

32 (4) Been refused a license under this chapter or had a license
33 revoked.

34 (5) Been an officer, partner, or qualified manager of any person
35 who has been refused a license under this chapter or whose license
36 has been revoked.

37 (6) While unlicensed committed, or aided and abetted the
38 commission of, any act for which a license is required by this
39 chapter.

40 (7) Knowingly made any false statement in their application.

1 (b) This section shall become operative on January 1, 2025.

2 ~~SEC. 29.~~

3 *SEC. 30.* Section 7538.5 of the Business and Professions Code,
4 as amended by Section 89 of Chapter 312 of the Statutes of 2020,
5 is amended to read:

6 7538.5. (a) The director may refuse to issue any license
7 provided for in this chapter to any of the following:

8 (1) An individual who has had any license revoked, has a license
9 currently under suspension, or failed to renew their license while
10 under suspension.

11 (2) An individual who, while acting as a partner of a partnership,
12 an officer or director of a corporation, or a member, manager, or
13 officer of a limited liability company, had their license revoked,
14 has a license currently under suspension, or failed to renew their
15 license while under suspension.

16 (3) An individual who, while acting as a partner of the
17 partnership, an officer, director of the corporation, or a member,
18 manager, or officer of a limited liability company meets both of
19 the following conditions:

20 (A) The individual was a partner of any partnership, an officer
21 or director of any corporation, or a member, manager, or officer
22 of any limited liability company whose license was revoked, is
23 currently under suspension, or was not renewed while under
24 suspension.

25 (B) While acting as a partner, officer, director, member, or
26 manager, they participated in any of the prohibited acts for which
27 the license was revoked or suspended.

28 (4) An individual who is serving or has served as the qualified
29 manager for any licensee that has had its license revoked, is
30 currently under suspension, or failed to renew while under
31 suspension.

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

34 ~~SEC. 30.~~

35 *SEC. 31.* Section 7538.5 of the Business and Professions Code,
36 as amended by Section 90 of Chapter 312 of the Statutes of 2020,
37 is amended to read:

38 7538.5. (a) The director may refuse to issue any license
39 provided for in this chapter to any of the following:

1 (1) An individual who has had any license revoked, has a license
2 currently under suspension, or failed to renew their license while
3 under suspension.

4 (2) An individual who, while acting as a partner of a partnership,
5 or an officer or director of a corporation, had their license revoked,
6 has a license currently under suspension, or failed to renew their
7 license while under suspension.

8 (3) An individual, who, while acting as a partner of the
9 partnership, or an officer or director of the corporation, meets both
10 of the following conditions:

11 (A) The individual was a partner of any partnership, or an officer
12 or director of any corporation, whose license was revoked, is
13 currently under suspension, or was not renewed while under
14 suspension.

15 (B) The individual, while acting as a partner, officer, or director,
16 participated in any of the prohibited acts for which the license was
17 revoked or suspended.

18 (4) An individual who is serving or has served as the qualified
19 manager for any licensee that has had its license revoked, is
20 currently under suspension, or failed to renew while under
21 suspension.

22 (b) This section shall become operative on January 1, 2025.

23 ~~SEC. 31.~~

24 *SEC. 32.* Section 7539 of the Business and Professions Code,
25 as amended by Section 91 of Chapter 312 of the Statutes of 2020,
26 is amended to read:

27 7539. (a) Any licensee or officer, director, partner, member,
28 manager, or qualified manager of a licensee may divulge to any
29 law enforcement officer or district attorney, or their representative,
30 any information they may acquire as to any criminal offense, but
31 they shall not divulge to any other person, except as otherwise
32 required by law, any information acquired by them except at the
33 direction of the employer or client for whom the information was
34 obtained.

35 (b) A licensee or officer, director, partner, member, manager,
36 qualified manager, or employee of a licensee shall not knowingly
37 make any false report to their employer or client for whom
38 information was being obtained.

39 (c) A written report shall not be submitted to a client except by
40 the licensee, qualified manager, or a person authorized by one or

1 either of them, and the person submitting the report shall exercise
2 diligence in ascertaining whether or not the facts and information
3 in the report are true and correct.

4 (d) A licensee, or officer, director, partner, manager, member,
5 qualified manager, or employee of a licensee shall not use a badge
6 in connection with the official activities of the licensee's business.

7 (e) A licensee, or officer, director, partner, manager, member,
8 qualified manager, or employee of a licensee, shall not use a title,
9 or wear a uniform, or use an insignia, or use an identification card,
10 or make any statement with the intent to give an impression that
11 they are connected in any way with the federal government, a state
12 government, or any political subdivision of a state government.

13 (f) A licensee, or officer, partner, manager, member, qualified
14 manager, or employee of a licensee shall not use any identification
15 to indicate that they are licensed as a private investigator other
16 than the official identification card issued by the bureau or the
17 business card regularly used by the business. However, a licensee
18 may issue an employer identification card.

19 (g) A licensee, or officer, director, partner, manager, member,
20 qualified manager, or employee of a licensee, shall not enter any
21 private building or portion thereof, except premises commonly
22 accessible to the public, without the consent of the owner or of the
23 person in legal possession thereof.

24 (h) A licensee shall not permit an employee or agent in their
25 own name to advertise, engage clients, furnish reports or present
26 bills to clients, or in any manner conduct business for which a
27 license is required under this chapter. All business of the licensee
28 shall be conducted in the name of and under the control of the
29 licensee.

30 (i) A licensee, or officer, director, partner, manager, member,
31 qualified manager, or employee of a licensee shall not knowingly
32 and directly solicit employment from any person who has directly
33 sustained bodily injury or from that person's spouse or other family
34 member to obtain authorization on behalf of the injured person as
35 an investigator to investigate the accident or act that resulted in
36 injury or death to that person or damage to the property of that
37 person. Nothing in this subdivision shall prohibit the soliciting of
38 employment from that injured person's attorney, insurance
39 company, self-insured administrator, insurance adjuster, employer,
40 or any other person having an indirect interest in the investigation

1 of the injury. This subdivision shall not apply to any business agent
2 or attorney employed by a labor organization. A licensee, or officer,
3 director, partner, manager, member, or qualified manager of a
4 licensee shall not pay or compensate any of their employees or
5 agents on the basis of a bonus, bounty, or quota system whereby
6 a premium is placed on the number of employer or client rule
7 violations or infractions purportedly discovered as a result of any
8 investigation made by a licensee.

9 (j) A licensee shall not use a fictitious business name in
10 connection with the official activities of the licensee's business,
11 except as provided by the bureau.

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

14 ~~SEC. 32.~~

15 *SEC. 33.* Section 7539 of the Business and Professions Code,
16 as amended by Section 92 of Chapter 312 of the Statutes of 2020,
17 is amended to read:

18 7539. (a) A licensee or officer, director, partner, or qualified
19 manager of a licensee may divulge to any law enforcement officer
20 or district attorney, or their representative, any information they
21 may acquire as to any criminal offense, but they shall not divulge
22 to any other person, except as otherwise required by law, any
23 information acquired by them except at the direction of the
24 employer or client for whom the information was obtained.

25 (b) A licensee or officer, director, partner, qualified manager,
26 or employee of a licensee shall not knowingly make any false
27 report to their employer or client for whom information was being
28 obtained.

29 (c) A written report shall not be submitted to a client except by
30 the licensee, qualified manager, or a person authorized by one or
31 either of them, and the person submitting the report shall exercise
32 diligence in ascertaining whether or not the facts and information
33 in the report are true and correct.

34 (d) A licensee, or officer, director, partner, qualified manager,
35 or employee of a licensee shall not use a badge in connection with
36 the official activities of the licensee's business.

37 (e) A licensee, or officer, director, partner, qualified manager,
38 or employee of a licensee, shall not use a title, or wear a uniform,
39 or use an insignia, or use an identification card, or make any
40 statement with the intent to give an impression that they are

1 connected in any way with the federal government, a state
2 government, or any political subdivision of a state government.

3 (f) A licensee, or officer, partner, qualified manager, or
4 employee of a licensee shall not use any identification to indicate
5 that they are licensed as a private investigator other than the official
6 identification card issued by the bureau or the business card
7 regularly used by the business. However, a licensee may issue an
8 employer identification card.

9 (g) A licensee, or officer, director, partner, qualified manager,
10 or employee of a licensee, shall not enter any private building or
11 portion thereof, except premises commonly accessible to the public,
12 without the consent of the owner or of the person in legal
13 possession thereof.

14 (h) A licensee shall not permit an employee or agent in their
15 own name to advertise, engage clients, furnish reports or present
16 bills to clients, or in any manner conduct business for which a
17 license is required under this chapter. All business of the licensee
18 shall be conducted in the name of and under the control of the
19 licensee.

20 (i) A licensee, or officer, director, partner, qualified manager,
21 or employee of a licensee, shall not knowingly and directly solicit
22 employment from any person who has directly sustained bodily
23 injury or from that person's spouse or other family member to
24 obtain authorization on behalf of the injured person as an
25 investigator to investigate the accident or act that resulted in injury
26 or death to that person or damage to the property of that person.
27 This subdivision does not prohibit the soliciting of employment
28 from that injured person's attorney, insurance company,
29 self-insured administrator, insurance adjuster, employer, or any
30 other person having an indirect interest in the investigation of the
31 injury. This subdivision does not apply to any business agent or
32 attorney employed by a labor organization. A licensee, officer,
33 director, partner, or qualified manager of a licensee shall not pay
34 or compensate any of their employees or agents on the basis of a
35 bonus, bounty, or quota system whereby a premium is placed on
36 the number of employer or client rule violations or infractions
37 purportedly discovered as a result of any investigation made by a
38 licensee.

1 (j) A licensee shall not use a fictitious business name in
2 connection with the official activities of the licensee's business,
3 except as provided by the bureau.

4 (k) This section shall become operative on January 1, 2025.

5 ~~SEC. 33.~~

6 *SEC. 34.* Section 7573.5 of the Business and Professions Code
7 is amended to read:

8 7573.5. Notwithstanding any other law, the powers and duties
9 of the bureau, as set forth in this chapter, shall be subject to review
10 by the appropriate policy committees of the Legislature. The review
11 shall be performed as if this chapter were scheduled to be repealed
12 as of January 1, 2025.

13 ~~SEC. 34.~~

14 *SEC. 35.* Section 7576 of the Business and Professions Code
15 is amended to read:

16 7576. Notwithstanding any other law, the powers and duties
17 of the bureau, as set forth in this chapter, shall be subject to review
18 by the appropriate policy committees of the Legislature. The review
19 shall be performed as if this chapter were scheduled to be repealed
20 as of January 1, 2025.

21 ~~SEC. 35.~~

22 *SEC. 36.* Section 7588.8 of the Business and Professions Code
23 is amended to read:

24 7588.8. Notwithstanding any other law, the powers and duties
25 of the bureau, as set forth in this chapter, shall be subject to review
26 by the appropriate policy committees of the Legislature. The review
27 shall be performed as if this chapter were scheduled to be repealed
28 as of January 1, 2025.

29 ~~SEC. 36.~~

30 *SEC. 37.* 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, 2025,
8 and as of that date is repealed.

9 ~~SEC. 37.~~

10 *SEC. 38.* Section 7593.1 of the Business and Professions Code,
11 as amended by Section 24 of Chapter 376 of the Statutes of 2021,
12 is amended to read:

13 7593.1. (a) Each individual applicant, partner of a partnership,
14 designated officer of a corporation, and a qualified manager shall
15 submit with the application, one personal identification form
16 provided by the chief, with two legible sets of fingerprints, one
17 set of which shall be forwarded to the Federal Bureau of
18 Investigation for purposes of a background check, and personal
19 description of each such person, respectively. The identification
20 form shall include residence addresses and employment history
21 for the previous five years.

22 (b) The bureau may impose a fee not to exceed three dollars
23 (\$3) for processing classifiable fingerprint cards submitted by
24 applicants excluding those submitted into an electronic fingerprint
25 system using electronic fingerprint technology.

26 (c) This section shall become operative on January 1, 2025.

27 ~~SEC. 38.~~

28 *SEC. 39.* Section 7593.5 of the Business and Professions Code
29 is amended to read:

30 7593.5. (a) If the applicant for a license is a limited liability
31 company, the application shall state the true names and complete
32 residence addresses of each member, manager, and any other
33 officer who will be active in the business to be licensed. A copy
34 of the articles of organization issued by the Secretary of State shall
35 be supplied to the bureau upon request. The application shall also
36 state the name and address of the designated person to be actively
37 in charge of the business for which the license is sought. The
38 application shall be subscribed, verified, and signed by a duly
39 authorized member of the applicant under penalty of perjury.

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

3 ~~SEC. 39.~~

4 *SEC. 40.* Section 7599.80 of the Business and Professions
5 Code is amended to read:

6 7599.80. Notwithstanding any other law, the powers and duties
7 of the bureau, as set forth in this chapter, shall be subject to review
8 by the appropriate policy committees of the Legislature. The review
9 shall be performed as if this chapter were scheduled to be repealed
10 as of January 1, 2025.

11 ~~SEC. 40.~~

12 *SEC. 41.* Section 7599.345 of the Business and Professions
13 Code is amended to read:

14 7599.345. Notwithstanding any other law, commencing January
15 1, 2025, a licensee shall not conduct business under this chapter
16 as a limited liability company.

17 ~~SEC. 41.~~

18 *SEC. 42.* Section 7602 of the Business and Professions Code
19 is amended to read:

20 7602. (a) (1) There is in the department the Cemetery and
21 Funeral Bureau, under the supervision and control of the director.

22 (2) The director may appoint a chief at a salary to be fixed and
23 determined by the director, with the approval of the Director of
24 Finance. The duty of enforcing and administering this chapter is
25 vested in the chief, and the chief is responsible to the director. The
26 chief shall serve at the pleasure of the director.

27 (3) Every power granted or duty imposed upon the director
28 under this chapter may be exercised or performed in the name of
29 the director by a deputy director or by the chief, subject to
30 conditions and limitations the director may prescribe.

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

36 *SEC. 43.* Section 7653 of the Business and Professions Code
37 is amended to read:

38 7653. (a) The bureau shall adopt, and may from time to time
39 amend, rules and regulations prescribing standards of knowledge
40 and experience and financial responsibility for applicants for

1 certificates of authority. In reviewing an application for a certificate
2 of authority, the bureau may consider acts of incorporators, officers,
3 directors, and stockholders of the applicant, which shall constitute
4 grounds for the denial of a certificate of authority under Division
5 1.5 (commencing with Section 475).

6 (b) Upon receipt of an application for a certificate of authority,
7 the bureau may cause an investigation to be made of the physical
8 status, plans, specifications, and financing of the proposed
9 cemetery, and any other qualifications required of the applicant
10 under this act, and for this purpose may subpoena witnesses,
11 administer oaths, and take testimony.

12 (c) At the time of the filing of the application required by this
13 section, the applicant shall pay to the Cemetery and Funeral Fund
14 the sum ~~fixed by the bureau at not in excess of four hundred dollars~~
15 ~~(\$400) of seven hundred fifty dollars (\$750)~~ to defray the expenses
16 of investigation. In the event the sum shall be insufficient to defray
17 all of the expenses, the applicant shall, within five days after
18 request, deposit an additional sum sufficient to defray those
19 expenses, provided that the total sum shall not exceed nine hundred
20 dollars (\$900).

21 ~~(d) This section shall become operative on July 1, 2016.~~

22 *SEC. 44. Section 7712.5 of the Business and Professions Code*
23 *is amended to read:*

24 7712.5. (a) The bureau shall adopt, and may from time to time
25 amend, rules and regulations prescribing standards of knowledge
26 and experience and financial responsibility for applicants for a
27 crematory license. In reviewing an application for a crematory
28 license, the bureau may consider acts of the applicant, including
29 acts of incorporators, officers, directors, and stockholders of the
30 applicant, which shall constitute grounds for the denial of a
31 crematory license under Division 1.5 (commencing with Section
32 475).

33 (b) Upon receipt of an application for a crematory license, the
34 bureau may cause an investigation to be made of the physical
35 status, plans, specifications, and financing of the proposed
36 crematory, the character of the applicant, including, if applicable,
37 its officers, directors, shareholders, or members, and any other
38 qualifications required of the applicant under this article, and for
39 this purpose may subpoena witnesses, administer oaths, and take
40 testimony.

1 (c) At the time of the filing of the application required by this
2 article, the applicant shall pay to the Cemetery and Funeral Fund
3 the sum ~~fixed by the bureau at not in excess of four hundred dollars~~
4 ~~(\$400)~~ of *seven hundred fifty dollars (\$750)* to defray the expenses
5 of investigation. In the event the sum shall be insufficient to defray
6 all of the expenses, the applicant shall, within five days after
7 request therefor, deposit an additional sum sufficient to defray
8 such expenses, provided that the total sum shall not exceed nine
9 hundred dollars (\$900).

10 ~~(d) This section shall become operative on July 1, 2016.~~

11 *SEC. 45. Section 7712.9 of the Business and Professions Code*
12 *is amended to read:*

13 7712.9. ~~(a) Every crematory licensee operating a crematory~~
14 ~~pursuant to a license issued in compliance with this article shall~~
15 ~~pay an annual regulatory charge for each crematory, to be fixed~~
16 ~~by the bureau at not more than four hundred dollars (\$400).~~
17 *crematory of seven hundred fifty dollars (\$750).* In addition to an
18 annual regulatory charge for each crematory, every licensee
19 operating a crematory pursuant to a license issued pursuant to this
20 article shall pay an additional charge ~~to be fixed by the bureau at~~
21 ~~not more than eight dollars and fifty cents (\$8.50)~~ of *eleven dollars*
22 *and fifty cents (\$11.50)* per cremation made during the preceding
23 quarter, which charges shall be deposited in the Cemetery and
24 Funeral Fund.

25 ~~(b) This section shall become operative on July 1, 2016.~~

26 *SEC. 46. Section 7729 of the Business and Professions Code*
27 *is amended to read:*

28 7729. The amount of the fees prescribed by this chapter shall
29 be fixed according to the following ~~schedule with the minimum~~
30 ~~amount specified being the amount fixed on January 1, 1988.~~
31 *schedule:*

32 (a) The application fee for a funeral director's license shall be
33 ~~not less than one hundred dollars (\$100) and not more than two~~
34 ~~hundred dollars (\$200).~~ *three hundred eighty dollars (\$380).*

35 (b) The application fee for change of location of a funeral
36 establishment's license shall be ~~not less than one hundred fifty~~
37 ~~dollars (\$150) and not more than two hundred fifty dollars (\$250).~~
38 *four hundred seventy dollars (\$470).*

39 (c) The application fee for permission to assign a funeral
40 establishment's license shall be ~~not less than two hundred dollars~~

1 ~~(\$200) and not more than three hundred dollars (\$300).~~ *five*
2 *hundred sixty dollars (\$560).*

3 (d) The license renewal fee payable by a licensed funeral director
4 shall be ~~not less than one hundred dollars (\$100) and not more~~
5 ~~than two hundred dollars (\$200).~~ *three hundred eighty dollars*
6 *(\$380).* The fee for a delinquent renewal of a funeral director's
7 license shall be 150 percent of the timely renewal fee.

8 (e) The application fee for an embalmer's license and the
9 examination on the state's laws required under paragraph (2) of
10 subdivision (a) of Section 7646 for the license shall be ~~not less~~
11 ~~than one hundred dollars (\$100) and not more than one hundred~~
12 ~~fifty dollars (\$150).~~ *two hundred eighty dollars (\$280).*

13 (f) The renewal fee payable by a licensed embalmer shall be
14 ~~not less than seventy-five dollars (\$75) and not more than one~~
15 ~~hundred twenty-five dollars (\$125).~~ *one hundred ninety dollars*
16 *(\$190).* The fee for a delinquent renewal of an embalmer's license
17 shall be 150 percent of the timely renewal fee.

18 (g) The application fee for a certificate of registration as an
19 apprentice embalmer shall be ~~not less than thirty dollars (\$30) and~~
20 ~~not more than sixty dollars (\$60).~~ *one hundred twenty dollars*
21 *(\$120).*

22 (h) The fee for an application by a funeral establishment for
23 approval to train apprentice embalmers and for renewal of that
24 approval shall be ~~not less than fifty dollars (\$50) and not more~~
25 ~~than one hundred dollars (\$100).~~ *one hundred ninety dollars*
26 *(\$190).*

27 (i) The application fee for a funeral director's examination shall
28 be ~~not less than seventy-five dollars (\$75) and not more than one~~
29 ~~hundred dollars (\$100).~~ *one hundred ninety dollars (\$190).*

30 (j) The fee for a timely filing of an individual report or a
31 combined report on preneed trust funds shall be ~~not less than one~~
32 ~~hundred dollars (\$100) and not more than two hundred dollars~~
33 ~~(\$200).~~ *five hundred dollars (\$500).* The fee for a late filing of any
34 report on preneed trust funds shall be 150 percent of the applicable
35 timely fee.

36 (k) The application fee for permission to change the name
37 appearing on a funeral establishment's license shall be ~~not less~~
38 ~~than one hundred dollars (\$100) and not more than two hundred~~
39 ~~dollars (\$200).~~ *three hundred dollars (\$300),* and for permission
40 to change the name on any other license or certificate, ~~not less than~~

1 ~~twenty dollars (\$20) and not more than forty dollars (\$40).~~ shall
2 ~~be twenty-five dollars (\$25).~~

3 (l) The application fee for a duplicate funeral director's license,
4 a duplicate funeral establishment's license, a duplicate embalmer's
5 license, or a duplicate certificate of registration as an apprentice
6 embalmer, shall be ~~not less than twenty dollars (\$20) and not more~~
7 ~~than forty dollars (\$40).~~ *fifty dollars (\$50).*

8 (m) The fee for filing a report of a change of corporate officers,
9 managers, or preneed trust fund trustees shall be ~~not less than~~
10 ~~twenty-five dollars (\$25) and not more than fifty dollars (\$50).~~

11 (n) The application fee for a funeral establishment license shall
12 be ~~not less than three hundred dollars (\$300) and not more than~~
13 ~~four hundred dollars (\$400).~~ *seven hundred fifty dollars (\$750).*

14 (o) The license renewal fee for a licensed funeral establishment
15 shall be ~~not less than three hundred dollars (\$300) nor more than~~
16 ~~four hundred dollars (\$400).~~ *seven hundred fifty dollars (\$750).*
17 *The fee for a delinquent renewal of a funeral establishment license*
18 *shall be 150 percent of the timely renewal fee.*

19 *SEC. 47. Section 7729.3 of the Business and Professions Code*
20 *is amended to read:*

21 7729.3. The original cemetery broker's license fee shall be
22 ~~fixed by the bureau at not more than four hundred dollars (\$400).~~
23 *seven hundred fifty dollars (\$750).*

24 *SEC. 48. Section 7729.4 of the Business and Professions Code*
25 *is amended to read:*

26 7729.4. (a) The original cemetery broker's license fee is
27 payable at the time of the filing of an application for an original
28 cemetery broker's license.

29 (b) If the applicant fails the required written examination, ~~he or~~
30 ~~she~~ *they* may be permitted to take another examination upon the
31 filing of an application for reexamination and the payment of a
32 reexamination fee. This reexamination fee shall be ~~fixed by the~~
33 ~~bureau at not more than one hundred dollars (\$100).~~ *one hundred*
34 *ninety dollars (\$190).*

35 (c) No part of any original cemetery broker's license fee or
36 reexamination fee is refundable. It is deemed earned upon receipt
37 by the bureau, whether the accompanying application for a license
38 is complete or incomplete.

39 *SEC. 49. Section 7729.5 of the Business and Professions Code*
40 *is amended to read:*

1 7729.5. The annual renewal fee for a cemetery broker's license
2 shall be fixed by the bureau at not more than three hundred dollars
3 (~~\$300~~); five hundred sixty dollars (\$560).

4 *SEC. 50. Section 7729.6 of the Business and Professions Code*
5 *is amended to read:*

6 7729.6. If the licensee is a cemetery brokerage corporation,
7 the license issued to it entitles one officer only, on behalf of the
8 corporation, to engage in the business of a cemetery broker without
9 the payment of a further fee, that officer to be designated in the
10 application of the corporation for a license. For each other officer
11 of a licensed cemetery brokerage corporation, through whom it
12 engages in the business of a cemetery broker, the annual renewal
13 fee, in addition to the fee paid by the corporation, shall be ~~fixed~~
14 ~~by the bureau at not more than one hundred dollars (\$100)~~; one
15 hundred ninety dollars (\$190).

16 *SEC. 51. Section 7729.7 of the Business and Professions Code*
17 *is amended to read:*

18 7729.7. If the licensee is a cemetery brokerage copartnership,
19 the license issued to it entitles one member only of the
20 copartnership to engage on behalf of the copartnership in the
21 business of a cemetery broker, which member shall be designated
22 in the application of the copartnership for a license. For each other
23 member of the copartnership who on behalf of the copartnership
24 engages in the business of a cemetery broker, the annual renewal
25 fee, in addition to the fee paid by the copartnership, shall be ~~fixed~~
26 ~~by the bureau at not more than one hundred dollars (\$100)~~; one
27 hundred ninety dollars (\$190).

28 *SEC. 52. Section 7729.8 of the Business and Professions Code*
29 *is amended to read:*

30 7729.8. The cemetery salesperson's license fee shall be ~~fixed~~
31 ~~by the bureau at not more than thirty dollars (\$30)~~; sixty dollars
32 (\$60).

33 *SEC. 53. Section 7729.10 of the Business and Professions Code*
34 *is amended to read:*

35 7729.10. The annual renewal fee for a cemetery salesperson's
36 license shall be ~~fixed by the bureau at not more than twenty-five~~
37 ~~dollars (\$25)~~; fifty dollars (\$50).

38 *SEC. 54. Section 7729.11 is added to the Business and*
39 *Professions Code, to read:*

1 7729.11. *The fee for a timely filing of an annual report on the*
2 *endowment care fund and special care fund by a certificate of*
3 *authority shall be five hundred dollars (\$500). The fee for a late*
4 *filing of an annual report on the endowment care fund and special*
5 *care fund shall be 150 percent of the applicable timely fee.*

6 SEC. 55. *Section 7730 of the Business and Professions Code*
7 *is amended to read:*

8 7730. For a branch office broker's license, the fee shall be ~~fixed~~
9 ~~by the bureau at not more than one hundred dollars (\$100). one~~
10 ~~hundred ninety dollars (\$190).~~

11 SEC. 56. *Section 7730.1 of the Business and Professions Code*
12 *is amended to read:*

13 7730.1. The cremated remains disposer registration fee shall
14 be one hundred ~~ninety dollars (\$100).~~ *(\$190).*

15 SEC. 57. *Section 7730.2 of the Business and Professions Code*
16 *is amended to read:*

17 7730.2. The renewal fee for a cremated remains disposer
18 registration shall be ~~fifty dollars (\$50).~~ *one hundred dollars (\$100).*

19 SEC. 58. *Section 7730.3 of the Business and Professions Code*
20 *is amended to read:*

21 7730.3. For change of name or of address of licensee on the
22 records of the bureau, the fee shall be ~~fixed by the bureau at not~~
23 ~~more than~~ twenty-five dollars (\$25).

24 SEC. 59. *Section 7730.4 of the Business and Professions Code*
25 *is amended to read:*

26 7730.4. For transfer of a salesperson's license on change of
27 employer, the fee shall be ~~fixed by the bureau at not more than~~
28 ~~twenty-five dollars (\$25).~~ *fifty dollars (\$50).*

29 SEC. 60. *Section 7730.5 of the Business and Professions Code*
30 *is amended to read:*

31 7730.5. For a duplicate license the fee shall be ~~fixed by the~~
32 ~~bureau at not more than twenty-five dollars (\$25).~~ *fifty dollars*
33 *(\$50).*

34 SEC. 61. *Section 7730.6 of the Business and Professions Code*
35 *is amended to read:*

36 7730.6. (a) For reinstatement of a license within the fiscal
37 year, the fee shall be ~~fixed by the bureau at not more than~~
38 ~~twenty-five dollars (\$25).~~ *fifty dollars (\$50).*

39 (b) As used in this section, "reinstatement of a license" means
40 the reissuance of a canceled cemetery broker's license, or a

1 cemetery salesperson's license which was canceled during the year
2 for which it was issued upon the salesperson's withdrawal from
3 the employ of a cemetery broker.

4 *SEC. 62. Section 7730.7 of the Business and Professions Code*
5 *is amended to read:*

6 7730.7. (a) The fee for a crematory manager examination and
7 reexamination ~~may not exceed five hundred dollars (\$500).~~ *shall*
8 *be six hundred eighty dollars (\$680).*

9 (b) The license fee to obtain a crematory manager license ~~may~~
10 ~~not exceed one hundred dollars (\$100).~~ *shall be one hundred thirty*
11 *dollars (\$130).*

12 (c) The renewal fee for a crematory manager license ~~may not~~
13 ~~exceed one hundred dollars (\$100).~~ *shall be one hundred fifty*
14 *dollars (\$150).*

15 *SEC. 63. Section 7730.8 of the Business and Professions Code*
16 *is amended to read:*

17 7730.8. (a) The fee for a cemetery manager examination ~~and~~
18 ~~reexamination may not exceed nine hundred dollars (\$900).~~ *shall*
19 *be eight hundred dollars (\$800).*

20 (b) The license fee to obtain a cemetery manager license ~~may~~
21 ~~not exceed one hundred dollars (\$100).~~ *shall be one hundred thirty*
22 *dollars (\$130).*

23 (c) The renewal fee for a cemetery manager license ~~may not~~
24 ~~exceed one hundred dollars (\$100).~~ *shall be one hundred fifty*
25 *dollars (\$150).*

26 *SEC. 64. Section 7730.10 of the Business and Professions Code*
27 *is amended to read:*

28 7730.10. ~~(a)~~ Every cemetery authority operating a cemetery
29 shall pay an annual regulatory charge for each cemetery ~~to be fixed~~
30 ~~by the bureau at not more than four hundred dollars (\$400).~~ *of*
31 *seven hundred fifty dollars (\$750).* In addition to an annual
32 regulatory charge for each cemetery, an additional quarterly charge
33 ~~to be fixed by the bureau at not more than eight dollars and fifty~~
34 ~~cents (\$8.50)~~ *eleven dollars and fifty cents (\$11.50)* for each burial,
35 entombment, or inurnment made during the preceding quarter shall
36 be paid to the bureau and these charges shall be deposited in the
37 Cemetery and Funeral Fund. If the cemetery authority performs a
38 burial, entombment, or inurnment, and the cremation was
39 performed at a crematory located on the grounds of the cemetery
40 and under common ownership with the cemetery authority, the

1 total of all additional charges shall be not more than ~~eight dollars~~
2 ~~and fifty cents (\$8.50)~~; *eleven dollars and fifty cents (\$11.50)*.

3 ~~(b) This section shall become operative on July 1, 2016.~~

4 *SEC. 65. Section 7730.11 of the Business and Professions Code*
5 *is amended to read:*

6 7730.11. (a) The bureau shall establish the fee to obtain or
7 renew a hydrolysis facility license, which shall not exceed the
8 reasonable cost of license administration.

9 (b) Every licensee operating a hydrolysis facility pursuant to a
10 license issued pursuant to this article shall pay an additional charge
11 ~~to be fixed by the bureau of not more than eight dollars and fifty~~
12 ~~cents (\$8.50)~~ *eleven dollars and fifty cents (\$11.50)* per hydrolysis
13 made during the preceding quarter, which charges shall be
14 deposited into the Cemetery and Funeral Fund.

15 ~~(c) This section shall become operative on July 1, 2020.~~

16 ~~SEC. 42.~~

17 *SEC. 66. Section 8000 of the Business and Professions Code*
18 *is amended to read:*

19 8000. (a) There is in the Department of Consumer Affairs a
20 Court Reporters Board of California, which consists of five
21 members, three of whom shall be public members and two of
22 whom shall be holders of certificates issued under this chapter
23 who have been actively engaged as shorthand reporters within this
24 state for at least five years immediately preceding their
25 appointment.

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

28 (c) Notwithstanding any other law, repeal of this section renders
29 the board subject to review by the appropriate policy committees
30 of the Legislature.

31 ~~SEC. 43.~~

32 *SEC. 67. Section 8005 of the Business and Professions Code*
33 *is amended to read:*

34 8005. (a) The Court Reporters Board of California is charged
35 with the executive functions necessary for effectuating the purposes
36 of this chapter. It may appoint committees as it deems necessary
37 or proper. The board may appoint, prescribe the duties, and fix the
38 salary of an executive officer. Except as provided by Section 159.5,
39 the board may also employ other employees as may be necessary,
40 subject to civil service and other law.

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

3 ~~SEC. 44.~~

4 *SEC. 68.* Section 8030.2 of the Business and Professions Code
5 is amended to read:

6 8030.2. (a) (1) To provide shorthand reporting services to
7 low-income litigants in civil cases, who are unable to otherwise
8 afford those services, funds generated by fees received by the board
9 pursuant to subdivision (c) of Section 8031 in excess of funds
10 needed to support the board's operating budget for the fiscal year
11 in which a transfer described below is made shall be used by the
12 board for the purpose of establishing and maintaining a Transcript
13 Reimbursement Fund. The Transcript Reimbursement Fund shall
14 be funded by a transfer of funds from the Court Reporters' Fund
15 in the amount of three hundred thousand dollars (\$300,000)
16 annually. The board is authorized to transfer funds in increments
17 of one hundred thousand dollars (\$100,000) for a total of three
18 hundred thousand dollars (\$300,000). Notwithstanding any other
19 provision of this article, a transfer to the Transcript Reimbursement
20 Fund in excess of the fund balance established at the beginning of
21 each fiscal year shall not be made by the board if the transfer will
22 result in the reduction of the balance of the Court Reporters' Fund
23 to an amount less than six months' operating budget.

24 (2) If funds are appropriated to the Transcript Reimbursement
25 Fund from a source other than fees received by the board pursuant
26 to subdivision (c) of Section 8031, those funds shall not be subject
27 to the annual transfer limit of three hundred thousand dollars
28 (\$300,000) described in paragraph (1).

29 (b) Refunds and unexpended funds that are anticipated to remain
30 in the Transcript Reimbursement Fund at the end of the fiscal year
31 shall be considered by the board in establishing the fee assessment
32 pursuant to Section 8031 so that the assessment shall maintain the
33 level of funding for the Transcript Reimbursement Fund, as
34 specified in subdivision (a), in the following fiscal year.

35 (c) The Transcript Reimbursement Fund is hereby created in
36 the State Treasury. Notwithstanding Section 13340 of the
37 Government Code, moneys in the Transcript Reimbursement Fund
38 are continuously appropriated for the purposes of this chapter.

39 (d) (1) Applicants who have been reimbursed pursuant to this
40 chapter for services provided to litigants and who are awarded

1 court costs or attorney's fees by judgment or by settlement
2 agreement shall refund the full amount of that reimbursement to
3 the fund within 90 days of receipt of the award or settlement.

4 (2) An applicant appearing pro se who has been reimbursed for
5 services provided to litigants under this chapter shall refund the
6 full amount reimbursed if a court orders the applicant's fee waiver
7 withdrawn or denied retroactively pursuant to Section 68636 of
8 the Government Code, within 90 days of the court's order
9 withdrawing or denying the fee waiver.

10 (e) Subject to the limitations of this chapter, the board shall
11 maintain the fund at a level that is sufficient to pay all qualified
12 claims. To accomplish this objective, the board shall utilize all
13 refunds, unexpended funds, fees, and any other moneys received
14 by the board.

15 (f) Notwithstanding Section 16346 of the Government Code,
16 all unencumbered funds remaining in the Transcript
17 Reimbursement Fund as of January 1, 2025, shall be transferred
18 to the Court Reporters' Fund.

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

21 ~~SEC. 45.~~

22 *SEC. 69.* Section 8030.4 of the Business and Professions Code
23 is amended to read:

24 8030.4. As used in this chapter:

25 (a) "Applicant" means a qualified legal services project,
26 qualified support center, other qualified project, or pro bono
27 attorney applying to receive funds from the Transcript
28 Reimbursement Fund established by this chapter. The term
29 "applicant" includes an indigent person appearing pro se to
30 represent themselves at any stage of the case and applying to receive
31 funds from the Transcript Reimbursement Fund established in
32 Section 8030.2.

33 (b) "Case" means a single legal proceeding from its inception,
34 through all levels of hearing, trial, and appeal, until its ultimate
35 conclusion and disposition.

36 (c) "Certified shorthand reporter" means a shorthand reporter
37 certified pursuant to Article 3 (commencing with Section 8020)
38 performing shorthand reporting services pursuant to Section 8017.

1 (d) “Developmentally Disabled Assistance Act” means the
2 Developmentally Disabled Assistance and Bill of Rights Act of
3 1975 (Public Law 94-103), as amended.

4 (e) “Fee-generating case” means any case or matter that, if
5 undertaken on behalf of an eligible client by an attorney in private
6 practice, reasonably may be expected to result in payment of a fee
7 for legal services from an award to a client, from public funds, or
8 from an opposing party. A reasonable expectation as to payment
9 of a legal fee exists wherever a client enters into a contingent fee
10 agreement with the client’s lawyer. If there is no contingent fee
11 agreement, a case is not considered fee generating if adequate
12 representation is deemed to be unavailable because of the
13 occurrence of any of the following circumstances:

14 (1) If the applicant has determined that referral is not possible
15 because of any of the following:

16 (A) The case has been rejected by the local lawyer referral
17 service, or if there is no such service, by two private attorneys who
18 have experience in the subject matter of the case.

19 (B) Neither the referral service nor any lawyer will consider the
20 case without payment of a consultation fee.

21 (C) The case is of the type that private attorneys in the area
22 ordinarily do not accept, or do not accept without prepayment of
23 a fee.

24 (D) Emergency circumstances compel immediate action before
25 referral can be made, but the client is advised that, if appropriate
26 and consistent with professional responsibility, referral will be
27 attempted at a later time.

28 (2) If recovery of damages is not the principal object of the case
29 and a request for damages is merely ancillary to an action for
30 equitable or other nonpecuniary relief or inclusion of a
31 counterclaim requesting damages is necessary for effective defense
32 or because of applicable rules governing joinder of counterclaims.

33 (3) If a court appoints an applicant or an employee of an
34 applicant pursuant to a statute or a court rule or practice of equal
35 applicability to all attorneys in the jurisdiction.

36 (4) In any case involving the rights of a claimant under a
37 public-supported benefit program for which entitlement to benefit
38 is based on need.

39 (f) (1) “Indigent person” means any of the following:

1 (A) A person whose income is 125 percent or less of the current
2 poverty threshold established by the United States Office of
3 Management and Budget.

4 (B) A person who is eligible for supplemental security income.

5 (C) A person who is eligible for, or receiving, free services
6 under the federal Older Americans Act or the Developmentally
7 Disabled Assistance Act.

8 (D) A person whose income is 75 percent or less of the
9 maximum level of income for lower income households as defined
10 in Section 50079.5 of the Health and Safety Code, for purposes of
11 a program that provides legal assistance by an attorney in private
12 practice on a pro bono basis.

13 (E) A person who qualifies for a waiver of fees pursuant to
14 Section 68632 of the Government Code.

15 (2) For the purposes of this subdivision, the income of a person
16 who is disabled shall be determined after deducting the costs of
17 medical and other disability-related special expenses.

18 (g) "Lawyer referral service" means a lawyer referral program
19 authorized by the State Bar of California pursuant to the rules of
20 professional conduct.

21 (h) "Legal Services Corporation" means the Legal Services
22 Corporation established under the Legal Services Corporation Act
23 of 1974 (Public Law 93-355), as amended.

24 (i) "Older Americans Act" means the Older Americans Act of
25 1965 (Public Law 89-73), as amended.

26 (j) "Other qualified project" means a nonprofit organization
27 formed for charitable or other public purposes, that does not receive
28 funds from the Legal Services Corporation or pursuant to the
29 federal Older Americans Act, and provides free legal services to
30 indigent persons.

31 (k) "Pro bono attorney" means any attorney, law firm, or legal
32 corporation, licensed to practice law in this state, that undertakes,
33 without charge to the party, the representation of an indigent
34 person, referred by a qualified legal services project, qualified
35 support center, or other qualified project, in a case not considered
36 to be fee generating, as defined in this chapter.

37 (l) "Qualified legal services project" means a nonprofit project,
38 incorporated and operated exclusively in California, that provides
39 as its primary purpose and function legal services without charge
40 to indigent persons, has a board of directors or advisory board

1 composed of both attorneys and consumers of legal services, and
2 provides for community participation in legal services
3 programming. A legal services project funded, either in whole or
4 in part, by the Legal Services Corporation or with the federal Older
5 Americans Act funds is presumed to be a qualified legal services
6 project for the purposes of this chapter.

7 (m) "Qualified support center" means an incorporated nonprofit
8 legal services center that has an office or offices in California that
9 provide legal services or technical assistance without charge to
10 qualified legal services projects and their clients on a multicounty
11 basis in California. A support center funded, either in whole or in
12 part, by the Legal Services Corporation or with the federal Older
13 Americans Act funds is presumed to be a qualified legal services
14 project for the purposes of this chapter.

15 (n) "Rules of professional conduct" means those rules adopted
16 by the State Bar of California pursuant to Sections 6076 and 6077.

17 (o) "Supplemental security income recipient" means an
18 individual receiving or eligible to receive payments under Title
19 XVI of the Social Security Act (Public Law 92-603), as amended,
20 or payment under Chapter 3 (commencing with Section 12000) of
21 Part 3 of Division 9 of the Welfare and Institutions Code.

22 (p) "Vexatious litigant" means a person as defined in subdivision
23 (b) of Section 391 of the Code of Civil Procedure.

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

26 ~~SEC. 46.~~

27 *SEC. 70.* Section 8030.6 of the Business and Professions Code
28 is amended to read:

29 8030.6. (a) The board shall disburse funds from the Transcript
30 Reimbursement Fund for the costs, exclusive of per diem charges
31 by official reporters, of preparing either an original transcript and
32 one copy thereof, or where appropriate, a copy of the transcript,
33 of court or deposition proceedings, or both, incurred as a
34 contractual obligation between the shorthand reporter and the
35 applicant, for litigation conducted in California. If there is no
36 deposition transcript, the board may reimburse the applicant or the
37 certified shorthand reporter designated in the application for per
38 diem costs. The rate of per diem for depositions shall not exceed
39 seventy-five dollars (\$75) for one-half day, or one hundred
40 twenty-five dollars (\$125) for a full day. If a transcript is ordered

1 within one year of the date of the deposition, but subsequent to
2 the per diem having been reimbursed by the Transcript
3 Reimbursement Fund, the amount of the per diem shall be deducted
4 from the regular customary charges for a transcript. Reimbursement
5 may be obtained pursuant to the following provisions:

6 (1) The applicant or certified shorthand reporter shall promptly
7 submit to the board the certified shorthand reporter's invoice for
8 transcripts together with the appropriate documentation as is
9 required by this chapter.

10 (2) Except as provided in paragraph (3), the board shall promptly
11 determine if the applicant or the certified shorthand reporter is
12 entitled to reimbursement under this chapter and shall make
13 payment as follows:

14 (A) Regular customary charges for preparation of original
15 deposition transcripts and one copy thereof, or a copy of the
16 transcripts.

17 (B) Regular customary charges for expedited deposition
18 transcripts up to a maximum of two thousand five hundred dollars
19 (\$2,500) per case.

20 (C) Regular customary charges for the preparation of original
21 transcripts and one copy thereof, or a copy of transcripts of court
22 proceedings.

23 (D) Regular customary charges for expedited or daily charges
24 for preparation of original transcripts and one copy thereof or a
25 copy of transcripts of court proceedings.

26 (E) The charges shall not include notary or handling fees. The
27 charges may include actual shipping costs and exhibits, except
28 that the cost of exhibits may not exceed thirty-five cents (\$0.35)
29 each or a total of thirty-five dollars (\$35) per transcript.

30 (3) The maximum amount reimbursable by the fund under
31 paragraph (2) shall not exceed thirty thousand dollars (\$30,000)
32 per case per year.

33 (4) A vexatious litigant shall be ineligible to receive funds from
34 the Transcript Reimbursement Fund. However, a vexatious litigant
35 may become eligible to receive funds if the vexatious litigant is
36 no longer subject to the provisions of Title 3A (commencing with
37 Section 391) of Part 2 of the Code of Civil Procedure pursuant to
38 Section 391.8 of Code of Civil Procedure.

1 (5) Disbursements to cover the costs of providing transcripts to
2 all applicants appearing pro se pursuant to this section shall not
3 exceed two thousand five hundred dollars (\$2,500) per case.

4 (6) If entitled, and funds are available, the board shall disburse
5 the appropriate sum to the applicant or the certified shorthand
6 reporter when the documentation described in Section 8030.8
7 accompanies the application. A notice shall be sent to the recipient
8 requiring the recipient to file a notice with the court in which the
9 action is pending stating the sum of reimbursement paid pursuant
10 to this section. The notice filed with the court shall also state that
11 if the sum is subsequently included in any award of costs made in
12 the action, that the sum is to be ordered refunded by the applicant
13 to the Transcript Reimbursement Fund whenever the sum is
14 actually recovered as costs. The court shall not consider whether
15 payment has been made from the Transcript Reimbursement Fund
16 in determining the appropriateness of any award of costs to the
17 parties. The board shall also notify the applicant that the reimbursed
18 sum has been paid to the certified shorthand reporter and shall
19 notify the applicant of the duty to refund any of the sum actually
20 recovered as costs in the action.

21 (7) If not entitled, the board shall return a copy of the invoice
22 to the applicant and the designated certified shorthand reporter
23 together with a notice stating the grounds for denial.

24 (8) The board shall complete its actions under this section within
25 30 days of receipt of the invoice and all required documentation,
26 including a completed application.

27 (9) Applications for reimbursements from the fund shall be filed
28 on a first-come-first-served basis.

29 (10) Applications for reimbursement that cannot be paid from
30 the fund due to insufficiency of the fund for that fiscal year shall
31 be held over until the next fiscal year to be paid out of the renewed
32 fund. Applications held over shall be given a priority standing in
33 the next fiscal year.

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

36 ~~SEC. 47.~~

37 *SEC. 71.* Section 8030.8 of the Business and Professions Code
38 is amended to read:

39 8030.8. (a) For purposes of this chapter, documentation
40 accompanying an invoice is sufficient to establish entitlement for

1 reimbursement from the Transcript Reimbursement Fund if it is
2 filed with the executive officer on an application form prescribed
3 by the board that is complete in all respects, and that establishes
4 all of the following:

5 (1) The case name and number and that the litigant or litigants
6 requesting the reimbursement are indigent persons. If the applicant
7 is an indigent person appearing pro se the application shall be
8 accompanied by a copy of the fee waiver form approved by the
9 court in the matter for which the applicant seeks reimbursement.

10 (2) The applicant is qualified under the provisions of this
11 chapter.

12 (3) The case is not a fee-generating case, as defined in Section
13 8030.4.

14 (4) The invoice or other documentation shall evidence that the
15 certified shorthand reporter to be reimbursed was, at the time the
16 services were rendered, a duly licensed certified shorthand reporter.

17 (5) The invoice shall be accompanied by a statement, signed by
18 the applicant, stating that the charges are for transcripts actually
19 provided as indicated on the invoice.

20 (6) The applicant has acknowledged, in writing, that as a
21 condition of entitlement for reimbursement that the applicant agrees
22 to refund the entire amount disbursed from the Transcript
23 Reimbursement Fund from any costs or attorney's fees awarded
24 to the applicant by the court or provided for in any settlement
25 agreement in the case.

26 (7) The certified shorthand reporter's invoice for transcripts
27 shall include separate itemizations of charges claimed, as follows:

28 (A) Total charges and rates for customary services in preparation
29 of an original transcript and one copy or a copy of the transcript
30 of depositions.

31 (B) Total charges and rates for expedited deposition transcripts.

32 (C) Total charges and rates in connection with transcription of
33 court proceedings.

34 (b) For an applicant claiming to be eligible pursuant to
35 subdivision (j), (l), or (m) of Section 8030.4, a letter from the
36 director of the project or center, certifying that the project or center
37 meets the standards set forth in one of those subdivisions and that
38 the litigant or litigants are indigent persons, is sufficient
39 documentation to establish eligibility.

1 (c) For an applicant claiming to be eligible pursuant to
2 subdivision (k) of Section 8030.4, a letter certifying that the
3 applicant meets the requirements of that subdivision, that the case
4 is not a fee-generating case, as defined in subdivision (e) of Section
5 8030.4, and that the litigant or litigants are indigent persons,
6 together with a letter from the director of a project or center defined
7 in subdivision (j), (l), or (m) of Section 8030.4 certifying that the
8 litigant or litigants had been referred by that project or center to
9 the applicant, is sufficient documentation to establish eligibility.

10 (d) The applicant may receive reimbursement directly from the
11 board if the applicant has previously paid the certified shorthand
12 reporter for transcripts as provided in Section 8030.6. To receive
13 payment directly, the applicant shall submit, in addition to all other
14 required documentation, an itemized statement signed by the
15 certified shorthand reporter performing the services that describes
16 payment for transcripts in accordance with the requirements of
17 Section 8030.6.

18 (e) The board may prescribe appropriate forms to be used by
19 applicants and certified shorthand reporters to facilitate these
20 requirements.

21 (f) This chapter does not restrict the contractual obligation or
22 payment for services, including, but not limited to, billing the
23 applicant directly, during the pendency of the claim.

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

26 ~~SEC. 48:~~

27 *SEC. 72.* Section 8050 of the Business and Professions Code,
28 as amended by Section 2 of Chapter 214 of the Statutes of 2021,
29 is amended to read:

30 8050. (a) It is the intent of the Legislature to enhance the
31 regulation of licensed shorthand reporters and shorthand reporting
32 corporations pursuant to this section, by imposing specific penalties
33 in addition to other remedies permitted by this chapter that seek
34 to discourage practices that are inconsistent with the integrity and
35 impartiality required of officers of the court, to promote
36 competition based upon the quality and price of shorthand reporting
37 services, and to ensure consistent regulation of corporations owned
38 by certificate holders and those not owned by certificate holders.

39 (b) This section shall apply to an individual or entity that does
40 any of the following:

1 (1) Any act that constitutes shorthand reporting that occurs
2 wholly or partly in this state.

3 (2) Employs, independently contracts with, or recruits a licensed
4 shorthand reporter to report or transcribe deposition testimony in
5 a court proceeding or in a deposition.

6 (3) Contracts with a resident of this state by mail or otherwise
7 that requires either party to perform licensed shorthand reporting
8 wholly or partly in this state.

9 (4) Independently contracts with or is employed by an entity
10 that does any of the acts described in paragraphs (1) to (3),
11 inclusive.

12 (c) (1) This section does not apply to an individual, whether
13 acting as an individual or as an officer, director, or shareholder of
14 a shorthand reporting corporation, as defined in Section 8040, who
15 possesses a valid license, issued pursuant to Section 8018 or a
16 valid registration issued pursuant to Section 8051, that may be
17 revoked or suspended by the board, or to a shorthand reporting
18 corporation that is in compliance with Section 8044.

19 (2) This section does not apply to a court, a party to litigation,
20 an attorney of a party, or a full-time employee of a party or the
21 attorney of a party, who provides or contracts for certified
22 shorthand reporting for purposes related to the litigation.

23 (d) An individual or entity described in subdivision (b) shall
24 not do any of the following:

25 (1) Seek compensation for a transcript that is in violation of the
26 minimum transcript format standards set forth in Section 2473 of
27 Article 8 of Division 24 of Title 16 of the California Code of
28 Regulations.

29 (2) Seek compensation for a certified court transcript applying
30 fees higher than those set out in Section 69950 of the Government
31 Code.

32 (3) Make a transcript available to one party in advance of other
33 parties, as described in subdivision (d) of Section 2025.510 of the
34 Code of Civil Procedure, or offer or provide a service to only one
35 party as described in subdivision (b) of Section 2025.320 of the
36 Code of Civil Procedure.

37 (4) Fail to promptly notify a party of a request for preparation
38 of all or any part of a transcript, excerpts, or expedites for one
39 party without the other parties' knowledge, as described in

1 paragraph (5) of subdivision (b) of Section 2475 of Article 8 of
2 Division 24 of Title 16 of the California Code of Regulations.

3 (e) Nothing in this section shall be construed to prohibit a
4 licensed shorthand reporter, shorthand reporting corporation, or
5 an individual or entity described in subdivision (b), from offering
6 or providing long-term or multicase volume discounts or services
7 ancillary to reporting and transcribing a deposition, arbitration, or
8 judicial proceeding in contracts that are subject to laws related to
9 shorthand reporting.

10 (f) An individual or entity that violates this section shall be
11 subject to a civil fine not exceeding ten thousand dollars (\$10,000)
12 per violation.

13 (g) The Attorney General, a district attorney, a city attorney, or
14 the board may bring a civil action for a violation of this section,
15 including an action for injunctive relief and any other appropriate
16 relief, and shall be entitled, if they are the prevailing party, to
17 recover reasonable attorney's fees.

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

20 ~~SEC. 49:~~

21 *SEC. 73.* Section 8050 of the Business and Professions Code,
22 as added by Section 3 of Chapter 214 of the Statutes of 2021, is
23 amended to read:

24 8050. (a) It is the intent of the Legislature to enhance the
25 regulation of licensed shorthand reporters and shorthand reporting
26 corporations pursuant to this section, by imposing specific penalties
27 in addition to other remedies permitted by this chapter that seek
28 to discourage practices that are inconsistent with the integrity and
29 impartiality required of officers of the court and to promote
30 competition based upon the quality and price of shorthand reporting
31 services.

32 (b) This section shall apply to an individual or entity that does
33 any of the following:

34 (1) Any act that constitutes shorthand reporting that occurs
35 wholly or partly in this state.

36 (2) Employs, independently contracts with, or recruits a licensed
37 shorthand reporter to report or transcribe deposition testimony in
38 a court proceeding or in a deposition.

1 (3) Contracts with a resident of this state by mail or otherwise
2 that requires either party to perform licensed shorthand reporting
3 wholly or partly in this state.

4 (4) Independently contracts with or is employed by an entity
5 that does any of the acts described in paragraphs (1) to (3),
6 inclusive.

7 (c) (1) This section does not apply to an individual, whether
8 acting as an individual or as an officer, director, or shareholder of
9 a shorthand reporting corporation, as defined in Section 8040, who
10 possesses a valid license, issued pursuant to Section 8018, that
11 may be revoked or suspended by the board, or to a shorthand
12 reporting corporation that is in compliance with Section 8044.

13 (2) This section does not apply to a court, a party to litigation,
14 an attorney of the party, or a full-time employee of the party or
15 the attorney of the party, who provides or contracts for certified
16 shorthand reporting for purposes related to the litigation.

17 (d) An individual or entity described in subdivision (b) shall
18 not do any of the following:

19 (1) Seek compensation for a transcript that is in violation of the
20 minimum transcript format standards set forth in Section 2473 of
21 Article 8 of Division 24 of Title 16 of the California Code of
22 Regulations.

23 (2) Seek compensation for a certified court transcript applying
24 fees other than those set out in Section 69950 of the Government
25 Code.

26 (3) Make a transcript available to one party in advance of other
27 parties, as described in subdivision (d) of Section 2025.510 of the
28 Code of Civil Procedure, or offer or provide a service to only one
29 party as described in subdivision (b) of Section 2025.320 of the
30 Code of Civil Procedure.

31 (4) Fail to promptly notify a party of a request for preparation
32 of all or any part of a transcript, excerpts, or expedites for one
33 party without the other parties' knowledge, as described in
34 paragraph (5) of subdivision (b) of Section 2475 of Article 8 of
35 Division 24 of Title 16 of the California Code of Regulations.

36 (e) Nothing in this section shall be construed to prohibit a
37 licensed shorthand reporter, shorthand reporting corporation, or
38 an individual or entity described in subdivision (b), from offering
39 or providing long-term or multicase volume discounts or services
40 ancillary to reporting and transcribing a deposition, arbitration, or

1 judicial proceeding in contracts that are subject to laws related to
2 shorthand reporting.

3 (f) An individual or entity that violates this section shall be
4 subject to a civil fine not exceeding ten thousand dollars (\$10,000)
5 per violation.

6 (g) The Attorney General, a district attorney, a city attorney, or
7 the board may bring a civil action for a violation of this section,
8 including an action for injunctive relief and any other appropriate
9 relief, and shall be entitled, if they are the prevailing party, to
10 recover reasonable attorney's fees.

11 (h) This section shall become operative on January 1, 2025.

12 ~~SEC. 50.~~

13 *SEC. 74.* Section 8051 of the Business and Professions Code
14 is amended to read:

15 8051. (a) On and after July 1, 2022, an entity that is not a
16 shorthand reporting corporation may, wherever incorporated in
17 the United States, engage in the conduct described in subdivision
18 (b) of Section 8050 if it is approved for registration by the board
19 after meeting all of the following requirements:

20 (1) The entity pays an annual registration fee to the board, in
21 an amount determined by the board, not to exceed five hundred
22 dollars (\$500). The fee shall not exceed the board's cost of
23 administering this section.

24 (2) The entity has designated a board-certified reporter-in-charge
25 who is a full-time employee of the registered entity and a resident
26 of California, and who holds a currently valid California license
27 at all times as a certified shorthand reporter where the certificate
28 holder has no restrictions on their license and is not subject to a
29 pending board accusation or investigation at the time of the entity's
30 application for registration. The reporter-in-charge shall be
31 responsible to the board for an entity's compliance with all state
32 laws and regulations pertaining to and within the scope of the
33 practice of certified shorthand reporting and any acts of the entity
34 pertaining to and within the scope of the practice of a certificate
35 holder shall be deemed acts of the reporter-in-charge. Nothing in
36 this paragraph shall be construed as permitting the board to restrict,
37 suspend, or revoke the license of a reporter-in-charge for conduct
38 committed or directed by another person unless the
39 reporter-in-charge had knowledge of or knowingly participated in
40 such conduct.

1 (3) The entity agrees in the registration to abide by the laws,
2 regulations, and standards of practice applicable to businesses that
3 render shorthand reporting services pursuant to Section 13401 of
4 the Corporations Code, except for the requirements of Sections
5 8040 and 8044.

6 (b) An entity shall provide the board with all of the following
7 information for consideration of initial registration pursuant to
8 subdivision (a):

9 (1) The name and certificate number of the entity's certified
10 reporter-in-charge.

11 (2) Whether the entity, a controlling officer or parent corporation
12 of the entity, the entity's reporter-in-charge, or any of its officers,
13 employees, or independent contractors, has been subject to any
14 enforcement action, relating to the provision of court reporting
15 services, by a state or federal agency within five years before
16 submitting the initial registration. If so, the entity shall provide
17 the board a copy of the operative complaint with the initial
18 registration.

19 (3) Whether the entity, within five years before submitting the
20 registration, has settled, or been adjudged to have liability for, a
21 civil complaint alleging the entity or the entity's reporter-in-charge
22 engaged in misconduct relating to the provision of court reporting
23 services for more than fifty thousand dollars (\$50,000).

24 (4) Any additional documentation the board reasonably deems
25 necessary for consideration in the initial registration process.

26 (c) Within 90 days of receiving a completed application for
27 initial registration, including any disclosures made pursuant to
28 subdivision (b), the board shall either approve the entity's
29 registration or deny the application upon a finding that a substantial
30 risk would be posed to the public, which shall be subsequently
31 provided to the applicant in writing with specificity as to the basis
32 of that finding.

33 (d) A registration issued by the board pursuant to this section
34 shall be valid for one year, at which time it may be approved for
35 renewal by the board upon meeting the requirements of subdivision
36 (a).

37 (e) A registered entity shall notify the board in writing within
38 30 days of the date when a reporter-in-charge ceases to act as the
39 reporter-in-charge and propose another certificate holder to take
40 over as the reporter-in-charge. The proposed replacement

1 reporter-in-charge shall be subject to approval by the board. If
2 disapproved, the entity shall propose another replacement within
3 15 days of the date of disapproval and shall continue to name
4 proposed replacements until a reporter-in-charge is approved by
5 the board.

6 (f) The board shall revoke the registration of an entity if the
7 board determines the entity:

8 (1) Engaged, in whole or in part, through officers, employees,
9 or independent contractors that are not certificate holders, in acts
10 that are within the scope of practice of a certificate holder, unless
11 otherwise permitted by law.

12 (2) Directed or authorized the reporter-in-charge to violate state
13 laws or regulations pertaining to shorthand reporting or offering
14 financial incentives to the reporter-in-charge for engaging in acts
15 that violate state law.

16 (g) In addition to revoking an entity's registration as required
17 by subdivision (f), a registration issued under this section may be
18 revoked, suspended, denied, restricted, or subjected to other
19 disciplinary action as the board deems fit for violations of the laws
20 or regulations pertaining to shorthand reporting by the entity's
21 officers, employees, or independent contractors, including the
22 issuance of citations and fines.

23 (h) The board shall consider suspending the registration of an
24 entity for a minimum of one year if the license of its
25 reporter-in-charge is suspended or revoked for violating this section
26 more than twice in a consecutive five-year period.

27 (i) An entity shall have the right to reasonable notice and
28 opportunity to comment to and before the board regarding any
29 determination to deny or revoke registration before that
30 determination becomes final. An entity may seek review of a board
31 decision to deny or revoke registration under this section either in
32 an administrative hearing under Chapter 5 (commencing with
33 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
34 Code or through an action brought pursuant to Section 1085 of the
35 Code of Civil Procedure.

36 (j) A certificate holder shall not engage in the practice of
37 shorthand reporting on behalf of an entity that the reporter knows
38 or should know is not registered with the board and shall verify
39 whether a person or entity is registered with the board before

1 engaging in the practice of shorthand reporting on behalf of that
2 person or entity.

3 (k) The board shall create and make available on its internet
4 website a directory of registered entities. The board shall not take
5 action against a certificate holder solely for a violation of
6 subdivision (j) if the certificate holder reasonably relied on the
7 board's directory stating that the entity was registered at the time.

8 (l) The board may adopt regulations to implement this section.

9 (m) This section shall remain in effect only until January 1,
10 2025, and as of that date is repealed.

11 ~~SEC. 51.~~

12 *SEC. 75.* Section 8710 of the Business and Professions Code
13 is amended to read:

14 8710. (a) The Board for Professional Engineers, Land
15 Surveyors, and Geologists is vested with power to administer the
16 provisions and requirements of this chapter, and may make and
17 enforce rules and regulations that are reasonably necessary to carry
18 out its provisions.

19 (b) The board may adopt rules and regulations of professional
20 conduct that are not inconsistent with state and federal law. The
21 rules and regulations may include definitions of incompetence and
22 negligence. Every person who holds a license or certificate issued
23 by the board pursuant to this chapter, or a license or certificate
24 issued to a civil engineer pursuant to Chapter 7 (commencing with
25 Section 6700), shall be governed by these rules and regulations.

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

30 ~~SEC. 52.~~

31 *SEC. 76.* Section 9812.5 of the Business and Professions Code
32 is amended to read:

33 9812.5. The director shall gather evidence of violations of this
34 chapter and of any regulation established hereunder by any service
35 contractor, whether registered or not, and by any employee, partner,
36 officer, or member of any service contractor. The director shall,
37 on their own initiative, conduct spot check investigations of service
38 contractors throughout the state on a continuous basis.

39 This section shall remain in effect only until January 1, 2024,
40 and as of that date is repealed.

1 ~~SEC. 53.~~

2 *SEC. 77.* Section 9830.5 of the Business and Professions Code
3 is amended to read:

4 9830.5. (a) Each service contractor shall pay the fee required
5 by this chapter for each place of business operated by them in this
6 state and shall register with the bureau upon forms prescribed by
7 the director. The forms shall contain sufficient information to
8 identify the service contractor, including name, address, retail
9 seller's permit number, if a permit is required under the Sales and
10 Use Tax Law (Part 1 (commencing with Section 6001) of Division
11 2 of the Revenue and Taxation Code), a copy of the certificate of
12 qualification as filed with the Secretary of State if the service
13 contractor is a foreign corporation, and other identifying data to
14 be prescribed by the bureau. If the business is to be carried on
15 under a fictitious name, that fictitious name shall be stated. If the
16 service contractor is a partnership, identifying data shall be stated
17 for each partner. If the service contractor is a private company that
18 does not file an annual report on Form 10-K with the Securities
19 and Exchange Commission, data shall be included for each of the
20 officers and directors of the company as well as for the individual
21 in charge of each place of the service contractor's business in the
22 State of California, subject to any regulations the director may
23 adopt. If the service contractor is a publicly held corporation or a
24 private company that files an annual report on Form 10-K with
25 the Securities and Exchange Commission, it shall be sufficient for
26 purposes of providing data for each of the officers and directors
27 of the corporation or company to file with the director the most
28 recent annual report on Form 10-K that is filed with the Securities
29 and Exchange Commission.

30 (b) A service contractor who does not operate a place of business
31 in this state but who sells, issues, or administers service contracts
32 in this state, shall hold a valid registration issued by the bureau
33 and shall pay the registration fee required by this chapter as if they
34 had a place of business in this state.

35 (c) This section shall remain in effect only until January 1, 2024,
36 and as of that date is repealed.

37 ~~SEC. 54.~~

38 *SEC. 78.* Section 9832.5 of the Business and Professions Code
39 is amended to read:

1 9832.5. (a) Registrations issued under this chapter shall expire
2 no more than 12 months after the issue date. The expiration date
3 of registrations shall be set by the director in a manner to best
4 distribute renewal procedures throughout the year.

5 (b) To renew an unexpired registration, the service contractor
6 shall, on or before the expiration date of the registration, apply for
7 renewal on a form prescribed by the director, and pay the renewal
8 fee prescribed by this chapter.

9 (c) To renew an expired registration, the service contractor shall
10 apply for renewal on a form prescribed by the director, pay the
11 renewal fee in effect on the last regular renewal date, and pay all
12 accrued and unpaid delinquency and renewal fees.

13 (d) Renewal is effective on the date that the application is filed,
14 the renewal fee is paid, and all delinquency fees are paid.

15 (e) For purposes of implementing the distribution of the renewal
16 of registrations throughout the year, the director may extend, by
17 not more than six months, the date fixed by law for renewal of a
18 registration, except that, in that event, any renewal fee that may
19 be involved shall be prorated in such a manner that no person shall
20 be required to pay a greater or lesser fee than would have been
21 required had the change in renewal dates not occurred.

22 (f) This section shall remain in effect only until January 1, 2024,
23 and as of that date is repealed.

24 ~~SEC. 55.~~

25 *SEC. 79.* Section 9847.5 of the Business and Professions Code
26 is amended to read:

27 9847.5. (a) Each service contractor shall maintain those records
28 as are required by the regulations adopted to carry out the
29 provisions of this chapter for a period of at least three years. These
30 records shall be open for reasonable inspection by the director or
31 other law enforcement officials.

32 (b) This section shall remain in effect only until January 1, 2024,
33 and as of that date is repealed.

34 ~~SEC. 56.~~

35 *SEC. 80.* Section 9849 of the Business and Professions Code,
36 as amended by Section 12 of Chapter 578 of the Statutes of 2018,
37 is amended to read:

38 9849. (a) The expiration of a valid registration shall not deprive
39 the director of jurisdiction to proceed with any investigation or
40 hearing on a cease and desist order against a service dealer or

1 service contractor or to render a decision to suspend, revoke, or
2 place on probation a registration.

3 (b) This section shall remain in effect only until January 1, 2024,
4 and as of that date is repealed.

5 ~~SEC. 57.~~

6 *SEC. 81.* Section 9849 of the Business and Professions Code,
7 as amended by Section 13 of Chapter 578 of the Statutes of 2018,
8 is amended to read:

9 9849. (a) The expiration of a valid registration shall not deprive
10 the director of jurisdiction to proceed with any investigation or
11 hearing on a cease and desist order against a service dealer or to
12 render a decision to suspend, revoke, or place on probation a
13 registration.

14 (b) This section shall become operative on January 1, 2024.

15 ~~SEC. 58.~~

16 *SEC. 82.* Section 9851 of the Business and Professions Code,
17 as amended by Section 14 of Chapter 578 of the Statutes of 2018,
18 is amended to read:

19 9851. (a) The superior court in and for the county wherein any
20 person carries on, or attempts to carry on, business as a service
21 dealer or service contractor in violation of the provisions of this
22 chapter, or any regulation thereunder, shall, on application of the
23 director, issue an injunction or other appropriate order restraining
24 that conduct.

25 (b) The proceedings under this section shall be governed by
26 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
27 the Code of Civil Procedure, except that the director shall not be
28 required to allege facts necessary to show or tending to show lack
29 of an adequate remedy at law or irreparable injury.

30 (c) This section shall remain in effect only until January 1, 2024,
31 and as of that date is repealed.

32 ~~SEC. 59.~~

33 *SEC. 83.* Section 9851 of the Business and Professions Code,
34 as amended by Section 15 of Chapter 578 of the Statutes of 2018,
35 is amended to read:

36 9851. (a) The superior court in and for the county wherein any
37 person carries on, or attempts to carry on, business as a service
38 dealer in violation of the provisions of this chapter, or any
39 regulation thereunder, shall, on application of the director, issue
40 an injunction or other appropriate order restraining that conduct.

1 (b) The proceedings under this section shall be governed by
2 Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of
3 the Code of Civil Procedure, except that the director shall not be
4 required to allege facts necessary to show or tending to show lack
5 of an adequate remedy at law or irreparable injury.

6 (c) This section shall become operative on January 1, 2024.

7 ~~SEC. 60.~~

8 *SEC. 84.* Section 9853 of the Business and Professions Code,
9 as amended by Section 16 of Chapter 578 of the Statutes of 2018,
10 is amended to read:

11 9853. (a) A plea or verdict of guilty or a conviction following
12 a plea of nolo contendere made to a charge substantially related
13 to the qualifications, functions, and duties of a service dealer or
14 service contractor is deemed to be a conviction within the meaning
15 of this article. The director may suspend, revoke, or place on
16 probation a registration, or may deny registration, when the time
17 for appeal has elapsed, or the judgment of conviction has been
18 affirmed on appeal or when an order granting probation is made
19 suspending the imposition of sentence, irrespective of a subsequent
20 order under Section 1203.4 of the Penal Code, allowing that person
21 to withdraw their plea of guilty and to enter a plea of not guilty,
22 or setting aside the verdict of guilty, or dismissing the accusation,
23 information, or indictment.

24 (b) This section shall remain in effect only until January 1, 2024,
25 and as of that date is repealed.

26 ~~SEC. 61.~~

27 *SEC. 85.* Section 9853 of the Business and Professions Code,
28 as amended by Section 17 of Chapter 578 of the Statutes of 2018,
29 is amended to read:

30 9853. (a) A plea or verdict of guilty or a conviction following
31 a plea of nolo contendere made to a charge substantially related
32 to the qualifications, functions, and duties of a service dealer is
33 deemed to be a conviction within the meaning of this article. The
34 director may suspend, revoke, or place on probation a registration,
35 or may deny registration, when the time for appeal has elapsed, or
36 the judgment of conviction has been affirmed on appeal or when
37 an order granting probation is made suspending the imposition of
38 sentence, irrespective of a subsequent order under Section 1203.4
39 of the Penal Code allowing that person to withdraw their plea of

1 guilty and to enter a plea of not guilty, or setting aside the verdict
2 of guilty, or dismissing the accusation, information, or indictment.

3 (b) This section shall become operative January 1, 2024.

4 ~~SEC. 62.~~

5 *SEC. 86.* Section 9855.9 of the Business and Professions Code
6 is amended to read:

7 9855.9. This article shall remain in effect only until January
8 1, 2024, and as of that date is repealed.

9 ~~SEC. 63.~~

10 *SEC. 87.* Section 9860 of the Business and Professions Code,
11 as amended by Section 22 of Chapter 578 of the Statutes of 2018,
12 is amended to read:

13 9860. (a) The director shall establish procedures for accepting
14 complaints from the public against any service dealer or service
15 contractor.

16 (b) This section shall remain in effect only until January 1, 2024,
17 and as of that date is repealed.

18 ~~SEC. 64.~~

19 *SEC. 88.* Section 9860 of the Business and Professions Code,
20 as amended by Section 23 of Chapter 578 of the Statutes of 2018,
21 is amended to read:

22 9860. (a) The director shall establish procedures for accepting
23 complaints from the public against any service dealer.

24 (b) This section shall become operative on January 1, 2024.

25 ~~SEC. 65.~~

26 *SEC. 89.* Section 9862.5 of the Business and Professions Code
27 is amended to read:

28 9862.5. (a) If a complaint indicates a possible violation of this
29 chapter or of the regulations adopted pursuant to this chapter, the
30 director may advise the service contractor of the contents of the
31 complaint and, if the service contractor is so advised, the director
32 shall make a summary investigation of the facts after the service
33 contractor has had reasonable opportunity to reply thereto.

34 (b) This section shall remain in effect only until January 1, 2024,
35 and as of that date is repealed.

36 ~~SEC. 66.~~

37 *SEC. 90.* Section 9863 of the Business and Professions Code,
38 as amended by Section 25 of Chapter 578 of the Statutes of 2018,
39 is amended to read:

1 9863. (a) If, upon summary investigation, it appears probable
2 to the director that a violation of this chapter, or the regulations
3 thereunder, has occurred, the director, in their discretion, may
4 suggest measures that in the director's judgment would compensate
5 the complainant for the damages they suffered as a result of the
6 alleged violation. If the service dealer or service contractor accepts
7 the director's suggestions and performs accordingly, the director
8 shall give that fact due consideration in any subsequent disciplinary
9 proceeding. If the service dealer or service contractor declines to
10 abide by the suggestions of the director, the director may
11 investigate further and may institute disciplinary proceedings in
12 accordance with the provisions of this chapter.

13 (b) This section shall remain in effect only until January 1, 2024,
14 and as of that date is repealed.

15 ~~SEC. 67.~~

16 *SEC. 91.* Section 9863 of the Business and Professions Code,
17 as amended by Section 26 of Chapter 578 of the Statutes of 2018,
18 is amended to read:

19 9863. (a) If, upon summary investigation, it appears probable
20 to the director that a violation of this chapter, or the regulations
21 thereunder, has occurred, the director, in their discretion, may
22 suggest measures that in the director's judgment would compensate
23 the complainant for the damages they suffered as a result of the
24 alleged violation. If the service dealer accepts the director's
25 suggestions and performs accordingly, the director shall give that
26 fact due consideration in any subsequent disciplinary proceeding.
27 If the service dealer declines to abide by the suggestions of the
28 director, the director may investigate further and may institute
29 disciplinary proceedings in accordance with the provisions of this
30 chapter.

31 (b) This section shall become operative on January 1, 2024.

32 ~~SEC. 68.~~

33 *SEC. 92.* Section 9873 of the Business and Professions Code,
34 as added by Section 3 of Chapter 29 of the Statutes of 2019, is
35 amended to read:

36 9873. The fees prescribed by this chapter shall be set by the
37 director by regulation, according to the following schedule:

38 (a) (1) The initial registration fee for an electronic repair
39 industry service dealer or for an appliance repair industry service
40 dealer is not more than two hundred five dollars (\$205) for each

1 place of business in this state. The initial registration fee for a
2 service contractor is not more than ninety-five dollars (\$95) for
3 each place of business in this state.

4 (2) The initial registration fee for a person who engages in
5 business as both an electronic repair industry service dealer and
6 an appliance repair industry service dealer is not more than four
7 hundred five dollars (\$405) for each place of business in this state.
8 The initial registration fee for a person who is a service contractor
9 and engages in business as either an electronic repair industry
10 service dealer or an appliance repair industry service dealer is not
11 more than three hundred dollars (\$300) for each place of business
12 in this state.

13 (3) The initial registration fee for a person who engages in both
14 the electronic repair industry and the appliance repair industry as
15 a service dealer and is a service contractor is not more than five
16 hundred dollars (\$500) for each place of business in this state.

17 (4) A service dealer or service contractor who does not operate
18 a place of business in this state, but engages in the electronic repair
19 industry or the appliance repair industry, or sells, issues, or
20 administers service contracts in this state, shall pay the registration
21 fee specified herein as if that service dealer or service contractor
22 had a place of business in this state.

23 (b) (1) The annual registration renewal fee for an electronic
24 repair industry service dealer or for an appliance repair industry
25 service dealer is not more than two hundred five dollars (\$205)
26 for each place of business in this state, if renewed prior to its
27 expiration date. The annual registration renewal fee for a service
28 contractor is ninety-five dollars (\$95) for each place of business
29 in this state, if renewed prior to its expiration date.

30 (2) The annual renewal fee for a service dealer who engages in
31 the business as both an electronic repair industry service dealer
32 and an appliance repair industry service dealer is not more than
33 four hundred dollars (\$400) for each place of business in this state.

34 (3) The annual renewal fee for a service dealer who engages in
35 the electronic repair industry and the appliance repair industry and
36 is a service contractor is not more than four hundred seventy-five
37 dollars (\$475) for each place of business in this state.

38 (4) A service dealer or service contractor who does not operate
39 a place of business in this state, but who engages in the electronic
40 repair industry or the appliance repair industry, or sells or issues

1 service contracts in this state, shall pay the renewal fee specified
2 herein as if that service dealer or service contractor had a place of
3 business in this state.

4 (c) The delinquency fee is an amount equal to 50 percent of the
5 renewal fee for a license in effect on the date of renewal of the
6 license, except as otherwise provided in Section 163.5.

7 (d) This section shall remain in effect only until January 1,
8 2024, and as of that date is repealed.

9 ~~SEC. 69.~~

10 *SEC. 93.* Section 9873 of the Business and Professions Code,
11 as added by Section 4 of Chapter 29 of the Statutes of 2019, is
12 amended to read:

13 9873. The fees prescribed by this chapter shall be set by the
14 director by regulation, according to the following schedule:

15 (a) The initial registration fee for an electronic repair industry
16 service dealer or for an appliance repair industry service dealer is
17 not more than two hundred five dollars (\$205) for each place of
18 business in this state. The initial registration fee for a person who
19 engages in business as both an electronic repair industry service
20 dealer and an appliance repair industry service dealer is not more
21 than four hundred five dollars (\$405).

22 (b) The annual registration renewal fee for an electronic repair
23 industry service dealer or for an appliance repair industry service
24 dealer is not more than two hundred five dollars (\$205) for each
25 place of business in this state, if renewed prior to its expiration
26 date. The annual renewal fee for a service dealer who engages in
27 the business as both an electronic repair industry service dealer
28 and an appliance repair industry service dealer is not more than
29 four hundred dollars (\$400).

30 (c) The delinquency fee is an amount equal to 50 percent of the
31 renewal fee for a license in effect on the date of renewal of the
32 license, except as otherwise provided in Section 163.5.

33 (d) This section shall become operative on January 1, 2024.

34 ~~SEC. 70.~~

35 *SEC. 94.* Section 18602 of the Business and Professions Code
36 is amended to read:

37 18602. (a) Except as provided in this section, there is in the
38 Department of Consumer Affairs the State Athletic Commission,
39 which consists of seven members. Five members shall be appointed
40 by the Governor, one member shall be appointed by the Senate

1 Committee on Rules, and one member shall be appointed by the
2 Speaker of the Assembly.

3 The members of the commission appointed by the Governor are
4 subject to confirmation by the Senate pursuant to Section 1322 of
5 the Government Code.

6 No person who is currently licensed, or who was licensed within
7 the last two years, under this chapter may be appointed or
8 reappointed to, or serve on, the commission.

9 (b) In appointing commissioners under this section, the
10 Governor, the Senate Committee on Rules, and the Speaker of the
11 Assembly shall make every effort to ensure that at least four of
12 the members of the commission shall have experience and
13 demonstrate expertise in one of the following areas:

14 (1) A licensed physician or surgeon having expertise or
15 specializing in neurology, neurosurgery, head trauma, or sports
16 medicine. Sports medicine includes, but is not limited to,
17 physiology, kinesiology, or other aspects of sports medicine.

18 (2) Financial management.

19 (3) Public safety.

20 (4) Past experience in the activity regulated by this chapter,
21 either as a contestant, a referee or official, a promoter, or a venue
22 operator.

23 (c) Each member of the commission shall be appointed for a
24 term of four years. All terms shall end on January 1. Vacancies
25 occurring prior to the expiration of the term shall be filled by
26 appointment for the unexpired term. No commission member may
27 serve more than two consecutive terms.

28 (d) Notwithstanding any other provision of this chapter,
29 members first appointed shall be subject to the following terms:

30 (1) The Governor shall appoint two members for two years, two
31 members for three years, and one member for four years.

32 (2) The Senate Committee on Rules shall appoint one member
33 for four years.

34 (3) The Speaker of the Assembly shall appoint one member for
35 four years.

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

38 (2) Notwithstanding any other law, the repeal of this section
39 renders the board subject to review by the appropriate policy
40 committees of the Legislature.

1 SEC. 71. Section 18613 of the Business and Professions Code
2 is amended to read:

3 18613. (a) (1) The commission shall appoint a person exempt
4 from civil service who shall be designated as an executive officer
5 and who shall exercise the powers and perform the duties delegated
6 by the commission and vested in the executive officer by this
7 chapter. The appointment of the executive officer is subject to the
8 approval of the Director of Consumer Affairs.

9 (2) The commission may employ a chief athletic inspector. If
10 the commission employs a chief athletic inspector, the chief athletic
11 inspector shall exercise the powers and perform the duties delegated
12 by the commission and authorized by the executive officer related
13 to the regulation of events under this chapter.

14 (3) The commission may employ an assistant chief athletic
15 inspector. If the commission employs an assistant chief athletic
16 inspector, the assistant chief athletic inspector shall assist the chief
17 athletic inspector in exercising the powers and performing the
18 duties delegated by the commission and authorized by the executive
19 officer related to the regulation of events under this chapter.

20 (4) The commission may employ in accordance with Section
21 154 other personnel as may be necessary for the administration of
22 this chapter.

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

25 SEC. 72.

26 SEC. 95. No reimbursement is required by this act pursuant
27 to Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

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**SB 1495 (Senate Committee on Business, Professions and Economic Development)
Professions and vocations**

Status/History: 8/4/2022 – Ordered to Assembly Third Reading, file date 8/10/2022.

Location: 8/10/2022 – Assembly

Introduced: 3/15/2022

Last Amended: 6/29/2022

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

Board Staff Analysis: 8/10/2022

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 205, 1753.55, 1910.5, 1922, 1926, 1926.01, 1926.05, 1936.1, 2023.5, 2240, 2401, 2435.1, 2516, 2746.55, 3502.4, 3520, 3537.10, 3537.15, 3537.25, 3537.30, 3537.35, 3537.40, 3537.50, 4170, 4175, 4846.5, 4883, 4980.03, 4980.396, 4996.20, 4999.12, 6534, 6538, 6560, 6561, 7086.10, 7506.1, 7520.3, 7523, 7583.10, 7583.30, 7585.8, 7841.2, 9888.5, 10083.2, 10140.6, 10153.2, 10153.3, 10153.4, 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, to amend and repeal Section 10151 of, and to repeal Section 7583.15 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 was amended on June 21 and 29, 2022, to add sections relating to the other boards and bureaus that do not affect the Board. However, since the bill has been amended since the Board took a position, staff recommends that the Board take a position of “Support” on SB 1495, as amended June 29, 2022.

SB 1495 has been ordered to the Assembly Third Reading for August 8, 2022.

Staff Recommendation: Staff recommends the Board take a position of “Support” on SB 1495, as amended June 29, 2022.

AMENDED IN ASSEMBLY JUNE 29, 2022

AMENDED IN ASSEMBLY JUNE 21, 2022

SENATE BILL

No. 1495

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 205, 1753.55, 1910.5, 1922, 1926, 1926.01, 1926.05, 1936.1, 2023.5, 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, *4170*, *4175*, 4846.5, 4883, 4980.03, 4980.396, 4996.20, 4999.12, 6534, 6538, 6560, 6561, 7086.10, 7506.1, 7520.3, 7523, 7583.10, 7583.30, 7585.8, 7841.2, 9888.5, 10083.2, 10140.6, 10153.2, 10153.3, 10153.4, 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, to amend and repeal Section 10151 of, and to repeal Section 7583.15 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1495, as amended, 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.

Chapter 332 of the Statutes of 2012, among other things, renamed the Physician Assistant Committee as the Physician Assistant Board.

This bill would update the name of the Physician Assistant Board in provisions relating to healing arts that reference the 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.

The Veterinary Medicine Practice Act authorizes the board to deny, revoke, or suspend a licensee or registrant or assess a fine if a licensee or registrant makes a statement, claim, or advertisement that they are a veterinary specialist or board certified unless they are certified by a specified organization.

This bill would add an additional organization to certify a licensee or registrant for this purpose.

(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.”

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. The bill would make clarifying changes to the educational requirement provisions.

(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) Existing law, the Professional Fiduciaries Act, created the Professional Fiduciaries Bureau in the Department of Consumer Affairs and requires the bureau to license and regulate professional fiduciaries, as specified. Existing law requires the bureau to maintain specific records concerning its licensees on file, including the names of trusts and decedent's estates currently administered by the licensee and the

case names, court locations, and case numbers of all conservatorship, guardianship, or trust or other estate administration cases that are closed for which the licensee served as the conservator, guardian, trustee, or personal representative. Existing law also requires that the bureau maintain information on whether the licensee has ever resigned as a conservator, guardian, trustee, personal representative, agent under a durable power of attorney for health care, or agent under a durable power of attorney for finances, in a specific case.

This bill would specify that the bureau is required to maintain the above-described information relating to the names of trusts and decedent's estates currently administered by a licensee and the case names, court locations, and case numbers of all conservatorship, guardianship, or trust or other estate administration cases that are closed for which the licensee served as the conservator, guardian, trustee, or personal representative regardless of whether the case is court supervised or court appointed. The bill would also require that the bureau maintain the case names, court locations, and case numbers of conservatorships, guardianships, or trusts or other estate administration cases that are closed for which the licensee served as agent under durable power of attorney for finance or health care. The bill would also require that the bureau maintain information on whether the licensee has settled a matter in which a complaint has been filed with the court in a specific case.

Existing law provides that a license issued under the Professional Fiduciaries Act expires one year after it was issued on the last day of the month in which it was issued and authorizes a licensee to renew a license, as provided. Existing law requires that a licensee complete 15 hours of approved continuing education courses each year, including at least two hours in ethics or cultural competency, as specified, in order to renew a license or restore a license from retired status to active status.

This bill would, instead, require that the above-described 15 hours of approved continuing education courses, as specified, be completed each annual renewal cycle.

Existing law requires licensees under the Professional Fiduciaries Act to maintain client records and to make those records available for audit by the bureau.

This bill would specify that a licensee is required to make client records available for audit or review by the bureau upon request.

Existing law requires licensees under the Professional Fiduciaries Act to annually submit to the bureau a statement under penalty of perjury containing specified information, including the case names, court

locations, and case numbers for all matters where the licensee has been appointed by the court.

This bill would, instead, require that the above-described statement include the case names, court locations, and case numbers of all conservatorship, guardianship, trust, and other estate administration cases that are closed for which the licensee served as the conservator, guardian, trustee, agent under a durable power of attorney for finance or health care, and personal representative of a decedent's estate. The bill would additionally require that the annual statement include the names of the licensee's current conservatees, wards, principals under a durable power of attorney for health care, or principals under a durable power of attorney for finances, and the names of trusts and decedent's estates currently administered by the licensee, as provided. By requiring that a licensee provide this information under penalty of perjury, the bill would impose a state-mandated local program.

(10) Existing law, the Private Investigator Act, provides for the licensure and regulation of private investigators and makes violations of those provisions a crime. Existing law requires limited liability companies licensed as private investigators to maintain an insurance policy against liability imposed against it arising out of the private investigator services it provides and requires the licensee to report any paid or pending claim against its insurance to the bureau. Existing law requires the bureau to post a notice of the claim on the Department of Consumer Affairs BreEZe License Verification internet webpage.

This bill would instead require the licensee to report annually, on and after March 1, 2023, any claim paid during the prior calendar year, and would require the bureau to create a form for that purpose, and would remove the requirement that the bureau post a notice of the claim. Because a violation of these provisions is a misdemeanor, the bill would impose a state-mandated local program by expanding the scope of a crime.

(11) Existing law, the Private Security Services Act, provides for the licensure and regulation of private security services, including private patrol operators. Existing law requires security guards to carry a security guard registration card while on duty and carry a firearms permit while carrying a firearm on duty, except as specified. Existing law requires a security guard, who in the course of business or employment carries a firearm, to take a course in the power to arrest and, on and after January 1, 2023, a course in the appropriate use of force. Existing law requires a security guard registration application to include the expiration

date of the license or certification of the course provider for those courses. Existing law requires an applicant to pay a \$10 certification fee for the replacement of a certified firearms qualification card.

This bill would repeal the requirement that the expiration date of the license or certification of the course provider be included in the security guard registration application. The bill would repeal the requirement that the applicant pay a \$10 certification fee and would instead require the applicant to pay a fee as otherwise prescribed for the replacement of a certified firearms qualification card.

Existing law authorizes the Director of Consumer Affairs to require a licensed private patrol operator to suspend a security guard from employment if the director determines they may present an undue hazard to the public safety.

This bill would repeal that provision.

(12) Existing law, the Automotive Repair Act, provides for the registration and regulation of automotive repair dealers by the Bureau of Automotive Repair in the Department of Consumer Affairs. Existing law requires the Director of Consumer Affairs to issue vehicle safety systems inspection licenses to stations and technicians to conduct inspections of, and repairs to, safety systems of vehicles. Existing law requires the director to develop inspection criteria and standards for specific safety systems and to adopt regulations as specified, including to develop a certification process for vehicles and a form for a certificate of compliance that contains, among other things, the name of the owner of the vehicle.

This bill would remove the requirement that the form contain the name of the owner of the vehicle.

(13) Existing law, the Contractors State License Law, establishes the Contractors State License Board within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of contractors. Existing law establishes the Solar Energy System Restitution Program for the purpose of providing restitution to certain consumers with a solar energy system installed by a contractor on a single-family residence, as specified. Existing law requires the board to display a notice, as specified, that a licensee was the subject of a payment from the program if the licensee caused a payment of an award to a consumer pursuant to the program.

This bill would specify that the board is required to display this notice for a licensee whose license is revoked or pending revocation and who caused a payment of an award to a consumer pursuant to the program.

(14) Existing law, the Collateral Recovery Act, provides for the licensure and regulation of repossession agencies by the Bureau of Security and Investigative Services under the supervision and control of the Director of Consumer Affairs.

This bill would remove an obsolete reference in the act.

This bill would additionally make various nonsubstantive changes in the above-mentioned provisions.

(15) 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 205 of the Business and Professions
2 Code, as amended by Section 8.5 of Chapter 312 of the Statutes
3 of 2020, is amended to read:

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

7 (1) Accountancy Fund.

8 (2) California Architects Board Fund.

9 (3) Athletic Commission Fund.

10 (4) Barbering and Cosmetology Contingent Fund.

11 (5) Cemetery and Funeral Fund.

12 (6) Contractors License Fund.

13 (7) State Dentistry Fund.

14 (8) Home Furnishings and Thermal Insulation Fund.

15 (9) California Architects Board-Landscape Architects Fund.

16 (10) Contingent Fund of the Medical Board of California.

17 (11) Optometry Fund.

18 (12) Pharmacy Board Contingent Fund.

19 (13) Physical Therapy Fund.

20 (14) Private Security Services Fund.

21 (15) Professional Engineer's, Land Surveyor's, and Geologist's
22 Fund.

23 (16) Consumer Affairs Fund.

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

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

28 SEC. 2. Section 1753.55 of the Business and Professions Code
29 is amended to read:

30 1753.55. (a) A registered dental assistant in extended functions
31 is authorized to perform the additional duties as set forth in
32 subdivision (b) pursuant to the order, control, and full professional
33 responsibility of a supervising dentist, if the licensee meets one of
34 the following requirements:

- 35 (1) Is licensed on or after January 1, 2010.
- 36 (2) Is licensed before January 1, 2010, and has successfully
37 completed a board-approved course in the additional procedures
38 specified in paragraphs (1), (2), (5), and (7) to (11), inclusive, of
39 subdivision (b) of Section 1753.5.

1 (b) (1) Determine which radiographs to perform on a patient
2 who has not received an initial examination by the supervising
3 dentist for the specific purpose of the dentist making a diagnosis
4 and treatment plan for the patient. In these circumstances, the
5 dental assistant in extended functions shall follow protocols
6 established by the supervising dentist. This paragraph only applies
7 in the following settings:
8 (A) In a dental office setting.
9 (B) In public health settings, using telehealth, as defined by
10 Section 2290.5, for the purpose of communication with the
11 supervising dentist, including, but not limited to, schools, head
12 start and preschool programs, and community clinics, under the
13 general supervision of a dentist.

14 (2) Place protective restorations, which for this purpose are
15 identified as interim therapeutic restorations, and defined as a
16 direct provisional restoration placed to stabilize the tooth until a
17 licensed dentist diagnoses the need for further definitive treatment.
18 An interim therapeutic restoration consists of the removal of soft
19 material from the tooth using only hand instrumentation, without
20 the use of rotary instrumentation, and subsequent placement of an
21 adhesive restorative material. Local anesthesia shall not be
22 necessary for interim therapeutic restoration placement. Interim
23 therapeutic restorations shall be placed only in accordance with
24 both of the following:
25 (A) In either of the following settings:
26 (i) In a dental office setting, under the direct or general
27 supervision of a dentist as determined by the dentist.
28 (ii) In public health settings, using telehealth, as defined by
29 Section 2290.5, for the purpose of communication with the
30 supervising dentist, including, but not limited to, schools, head
31 start and preschool programs, and community clinics, under the
32 general supervision of a dentist.
33 (B) After the diagnosis, treatment plan, and instruction to
34 perform the procedure provided by a dentist.

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

1 (d) No later than January 1, 2018, the board shall adopt
2 regulations to establish requirements for courses of instruction for
3 the procedures authorized to be performed by a registered dental
4 assistant in extended functions pursuant to this section using the
5 competency-based training protocols established by the Health
6 Workforce Pilot Project (HWPP) No. 172 through the Department
7 of Health Care Access and Information. The board shall submit
8 to the committee proposed regulatory language for the curriculum
9 for the Interim Therapeutic Restoration to the committee for the
10 purpose of promulgating regulations for registered dental hygienists
11 and registered dental hygienists in alternative practice as described
12 in Section 1910.5. The language submitted by the board shall
13 mirror the instructional curriculum for the registered dental
14 assistant in extended functions. Any subsequent amendments to
15 the regulations that are promulgated by the board for the Interim
16 Therapeutic Restoration curriculum shall be submitted to the
17 committee.

18 (e) The board may issue a permit to a registered dental assistant
19 in extended functions who files a completed application, including
20 the fee, to provide the duties specified in this section after the board
21 has determined the registered dental assistant in extended functions
22 has completed the coursework required in subdivision (c).

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

24 SEC. 3. Section 1910.5 of the Business and Professions Code
25 is amended to read:

26 1910.5. (a) In addition to the duties specified in Section 1910,
27 a registered dental hygienist is authorized to perform the following
28 additional duties, as specified:

29 (1) Determine which radiographs to perform on a patient who
30 has not received an initial examination by the supervising dentist
31 for the specific purpose of the dentist making a diagnosis and
32 treatment plan for the patient. In these circumstances, the dental
33 hygienist shall follow protocols established by the supervising
34 dentist. This paragraph only applies in the following settings:

35 (A) In a dental office setting.

36 (B) In a public health setting, using telehealth, as defined by
37 Section 2290.5, for the purpose of communication with the
38 supervising dentist, including, but not limited to, schools, head
39 start and preschool programs, and community clinics.

1 (2) Place protective restorations, which for this purpose are
2 identified as interim therapeutic restorations, and defined as a
3 direct provisional restoration placed to stabilize the tooth until a
4 licensed dentist diagnoses the need for further definitive treatment.
5 An interim therapeutic restoration consists of the removal of soft
6 material from the tooth using only hand instrumentation, without
7 the use of rotary instrumentation, and subsequent placement of an
8 adhesive restorative material. Local anesthesia shall not be
9 necessary for interim therapeutic restoration placement. Interim
10 therapeutic restorations shall be placed only in accordance with
11 both of the following:

12 (A) In either of the following settings:

13 (i) In a dental office setting.

14 (ii) In a public health setting, using telehealth, as defined by
15 Section 2290.5, for the purpose of communication with the
16 supervising dentist, including, but not limited to, schools, head
17 start and preschool programs, and community clinics.

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

20 (b) The functions described in subdivision (a) may be performed
21 by a registered dental hygienist only after completion of a program
22 that includes training in performing those functions, or after
23 providing evidence, satisfactory to the dental hygiene board, of
24 having completed a dental hygiene board-approved course in those
25 functions.

26 (c) No later than January 1, 2018, the dental hygiene board shall
27 adopt regulations to establish requirements for courses of
28 instruction for the procedures authorized to be performed by a
29 registered dental hygienist and registered dental hygienist in
30 alternative practice pursuant to Sections 1910.5 and 1926.05, using
31 the competency-based training protocols established by the Health
32 Workforce Pilot Project (HWPP) No. 172 through the Department
33 of Health Care Access and Information. The dental hygiene board
34 shall use the curriculum submitted by the board pursuant to Section
35 1753.55 to adopt regulatory language for approval of courses of
36 instruction for the interim therapeutic restoration. Any subsequent
37 amendments to the regulations for the interim therapeutic
38 restoration curriculum that are promulgated by the dental hygiene
39 board shall be agreed upon by the board and the dental hygiene
40 board.

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

2 SEC. 4. Section 1922 of the Business and Professions Code is
3 amended to read:

4 1922. The dental hygiene board shall license as a registered
5 dental hygienist in alternative practice a person who demonstrates
6 satisfactory performance on an examination in California law and
7 ethics required by the dental hygiene board and who completes an
8 application form and pays all application fees required by the dental
9 hygiene board and meets either of the following requirements:

10 (a) Holds a current California license as a registered dental
11 hygienist and meets the following requirements:

12 (1) Has been engaged in the practice of dental hygiene, as
13 defined in Section 1908, as a registered dental hygienist in any
14 setting, including, but not limited to, educational settings and public
15 health settings, for a minimum of 2,000 hours during the
16 immediately preceding 36 months.

17 (2) Has successfully completed a bachelor's degree or its
18 equivalent, recognized as a minimum of 120 semester credit hours
19 or 180 quarter credit hours in postsecondary education, from a
20 college or institution of higher education that is accredited by a
21 national or regional accrediting agency recognized by the United
22 States Department of Education, and a minimum of 150 hours of
23 additional educational requirements, as prescribed by the dental
24 hygiene board by regulation, that are consistent with good dental
25 and dental hygiene practice, including, but not necessarily limited
26 to, dental hygiene technique and theory including gerontology and
27 medical emergencies, and business administration and practice
28 management.

29 (b) Has received a letter of acceptance into the employment
30 utilization phase of the Health Workforce Pilot Project No. 155
31 established by the Department of Health Care Access and
32 Information pursuant to Article 1 (commencing with Section
33 128125) of Chapter 3 of Part 3 of Division 107 of the Health and
34 Safety Code.

35 SEC. 5. Section 1926 of the Business and Professions Code is
36 amended to read:

37 1926. In addition to practices authorized in Section 1925, a
38 registered dental hygienist in alternative practice may perform the
39 duties authorized pursuant to subdivision (a) of Section 1907,

1 subdivision (a) of Section 1908, and subdivisions (a) and (b) of
2 Section 1910 in the following settings:

- 3 (a) Residences of the homebound.
- 4 (b) Schools.
- 5 (c) Residential facilities and other institutions and medical
6 settings that a residential facility patient has been transferred to
7 for outpatient services.
- 8 (d) Dental health professional shortage areas, as certified by the
9 Department of Health Care Access and Information in accordance
10 with existing office guidelines.
- 11 (e) Dental offices.

12 SEC. 6. Section 1926.01 of the Business and Professions Code
13 is amended to read:

14 1926.01. (a) In addition to practices authorized in Section
15 1925, a registered dental hygienist in alternative practice may
16 perform the duties authorized pursuant to subdivisions (a) and (b)
17 of Section 1909 with documented consultation with a collaborating
18 dentist in the following settings:

- 19 (1) Residences of the homebound.
- 20 (2) Residential facilities and other institutions and medical
21 settings that a residential facility patient has been transferred to
22 for outpatient services.
- 23 (3) Dental health professional shortage areas, as certified by the
24 Department of Health Care Access and Information in accordance
25 with existing office guidelines.
- 26 (4) Dental offices.

27 (b) The registered dental hygienist in alternative practice shall
28 have all of the following immediately available when services
29 authorized in this section are being performed:

- 30 (1) One additional individual trained in basic life support
31 qualified to administer cardiopulmonary resuscitation during an
32 emergency.
- 33 (2) Equipment and supplies for emergency response, including
34 oxygen.

35 SEC. 7. Section 1926.05 of the Business and Professions Code
36 is amended to read:

37 1926.05. (a) In addition to the duties specified in Section 1926,
38 a registered dental hygienist in alternative practice is authorized
39 to perform the duties pursuant to Section 1910.5, in the following
40 settings:

- 1 (1) Residences of the homebound.
- 2 (2) Schools.
- 3 (3) Residential facilities and other institutions.
- 4 (4) Dental or medical settings.
- 5 (5) Dental health professional shortage areas, as certified by the
- 6 Department of Health Care Access and Information in accordance
- 7 with existing office guidelines.

8 (b) A registered dental hygienist in alternative practice is
9 authorized to perform the duties pursuant to paragraph (2) of
10 subdivision (a) of Section 1910.5 in the settings specified in this
11 section after there has been a diagnosis, treatment plan, and
12 instruction to perform the procedure provided by a dentist.

13 SEC. 8. Section 1936.1 of the Business and Professions Code
14 is amended to read:

15 1936.1. (a) The dental hygiene board shall require, as a
16 condition of license renewal, that licensees submit assurances
17 satisfactory to the dental hygiene board that they had, during the
18 preceding two-year period, informed themselves of the
19 developments in the practice of dental hygiene occurring since the
20 original issuance of their licenses by pursuing one or more courses
21 of study satisfactory to the dental hygiene board, or by other means
22 deemed equivalent by the dental hygiene board. The dental hygiene
23 board shall adopt, amend, and revoke regulations providing for
24 the suspension of the licenses at the end of the two-year period
25 until compliance with the assurances provided for in this section
26 is accomplished. The dental hygiene board shall conduct random
27 audits of at least 5 percent of the licensee population each year to
28 ensure compliance of the continuing education requirement.

29 (b) The dental hygiene board shall also, as a condition of license
30 renewal, require licensees to successfully complete a portion of
31 the required continuing education hours in specific areas adopted
32 in regulations by the dental hygiene board. The dental hygiene
33 board may prescribe this mandatory coursework within the general
34 areas of patient care, health and safety, and law and ethics. The
35 mandatory coursework prescribed by the dental hygiene board
36 shall not exceed seven and one-half hours per renewal period. Any
37 mandatory coursework required by the dental hygiene board shall
38 be credited toward the continuing education requirements
39 established by the dental hygiene board pursuant to subdivision
40 (a).

1 (c) The providers of courses referred to in this section shall be
2 approved by the dental hygiene board. Providers approved by the
3 dental board shall be deemed approved by the dental hygiene board.

4 *SEC. 9. Section 2023.5 of the Business and Professions Code*
5 *is amended to read:*

6 2023.5. (a) The board, in conjunction with the Board of
7 Registered Nursing, and in consultation with the Physician
8 Assistant-~~Committee~~ *Board* and professionals in the field, shall
9 review issues and problems surrounding the use of laser or intense
10 light pulse devices for elective cosmetic procedures by physicians
11 and surgeons, nurses, and physician assistants. The review shall
12 include, but need not be limited to, all of the following:

13 (1) The appropriate level of physician supervision needed.

14 (2) The appropriate level of training to ensure competency.

15 (3) Guidelines for standardized procedures and protocols that
16 address, at a minimum, all of the following:

17 (A) Patient selection.

18 (B) Patient education, instruction, and informed consent.

19 (C) Use of topical agents.

20 (D) Procedures to be followed in the event of complications or
21 side effects from the treatment.

22 (E) Procedures governing emergency and urgent care situations.

23 (b) Nothing in this section shall be construed to modify the
24 prohibition against the unlicensed practice of medicine.

25 ~~SEC. 9.~~

26 *SEC. 10. Section 2240 of the Business and Professions Code*
27 *is amended to read:*

28 2240. (a) A physician and surgeon who performs a medical
29 procedure outside of a general acute care hospital, as defined in
30 subdivision (a) of Section 1250 of the Health and Safety Code,
31 that results in the death of any patient on whom that medical
32 treatment was performed by the physician and surgeon, or by a
33 person acting under the physician and surgeon's orders or
34 supervision, shall report, in writing on a form prescribed by the
35 board, that occurrence to the board within 15 days after the
36 occurrence.

37 (b) A physician and surgeon who performs a scheduled medical
38 procedure outside of a general acute care hospital, as defined in
39 subdivision (a) of Section 1250 of the Health and Safety Code,
40 that results in the transfer to a hospital or emergency center for

1 medical treatment for a period exceeding 24 hours, of any patient
2 on whom that medical treatment was performed by the physician
3 and surgeon, or by a person acting under the physician and
4 surgeon's orders or supervision, shall report, in writing, on a form
5 prescribed by the board that occurrence, within 15 days after the
6 occurrence. The form shall contain all of the following information:
7 (1) Name of the patient's physician in the outpatient setting.
8 (2) Name of the physician with hospital privileges.
9 (3) Name of the patient and patient identifying information.
10 (4) Name of the hospital or emergency center where the patient
11 was transferred.
12 (5) Type of outpatient procedures being performed.
13 (6) Events triggering the transfer.
14 (7) Duration of the hospital stay.
15 (8) Final disposition or status, if not released from the hospital,
16 of the patient.
17 (9) Physician's practice specialty and ABMS certification, if
18 applicable.
19 (c) The form described in subdivision (b) shall be constructed
20 in a format to enable the physician and surgeon to transmit the
21 information in paragraphs (5) to (9), inclusive, to the board in a
22 manner that the physician and surgeon and the patient are
23 anonymous and their identifying information is not transmitted to
24 the board. The entire form containing information described in
25 paragraphs (1) to (9), inclusive, shall be placed in the patient's
26 medical record.
27 (d) The board shall aggregate the data and publish an annual
28 report on the information collected pursuant to subdivisions (a)
29 and (b).
30 (e) On and after January 1, 2002, the data required in subdivision
31 (b) shall be sent to the Department of Health Care Access and
32 Information instead of the board. The Department of Health Care
33 Access and Information may revise the reporting requirements to
34 fit state and national standards, as applicable. The board shall work
35 with the Department of Health Care Access and Information in
36 developing the reporting mechanism to satisfy the data collection
37 requirements of this section.
38 (f) The failure to comply with this section constitutes
39 unprofessional conduct.

1 ~~SEC. 10.~~

2 *SEC. 11.* Section 2401 of the Business and Professions Code
3 is amended to read:

4 2401. (a) Notwithstanding Section 2400, a clinic operated
5 primarily for the purpose of medical education by a public or
6 private nonprofit university medical school, which is approved by
7 the board or the Osteopathic Medical Board of California, may
8 charge for professional services rendered to teaching patients by
9 licensees who hold academic appointments on the faculty of the
10 university, if the charges are approved by the physician and surgeon
11 in whose name the charges are made.

12 (b) Notwithstanding Section 2400, a clinic operated under
13 subdivision (p) of Section 1206 of the Health and Safety Code
14 may employ licensees and charge for professional services rendered
15 by those licensees. However, the clinic shall not interfere with,
16 control, or otherwise direct the professional judgment of a
17 physician and surgeon in a manner prohibited by Section 2400 or
18 any other law.

19 (c) Notwithstanding Section 2400, a narcotic treatment program
20 operated under Section 11876 of the Health and Safety Code and
21 regulated by the State Department of Health Care Services, may
22 employ licensees and charge for professional services rendered by
23 those licensees. However, the narcotic treatment program shall
24 not interfere with, control, or otherwise direct the professional
25 judgment of a physician and surgeon in a manner prohibited by
26 Section 2400 or any other law.

27 (d) Notwithstanding Section 2400, a hospital that is owned and
28 operated by a licensed charitable organization, that offers only
29 pediatric subspecialty care, that, before January 1, 2013, employed
30 licensees on a salary basis, and that has not charged for professional
31 services rendered to patients may, commencing January 1, 2013,
32 charge for professional services rendered to patients, provided the
33 following conditions are met:

34 (1) The hospital does not increase the number of salaried
35 licensees by more than five licensees each year.

36 (2) The hospital does not expand its scope of services beyond
37 pediatric subspecialty care.

38 (3) The hospital accepts each patient needing its scope of
39 services regardless of the patient's ability to pay, including whether
40 the patient has any form of health care coverage.

1 (4) The medical staff concur by an affirmative vote that the
2 licensee's employment is in the best interest of the communities
3 served by the hospital.

4 (5) The hospital does not interfere with, control, or otherwise
5 direct a physician and surgeon's professional judgment in a manner
6 prohibited by Section 2400 or any other law.

7 (e) (1) Notwithstanding Section 2400, until January 1, 2024, a
8 federally certified critical access hospital may employ licensees
9 and charge for professional services rendered by those licensees
10 to patients, provided both of the following conditions are met:

11 (A) The medical staff concur by an affirmative vote that the
12 licensee's employment is in the best interest of the communities
13 served by the hospital.

14 (B) The hospital does not interfere with, control, or otherwise
15 direct a physician and surgeon's professional judgment in a manner
16 prohibited by Section 2400 or any other law.

17 (2) (A) On or before July 1, 2023, the Department of Health
18 Care Access and Information shall provide a report to the
19 Legislature containing data about the impact of paragraph (1) on
20 federally certified critical access hospitals and their ability to recruit
21 and retain physicians and surgeons between January 1, 2017, and
22 January 1, 2023, inclusive. This report shall be submitted in
23 compliance with Section 9795 of the Government Code. The
24 requirement for submitting a report imposed under this
25 subparagraph is inoperative on July 1, 2027.

26 (B) The Department of Health Care Access and Information
27 shall determine the format of the report, as well as the methods
28 and data elements to be utilized in the development of the report.

29 (C) On and after July 1, 2017, a federally certified critical access
30 hospital that is employing licensees and charging for professional
31 services rendered by those licensees to patients under this section
32 shall submit to the office, on or before July 1 of each year, a report
33 for any year in which that hospital has employed or is employing
34 licensees and charging for professional services rendered by those
35 licensees to patients. The report shall include data elements as
36 required by the office and shall be submitted in a format as required
37 by the Department of Health Care Access and Information. The
38 requirement for submitting reports imposed under this
39 subparagraph shall be inoperative on July 1, 2023.

1 ~~SEC. 11.~~

2 *SEC. 12.* Section 2435.1 of the Business and Professions Code
3 is amended to read:

4 2435.1. (a) In addition to the fees charged for the initial
5 issuance or biennial renewal of a physician and surgeon's certificate
6 pursuant to Section 2435, and at the time those fees are charged,
7 the board shall charge each applicant or renewing licensee an
8 additional twenty-five dollar (\$25) fee for the purposes of this
9 section.

10 (b) Payment of this twenty-five dollar (\$25) fee shall be
11 voluntary, paid at the time of application for initial licensure or
12 biennial renewal, and due and payable along with the fee for the
13 initial certificate or biennial renewal.

14 (c) The board shall transfer all funds collected pursuant to this
15 section, on a monthly basis, to the Department of Health Care
16 Access and Information to augment the local assistance line item
17 of the annual Budget Act in support of the Song-Brown Family
18 Physician Training Act (Article 1 (commencing with Section
19 128200) of Chapter 4 of Part 3 of Division 107 of the Health and
20 Safety Code).

21 ~~SEC. 12.~~

22 *SEC. 13.* Section 2516 of the Business and Professions Code
23 is amended to read:

24 2516. (a) Each licensed midwife who assists, or supervises a
25 student midwife in assisting, in childbirth that occurs in an
26 out-of-hospital setting shall annually report to the Department of
27 Health Care Access and Information. The report shall be submitted
28 no later than March 30, for the prior calendar year, in a form
29 specified by the board and shall contain all of the following:

30 (1) The midwife's name and license number.

31 (2) The calendar year being reported.

32 (3) The following information with regard to cases in California
33 in which the midwife, or the student midwife supervised by the
34 midwife, assisted during the previous year when the intended place
35 of birth at the onset of care was an out-of-hospital setting:

36 (A) The total number of clients served as primary caregiver at
37 the onset of care.

38 (B) The number by county of live births attended as primary
39 caregiver.

- 1 (C) The number, by county, of cases of fetal demise, infant
2 deaths, and maternal deaths attended as primary caregiver at the
3 discovery of the demise or death.
- 4 (D) The number of women whose primary care was transferred
5 to another health care practitioner during the antepartum period,
6 and the reason for each transfer.
- 7 (E) The number, reason, and outcome for each elective hospital
8 transfer during the intrapartum or postpartum period.
- 9 (F) The number, reason, and outcome for each urgent or
10 emergency transport of an expectant mother in the antepartum
11 period.
- 12 (G) The number, reason, and outcome for each urgent or
13 emergency transport of an infant or mother during the intrapartum
14 or immediate postpartum period.
- 15 (H) The number of planned out-of-hospital births at the onset
16 of labor and the number of births completed in an out-of-hospital
17 setting.
- 18 (I) The number of planned out-of-hospital births completed in
19 an out-of-hospital setting that were any of the following:
- 20 (i) Twin births.
- 21 (ii) Multiple births other than twin births.
- 22 (iii) Breech births.
- 23 (iv) Vaginal births after the performance of a cesarean section.
- 24 (J) A brief description of any complications resulting in the
25 morbidity or mortality of a mother or a neonate.
- 26 (K) Any other information prescribed by the board in
27 regulations.
- 28 (b) The Department of Health Care Access and Information
29 shall maintain the confidentiality of the information submitted
30 pursuant to this section, and shall not permit any law enforcement
31 or regulatory agency to inspect or have copies made of the contents
32 of any reports submitted pursuant to subdivision (a) for any
33 purpose, including, but not limited to, investigations for licensing,
34 certification, or regulatory purposes.
- 35 (c) The Department of Health Care Access and Information
36 shall report to the board, by April 30, those licensees who have
37 met the requirements of subdivision (a) for that year.
- 38 (d) The board shall send a written notice of noncompliance to
39 each licensee who fails to meet the reporting requirement of
40 subdivision (a). Failure to comply with subdivision (a) will result

1 in the midwife being unable to renew their license without first
2 submitting the requisite data to the Department of Health Care
3 Access and Information for the year for which that data was
4 missing or incomplete. The board shall not take any other action
5 against the licensee for failure to comply with subdivision (a).

6 (e) The board, in consultation with the Department of Health
7 Care Access and Information and the Midwifery Advisory Council,
8 shall devise a coding system related to data elements that require
9 coding in order to assist in both effective reporting and the
10 aggregation of data pursuant to subdivision (f). The Department
11 of Health Care Access and Information shall utilize this coding
12 system in its processing of information collected for purposes of
13 subdivision (f).

14 (f) The Department of Health Care Access and Information shall
15 report the aggregate information collected pursuant to this section
16 to the board by July 30 of each year. The board shall include this
17 information in its annual report to the Legislature.

18 (g) The board, with input from the Midwifery Advisory Council,
19 may adjust the data elements required to be reported to better
20 coordinate with other reporting systems, including the reporting
21 system of the Midwives Alliance of North America (MANA),
22 while maintaining the data elements unique to California. To better
23 capture data needed for the report required by this section, the
24 concurrent use of systems, including MANA's, by licensed
25 midwives is encouraged.

26 (h) Notwithstanding any other law, a violation of this section
27 shall not be a crime.

28 ~~SEC. 13. Section 2725.4 of the Business and Professions Code~~
29 ~~is amended to read:~~

30 ~~2725.4. Notwithstanding this chapter, the following shall apply:~~

31 ~~(a) In order to perform an abortion by aspiration techniques~~
32 ~~pursuant to Section 2253, a person with a license or certificate to~~
33 ~~practice as a nurse practitioner or a certified nurse-midwife shall~~
34 ~~complete training recognized by the Board of Registered Nursing.~~
35 ~~Beginning January 1, 2014, and until January 1, 2016, the~~
36 ~~competency-based training protocols established by Health~~
37 ~~Workforce Pilot Project (HWPP) No. 171 through the Department~~
38 ~~of Health Care Access and Information shall be used.~~

39 ~~(b) In order to perform an abortion by aspiration techniques~~
40 ~~pursuant to Section 2253, a person with a license or certificate to~~

1 practice as a nurse practitioner or a certified nurse-midwife shall
2 adhere to standardized procedures developed in compliance with
3 subdivision (e) of Section 2725 that specify all of the following:

4 (1) ~~The extent of supervision by a physician and surgeon with~~
5 ~~relevant training and expertise.~~

6 (2) ~~Procedures for transferring patients to the care of the~~
7 ~~physician and surgeon or a hospital.~~

8 (3) ~~Procedures for obtaining assistance and consultation from~~
9 ~~a physician and surgeon.~~

10 (4) ~~Procedures for providing emergency care until physician~~
11 ~~assistance and consultation are available.~~

12 (5) ~~The method of periodic review of the provisions of the~~
13 ~~standardized procedures.~~

14 (e) ~~A nurse practitioner or certified nurse-midwife who has~~
15 ~~completed training and achieved clinical competency through~~
16 ~~HWPP No. 171 shall be authorized to perform abortions by~~
17 ~~aspiration techniques pursuant to Section 2253, in adherence to~~
18 ~~standardized procedures described in subdivision (b).~~

19 (d) ~~It is unprofessional conduct for any nurse practitioner or~~
20 ~~certified nurse-midwife to perform an abortion by aspiration~~
21 ~~techniques pursuant to Section 2253 without prior completion of~~
22 ~~training and validation of clinical competency.~~

23 SEC. 14. Section 2746.55 of the Business and Professions
24 Code is amended to read:

25 2746.55. (a) For all maternal or neonatal transfers to the
26 hospital setting during labor or the immediate postpartum period,
27 for which the intended place of birth was an out-of-hospital setting
28 at the onset of labor, or for any maternal, fetal, or neonatal death
29 that occurred in the out-of-hospital setting during labor or the
30 immediate postpartum period, and for which the intended birth
31 care provider is a certified nurse-midwife in the out-of-hospital
32 setting, the department shall collect, and the certified nurse-midwife
33 shall be required to submit, within 90 days of the transfer or death,
34 the following data in the form determined by the department. The
35 data shall include all of the following:

36 (1) Attendant's name, for the certified nurse-midwife who
37 attended the patient at the time of transfer, or who attended the
38 patient at the time of maternal, fetal, or neonatal death.

- 1 (2) Attendant's license number, for the certified nurse-midwife
- 2 who attended the patient at the time of transfer, or who attended
- 3 the patient at the time of maternal, fetal, or neonatal death.
- 4 (3) The child's date of delivery for births attended by the
- 5 nurse-midwife.
- 6 (4) The sex of the child, for births attended by the
- 7 nurse-midwife.
- 8 (5) The date of birth of the parent giving birth.
- 9 (6) The date of birth of the parent not giving birth.
- 10 (7) The residence ZIP Code of the parent giving birth.
- 11 (8) The residence county of the parent giving birth.
- 12 (9) The weight of the parent giving birth (prepregnancy weight
- 13 and delivery weight of parent giving birth).
- 14 (10) The height of the parent giving birth.
- 15 (11) The race and ethnicity of the genetic parents, unless the
- 16 parent declines to disclose.
- 17 (12) The obstetric estimate of gestation (completed weeks), at
- 18 time of transfer.
- 19 (13) The total number of prior live births.
- 20 (14) The principal source of payment code for delivery.
- 21 (15) Any complications and procedures of pregnancy and
- 22 concurrent illnesses up until time of transfer or death.
- 23 (16) Any complications and procedures of labor and delivery
- 24 up until time of transfer or death.
- 25 (17) Any abnormal conditions and clinical procedures related
- 26 to the newborn up until time of transfer or death.
- 27 (18) Fetal presentation at birth, or up until time of transfer.
- 28 (19) Whether this pregnancy is a multiple pregnancy (more than
- 29 one fetus this pregnancy).
- 30 (20) Whether the patient has had a previous cesarean section.
- 31 (21) If the patient had a previous cesarean, indicate how many.
- 32 (22) The intended place of birth at the onset of labor, including,
- 33 but not limited to, home, freestanding birth center, hospital, clinic,
- 34 doctor's office, or other location.
- 35 (23) Whether there was a maternal death.
- 36 (24) Whether there was a fetal death.
- 37 (25) Whether there was a neonatal death.
- 38 (26) Hospital transfer during the intrapartum or postpartum
- 39 period, including, who was transferred (mother, infant, or both)

1 and the complications, abnormal conditions, or other indications
2 that resulted in the transfer.

3 (27) The name of the transfer hospital, or other hospital
4 identification method as required, such as the hospital identification
5 number.

6 (28) The county of the transfer hospital.

7 (29) The ZIP Code of the transfer hospital.

8 (30) The date of the transfer.

9 (31) Other information as prescribed by the State Department
10 of Public Health.

11 (b) In the event of a maternal, fetal, or neonatal death that
12 occurred in an out-of-hospital setting during labor or the immediate
13 postpartum period, a certified nurse-midwife shall submit to the
14 department, within 90 days of the death, all of the following data
15 in addition to the data required in subdivision (a):

16 (1) The date of the maternal, neonatal, or fetal death.

17 (2) The place of delivery, for births attended by the
18 nurse-midwife.

19 (3) The county of the place of delivery, for births attended by
20 the nurse-midwife.

21 (4) The ZIP Code of the place of delivery, for births attended
22 by the nurse-midwife.

23 (5) The APGAR scores, for births attended by the
24 nurse-midwife.

25 (6) The birthweight, for births attended by the nurse-midwife.

26 (7) The method of delivery, for births attended by the
27 nurse-midwife.

28 (c) The data submitted pursuant to subdivisions (a) and (b) shall
29 be in addition to the certificate of live birth information required
30 pursuant to Sections 102425 and 102426 of the Health and Safety
31 Code.

32 (d) For those cases that involve a hospital transfer, the
33 department shall link the data submitted by the certified
34 nurse-midwife, pursuant to subdivision (a), to the live birth data
35 reported by hospitals to the department, pursuant to Sections
36 102425 and 102426 of the Health and Safety Code, and to the
37 patient discharge data that reflects the birth hospitalization and
38 reported by hospitals to the Department of Health Care Access
39 and Information, so that additional data reflecting the outcome can

1 be incorporated into the aggregated reports submitted pursuant to
2 subdivision (i).

3 (e) The department may adjust, improve, or expand the data
4 elements required to be reported pursuant to subdivisions (a) and
5 (b) to better coordinate with other data collection and reporting
6 systems, or in order to collect more accurate data, as long as the
7 minimum data elements in subdivisions (a) and (b) are preserved.

8 (f) The department shall treat the information and data gathered
9 pursuant to this section, for the creation of the reports described
10 in subdivision (i), as confidential records, and shall not permit the
11 disclosure of any patient or certified nurse-midwife information
12 to any law enforcement or regulatory agency for any purpose,
13 including, but not limited to, investigations for licensing,
14 certification, or regulatory purposes. This subdivision shall not
15 prevent the department from responding to inquiries from the
16 Board of Registered Nursing as to whether a licensee has reported
17 pursuant to this section.

18 (g) The information collected by the department pursuant to
19 this section, and not otherwise subject to current confidentiality
20 requirements, shall be treated as confidential records and shall
21 only be made available for use consistent with paragraph (1) of,
22 paragraph (4) of, and subparagraph (A) of paragraph (8) of,
23 subdivision (a) of Section 102430 of the Health and Safety Code
24 and pursuant to the application, review, and approval process
25 established by the department pursuant to Section 102465 of the
26 Health Safety Code.

27 (h) At the time of each certified nurse-midwife's license renewal,
28 the Board of Registered Nursing shall send a written notification
29 to the certified nurse-midwife notifying them of the mandated vital
30 records reporting requirements for out-of-hospital births pursuant
31 to subdivisions (a) and (b) and Section 102415 of the Health and
32 Safety Code and that a violation of this section shall subject the
33 certified nurse-midwife to disciplinary or administrative action by
34 the board.

35 (i) (1) The department shall report to the Legislature on the
36 data collected pursuant to this section. The report shall include the
37 aggregate information, including, but not limited to, birth outcomes
38 of patients under the care of a certified nurse-midwife in an
39 out-of-hospital setting at the onset of labor, collected pursuant to

1 this section and Sections 102425 and 102426 of the Health and
2 Safety Code.

3 (2) The first report, to reflect a 12-month period of time, shall
4 be submitted no later than four and one-half years after the State
5 Department of Public Health receives an appropriation as specified
6 in subdivision (m) and each subsequent report reflecting a
7 12-month reporting period shall be submitted annually to the
8 Legislature every year thereafter.

9 (3) A report required under this subdivision shall be submitted
10 in compliance with Section 9795 of the Government Code.

11 (j) All reports, including those submitted to the Legislature or
12 made publicly available, shall utilize standard public health
13 reporting practices for accurate dissemination of these data
14 elements, specifically in regards to the reporting of small numbers
15 in a way that does not risk a confidentiality or other disclosure
16 breach. No identifying information in regards to the patient or the
17 nurse-midwife shall be disclosed in the reports submitted pursuant
18 to subdivision (i).

19 (k) A violation of this section shall subject the certified
20 nurse-midwife to disciplinary or administrative action by the Board
21 of Registered Nursing.

22 (l) For purposes of this section, “department” means the State
23 Department of Public Health.

24 (m) This section shall become operative only upon the
25 Legislature making an appropriation to implement the provisions
26 of this section.

27 ~~SEC. 15. Section 2786.3 of the Business and Professions Code~~
28 ~~is amended to read:~~

29 ~~2786.3. (a) Until the end of the 2021–22 academic year, and~~
30 ~~whenever the Governor declares a state of emergency for a county~~
31 ~~in which an agency or facility used by an approved nursing~~
32 ~~program for direct patient care clinical practice is located and is~~
33 ~~no longer available due to the conditions giving rise to the state~~
34 ~~of emergency, the director of the approved nursing program may~~
35 ~~submit to a board nursing education consultant requests to do any~~
36 ~~of the following:~~

37 ~~(1) Utilize a clinical setting during the state of emergency or~~
38 ~~until the end of the academic term without the following:~~

39 ~~(A) Approval by the board.~~

40 ~~(B) Written agreements with the clinical facility.~~

1 ~~(C) Submitting evidence of compliance with board regulations~~
2 ~~relating to the utilization of clinical settings, except as necessary~~
3 ~~for a board nursing education consultant to ensure course objectives~~
4 ~~and faculty responsibilities will be met.~~
5 ~~(2) Utilize preceptorships during the state of emergency or until~~
6 ~~the end of the academic term without having to maintain written~~
7 ~~policies relating to the following:~~
8 ~~(A) Identification of criteria used for preceptor selection.~~
9 ~~(B) Provision for a preceptor orientation program that covers~~
10 ~~the policies of the preceptorship and preceptor, student, and faculty~~
11 ~~responsibilities.~~
12 ~~(C) Identification of preceptor qualifications for both the primary~~
13 ~~and the relief preceptor.~~
14 ~~(D) Description of responsibilities of the faculty, preceptor, and~~
15 ~~student for the learning experiences and evaluation during~~
16 ~~preceptorship.~~
17 ~~(E) Maintenance of preceptor records that includes names of~~
18 ~~all current preceptors, registered nurse licenses, and dates of~~
19 ~~preceptorships.~~
20 ~~(F) Plan for an ongoing evaluation regarding the continued use~~
21 ~~of preceptors.~~
22 ~~(3) Request that the approved nursing program be allowed to~~
23 ~~reduce the required number of direct patient care hours to 50~~
24 ~~percent in geriatrics and medical-surgical and 25 percent in mental~~
25 ~~health-psychiatric nursing, obstetrics, and pediatrics if all of the~~
26 ~~following conditions are met:~~
27 ~~(A) No alternative agency or facility has a sufficient number of~~
28 ~~open placements that are available and accessible within 25 miles~~
29 ~~of the approved nursing program for direct patient care clinical~~
30 ~~practice hours in the same subject matter area. An approved nursing~~
31 ~~program shall submit, and not be required to provide more than,~~
32 ~~the following:~~
33 ~~(i) The list of alternative agencies or facilities listed within 25~~
34 ~~miles of the impacted approved nursing program, campus, or~~
35 ~~location, as applicable, using the facility finder on the Department~~
36 ~~of Health Care Access and Information's internet website.~~
37 ~~(ii) The list of courses impacted by the loss of clinical~~
38 ~~placements due to the state of emergency and the academic term~~
39 ~~the courses are offered.~~

- 1 ~~(iii) Whether each of the listed alternative agencies or facilities~~
2 ~~would meet the course objectives for the courses requiring~~
3 ~~placements.~~
- 4 ~~(iv) Whether the approved nursing program has contacted each~~
5 ~~of the listed alternative agencies or facilities about the availability~~
6 ~~of clinical placements. The approved nursing program shall not~~
7 ~~be required to contact a clinical facility that would not meet course~~
8 ~~objectives.~~
- 9 ~~(v) The date of contact or attempted contact.~~
- 10 ~~(vi) The number of open placements at each of the listed~~
11 ~~alternative agencies or facilities that are available for the academic~~
12 ~~term for each course. If an alternative agency or facility does not~~
13 ~~respond within 48 hours, the approved nursing program may list~~
14 ~~the alternative agency or facility as unavailable. If the alternative~~
15 ~~agency or facility subsequently responds before the submission of~~
16 ~~the request to a board nursing education consultant, the approved~~
17 ~~nursing program shall update the list to reflect the response.~~
- 18 ~~(vii) Whether the open and available placements are accessible~~
19 ~~to the students and faculty. An open and available placement is~~
20 ~~accessible if there are no barriers that otherwise prohibit a student~~
21 ~~from entering the facility, including, but not limited to, the lack~~
22 ~~of personal protective equipment or cost-prohibitive infectious~~
23 ~~disease testing. An individual's personal unwillingness to enter an~~
24 ~~alternative agency or facility does not make a placement~~
25 ~~inaccessible.~~
- 26 ~~(viii) The total number of open and available placements that~~
27 ~~are accessible to the students and faculty compared to the total~~
28 ~~number of placements needed.~~
- 29 ~~(B) The substitute clinical practice hours not in direct patient~~
30 ~~care provide a learning experience, as defined by the board~~
31 ~~consistent with Section 2708.1, that is at least equivalent to the~~
32 ~~learning experience provided by the direct patient care clinical~~
33 ~~practice hours.~~
- 34 ~~(C) Once the applicable state of emergency has terminated~~
35 ~~pursuant to Section 8629 of the Government Code, the temporary~~
36 ~~reduction provided in paragraph (3) shall cease as soon as~~
37 ~~practicable or by the end of the academic term, whichever is sooner.~~
- 38 ~~(D) The substitute clinical practice hours not in direct patient~~
39 ~~care that are simulation experiences are based on the best practices~~
40 ~~published by the International Nursing Association for Clinical~~

1 Simulation and Learning, the National Council of State Boards of
2 Nursing, the Society for Simulation in Healthcare, or equivalent
3 standards approved by the board.

4 (E) A maximum of 25 percent of the direct patient care hours
5 specified in paragraph (3) in geriatrics and medical-surgical may
6 be completed via telehealth.

7 (4) Request that the approved nursing program allow theory to
8 precede clinical practice if all of the following conditions are met:

9 (A) No alternative agency or facility located within 25 miles of
10 the impacted approved nursing program, campus, or location, as
11 applicable, has a sufficient number of open placements that are
12 available and accessible to the approved nursing program for direct
13 patient care clinical practice hours in the same subject matter area.
14 An approved program shall not be required to submit more than
15 required under subparagraph (A) of paragraph (3).

16 (B) Clinical practice takes place in the academic term
17 immediately following theory.

18 (C) Theory is taught concurrently with clinical practice not in
19 direct patient care if no direct patient care experiences are available.

20 (b) If the conditions in paragraphs (1), (2), (3), or (4) of
21 subdivision (a), as applicable to the request, are met, a board
22 nursing education consultant shall approve the request. If an
23 approved nursing program fails to submit information satisfactory
24 to the board nursing education consultant, or fails to meet the
25 conditions specified, the board nursing education consultant shall
26 deny the request. If the request is not approved or denied on or
27 before 5:00 p.m. on the date seven business days after receipt of
28 the request, the request shall be deemed approved.

29 (e) (1) Within 30 days of the effective date of this section, the
30 board's executive officer shall develop a uniform method for
31 evaluating requests and granting approvals pursuant to this section.

32 (2) The executive officer may revise the uniform method
33 developed pursuant to this subdivision from time to time, as
34 necessary. The development or revision of the uniform method
35 shall be exempt from the requirements of the Administrative
36 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
37 Part 1 of Title 2 of the Government Code).

38 (3) The board's nursing education consultants shall use the
39 uniform method to evaluate requests and grant approvals pursuant
40 to this section.

1 ~~SEC. 16.~~

2 *SEC. 15.* Section 3502.4 of the Business and Professions Code
3 is amended to read:

4 3502.4. (a) In order to receive authority from the physician
5 assistant's supervising physician and surgeon to perform an
6 abortion by aspiration techniques pursuant to Section 2253, a
7 physician assistant shall complete training either through training
8 programs approved by the board pursuant to Section 3513 or by
9 training to perform medical services that augment the physician
10 assistant's current areas of competency pursuant to Section
11 1399.543 of Title 16 of the California Code of Regulations.
12 Beginning January 1, 2014, and until January 1, 2016, the training
13 and clinical competency protocols established by Health Workforce
14 Pilot Project (HWPP) No. 171 through the Department of Health
15 Care Access and Information shall be used as training and clinical
16 competency guidelines to meet this requirement.

17 (b) In order to receive authority from the physician assistant's
18 supervising physician and surgeon to perform an abortion by
19 aspiration techniques pursuant to Section 2253, a physician
20 assistant shall comply with protocols developed in compliance
21 with Section 3502 that specify:

22 (1) The extent of supervision by a physician and surgeon with
23 relevant training and expertise.

24 (2) Procedures for transferring patients to the care of the
25 physician and surgeon or a hospital.

26 (3) Procedures for obtaining assistance and consultation from
27 a physician and surgeon.

28 (4) Procedures for providing emergency care until physician
29 assistance and consultation are available.

30 (5) The method of periodic review of the provisions of the
31 protocols.

32 (c) The training protocols established by HWPP No. 171 shall
33 be deemed to meet the standards of the board. A physician assistant
34 who has completed training and achieved clinical competency
35 through HWPP No. 171 shall be authorized to perform abortions
36 by aspiration techniques pursuant to Section 2253, in adherence
37 to protocols described in subdivision (b).

38 (d) It is unprofessional conduct for any physician assistant to
39 perform an abortion by aspiration techniques pursuant to Section

1 2253 without prior completion of training and validation of clinical
2 competency.

3 ~~SEC. 17.~~

4 *SEC. 16.* Section 3520 of the Business and Professions Code
5 is amended to read:

6 3520. Within 10 days after the beginning of each calendar
7 month, the board shall report to the Controller the amount and
8 source of all collections made under this chapter and at the same
9 time pay all those sums into the State Treasury, where they shall
10 be credited to the Physician Assistant Fund, which fund is hereby
11 created. All money in the fund shall be available, upon
12 appropriation of the Legislature, to carry out the purpose of this
13 chapter.

14 ~~SEC. 18.~~

15 *SEC. 17.* Section 3537.10 of the Business and Professions Code
16 is amended to read:

17 3537.10. (a) Subject to the other provisions of this article, the
18 Department of Health Care Access and Information, hereafter in
19 this article referred to as the department, shall coordinate the
20 establishment of an international medical graduate physician
21 assistant training program, to be conducted at an appropriate
22 educational institution or institutions. The goal of the program
23 shall be to place as many international medical graduate physician
24 assistants in medically underserved areas as possible in order to
25 provide greater access to care for the growing population of
26 medically indigent and underserved. The method for accomplishing
27 this goal shall be to train foreign medical graduates to become
28 licensed as physician assistants at no cost to the participants in
29 return for a commitment from the participants to serve full time
30 in underserved areas for a four-year period.

31 (b) By February 1, 1994, or one month after federal funds to
32 implement this article become available, whichever occurs later,
33 the department shall establish a training program advisory task
34 force. The task force shall be comprised of representatives from
35 all of the following groups:

- 36 (1) Physician assistant program directors.
- 37 (2) Foreign medical graduates.
- 38 (3) The California Academy of Physician Assistants.
- 39 (4) Nonprofit community health center directors.
- 40 (5) Physicians.

1 (6) The board, at the board's option.
2 The department may, instead, serve solely as a consultant to the
3 task force.

4 (c) The task force shall do all of the following:

5 (1) Develop a recommended curriculum for the training program
6 that shall be from 12 to 15 months in duration and shall, at a
7 minimum, meet curriculum standards consistent with the board's
8 regulations. The program shall be subject to the board's approval.
9 By April 1, 1994, or three months after federal funds to implement
10 this article become available, whichever occurs later, the
11 curriculum shall be presented by the department to the Committee
12 on Allied Health Education and Accreditation of the American
13 Medical Association, or its successor organization, for approval.

14 (2) Develop recommended admission criteria for participation
15 in the pilot and ongoing program.

16 (3) Assist in development of linkages with academic institutions
17 for the purpose of monitoring and evaluating the pilot program.

18 ~~SEC. 19.~~

19 *SEC. 18.* Section 3537.15 of the Business and Professions Code
20 is amended to read:

21 3537.15. (a) Before establishing an ongoing international
22 medical graduate physician assistant training program, the
23 Department of Health Care Access and Information shall coordinate
24 the establishment of a pilot program commencing September 1,
25 1994, or eight months after federal funds to implement this article
26 become available, whichever occurs later, to test the validity and
27 effectiveness of the recommended training curriculum developed
28 by the task force. The task force shall, with the advice and
29 assistance of the academic institutions offering the pilot program
30 curriculum, and subject to their approval, select 10 international
31 medical graduates to participate in the pilot program.

32 (b) After two classes have graduated from the pilot program,
33 the task force, with the advice and assistance of the academic
34 institutions, shall evaluate the results of the pilot program, to
35 determine whether a permanent program should be established.
36 The department may modify curriculum as needed and make
37 appropriate revisions in order to ensure program integrity and
38 compliance with established standards. Any permanent
39 international medical graduate physician assistant training program

1 shall commence at the beginning of the year following the
2 completion of the evaluation.

3 ~~SEC. 20.~~

4 *SEC. 19.* Section 3537.25 of the Business and Professions Code
5 is amended to read:

6 3537.25. Both the pilot and the ongoing training program shall
7 provide training at no cost to the participants in return for a written,
8 enforceable agreement by the participants to, upon obtaining
9 licensure under this article, serve a minimum of four years as a
10 full-time physician assistant in an area of California designated
11 by the Department of Health Care Access and Information as a
12 medically underserved area pursuant to Section 3537.35.

13 ~~SEC. 21.~~

14 *SEC. 20.* Section 3537.30 of the Business and Professions Code
15 is amended to read:

16 3537.30. (a) The Legislature recognizes that the goal of this
17 program would be compromised if participants do not observe
18 their commitments under this program to provide the required
19 service in a medically underserved area. The goal of this program
20 would not be met if all that it accomplished was merely to license
21 physician assistants that served populations that are not medically
22 underserved.

23 (b) Since damages would be difficult or impossible to ascertain
24 in the event of default by the participant, this section shall set forth
25 the extent of liquidated damages that shall be recoverable by the
26 program in the case of default.

27 (c) In the case of default by a participant who has successfully
28 completed the program and has obtained licensure under this
29 article, the program shall collect the following damages from the
30 participant:

31 (1) The total cost expended by the program for the training of
32 the applicant, and interest thereon from the date of default.

33 (2) The total amount needed for the program to seek cover as
34 set forth in subdivision (b) of Section 3537.35.

35 (3) The costs of enforcement, including, but not limited to, the
36 costs of collecting the liquidated damages, the costs of litigation,
37 and attorney's fees.

38 (d) The Attorney General may represent the department, or the
39 board, or both in any litigation necessitated by this article, or, if

1 the Attorney General declines, the department, or the board, or
2 both may hire other counsel for this purpose.

3 (e) Funds collected pursuant to subdivision (c) shall be allocated
4 as follows:

5 (1) Costs of training recovered pursuant to paragraph (1) of
6 subdivision (c) shall be allocated to the department to be used upon
7 appropriation for the continuing training program pursuant to this
8 article.

9 (2) Costs of seeking cover recovered pursuant to paragraph (2)
10 of subdivision (c) shall be deposited in the Physician Assistant
11 Training Fund established pursuant to Section 3537.40 for the
12 purposes of providing grants pursuant to subdivision (c) of Section
13 3537.35.

14 (3) Costs of enforcement recovered pursuant to paragraph (3)
15 of subdivision (c) shall be allocated between the department, and
16 the Attorney General, or other counsel, according to actual costs.

17 ~~SEC. 22.~~

18 *SEC. 21.* Section 3537.35 of the Business and Professions Code
19 is amended to read:

20 3537.35. The Department of Health Care Access and
21 Information shall, in addition to other duties described in this
22 article, do all of the following:

23 (a) Determine those areas of the state that are medically
24 underserved in that they have a higher percentage of medically
25 underserved and indigent persons and would benefit from the
26 services of additional persons licensed as physician assistants.

27 (b) Determine the total cost of seeking cover as specified in
28 paragraph (2) of subdivision (c) of Section 3537.30. To determine
29 the cost, the department shall study the market forces that are at
30 work creating the scarcity of these physician assistants in these
31 medically underserved areas, and determine the annual level of
32 additional funding that would be required by a health facility,
33 clinic, or other health care provider in those areas to motivate a
34 physician assistant to serve full-time in those underserved areas.
35 This amount shall be calculated so that when added to the
36 prevailing rate for these services in the underserved area, would
37 make these positions so attractive that physician assistants would
38 be motivated to serve in those areas. This amount, which shall
39 equal the cost to the department to place a qualified physician

1 assistant in the underserved area, times four years shall be the total
2 cost of seeking cover.

3 (c) Provide grants, as funds become available in the Physician
4 Assistant Training Fund, to applicant health care providers that
5 provide services in medically underserved areas for the purpose
6 of funding additional full-time physician assistant positions in
7 those areas to provide services in lieu of defaulting physician
8 assistants. Participating providers shall use these grants to attract
9 physician assistants that are from outside the area and shall
10 demonstrate that the grant actually increases the number of
11 physician assistants serving the underserved population. The
12 grantee shall demonstrate that the grant did not merely shift a
13 physician assistant from one medically underserved area to another,
14 but rather, resulted in a net increase in the number of physician
15 assistants serving the underserved population as a whole. Licensees
16 under this article shall not directly or indirectly receive grants
17 under this section.

18 ~~SEC. 23.~~

19 *SEC. 22.* Section 3537.40 of the Business and Professions Code
20 is amended to read:

21 3537.40. The Physician Assistant Training Fund is hereby
22 created in the State Treasury for the purpose of receipt of funds
23 collected pursuant to paragraph (2) of subdivision (c) of Section
24 3537.30. The Physician Assistant Training Fund shall be available
25 to the Department of Health Care Access and Information for the
26 purpose of providing grants pursuant to subdivision (c) of Section
27 3537.35, upon appropriation by the Legislature.

28 ~~SEC. 24.~~

29 *SEC. 23.* Section 3537.50 of the Business and Professions Code
30 is amended to read:

31 3537.50. No General Fund revenues shall be expended to carry
32 out this article. The implementation of the pilot program and, if
33 applicable, the permanent program established by this article shall
34 be contingent upon the availability of federal funds, which do not
35 divert or detract from funds currently utilized to underwrite existing
36 physician assistant training programs or to fund existing functions
37 of the board. The new funding shall be sufficient to cover the full
38 additional cost to the educational institution or institutions that
39 establish the program or programs, the cost of tuition and
40 attendance for the students in the program or programs, and any

1 additional costs, including enforcement costs, that the department
2 or the board incurs as a result of implementing this article. This
3 article does not impose any obligations upon the department, the
4 board, or any physician assistant training program in the absence
5 of adequate funding as described in this section. This article does
6 not preclude applicants for the program established by this article
7 from seeking state or federal scholarship funds, or state and federal
8 loan repayment funds available to physician assistant students, or
9 require any applicants be granted preference in the award of those
10 funds. This article does not impair the autonomy of any institution
11 that offers a physician assistant training program.

12 *SEC. 24. Section 4170 of the Business and Professions Code*
13 *is amended to read:*

14 4170. (a) No prescriber shall dispense drugs or dangerous
15 devices to patients in ~~his or her~~ *the prescriber's* office or place of
16 practice unless all of the following conditions are met:

17 (1) The dangerous drugs or dangerous devices are dispensed to
18 the prescriber's own patient, and the drugs or dangerous devices
19 are not furnished by a nurse or physician attendant.

20 (2) The dangerous drugs or dangerous devices are necessary in
21 the treatment of the condition for which the prescriber is attending
22 the patient.

23 (3) The prescriber does not keep a pharmacy, open shop, or
24 drugstore, advertised or otherwise, for the retailing of dangerous
25 drugs, dangerous devices, or poisons.

26 (4) The prescriber fulfills all of the labeling requirements
27 imposed upon pharmacists by Section 4076, all of the
28 recordkeeping requirements of this chapter, and all of the packaging
29 requirements of good pharmaceutical practice, including the use
30 of childproof containers.

31 (5) The prescriber does not use a dispensing device unless ~~he~~
32 ~~or she~~ *the prescriber* personally owns the device and the contents
33 of the device, and personally dispenses the dangerous drugs or
34 dangerous devices to the patient packaged, labeled, and recorded
35 in accordance with paragraph (4).

36 (6) The prescriber, prior to dispensing, offers to give a written
37 prescription to the patient that the patient may elect to have filled
38 by the prescriber or by any pharmacy.

39 (7) The prescriber provides the patient with written disclosure
40 that the patient has a choice between obtaining the prescription

1 from the dispensing prescriber or obtaining the prescription at a
2 pharmacy of the patient's choice.

3 (8) A certified nurse-midwife who functions pursuant to a
4 standardized procedure or protocol described in Section 2746.51,
5 a nurse practitioner who functions pursuant to a standardized
6 procedure described in Section 2836.1, or protocol, a physician
7 assistant who functions pursuant to Section 3502.1, or a
8 naturopathic doctor who functions pursuant to Section 3640.5,
9 may hand to a patient of the supervising physician and surgeon a
10 properly labeled prescription drug prepackaged by a physician and
11 surgeon, a manufacturer as defined in this chapter, or a pharmacist.

12 (b) The Medical Board of California, the California State Board
13 of Optometry, the Bureau of Naturopathic Medicine, the Dental
14 Board of California, the California Board of Podiatric Medicine,
15 the Osteopathic Medical Board of California, the Board of
16 Registered Nursing, the Veterinary Medical Board, and the
17 Physician Assistant ~~Committee~~ *Board* shall have authority with
18 the California State Board of Pharmacy to ensure compliance with
19 this section, and those boards are specifically charged with the
20 enforcement of this chapter with respect to their respective
21 licensees.

22 (c) "Prescriber," as used in this section, means a person, who
23 holds a physician's and surgeon's certificate, a license to practice
24 optometry, a license to practice naturopathic medicine, a license
25 to practice dentistry, a license to practice veterinary medicine, or
26 a certificate to practice podiatry, and who is duly registered by the
27 Medical Board of California, the Osteopathic Medical Board of
28 California, the California State Board of Optometry, the Bureau
29 of Naturopathic Medicine, the Dental Board of California, the
30 Veterinary Medical Board, or the California Board of Podiatric
31 Medicine.

32 *SEC. 25. Section 4175 of the Business and Professions Code*
33 *is amended to read:*

34 4175. (a) The California State Board of Pharmacy shall
35 promptly forward to the appropriate licensing entity, including the
36 Medical Board of California, the Veterinary Medical Board, the
37 Dental Board of California, the California State Board of
38 Optometry, the California Board of Podiatric Medicine, the
39 Osteopathic Medical Board of California, the Board of Registered
40 Nursing, the Bureau of Naturopathic Medicine, or the Physician

1 Assistant-Committee, Board, all complaints received related to
2 dangerous drugs or dangerous devices dispensed by a prescriber,
3 certified nurse-midwife, nurse practitioner, naturopathic doctor,
4 or physician assistant pursuant to Section 4170.

5 (b) All complaints involving serious bodily injury due to
6 dangerous drugs or dangerous devices dispensed by prescribers,
7 certified nurse-midwives, nurse practitioners, naturopathic doctors,
8 or physician assistants pursuant to Section 4170 shall be handled
9 by the Medical Board of California, the Dental Board of California,
10 the California State Board of Optometry, the California Board of
11 Podiatric Medicine, the Osteopathic Medical Board of California,
12 the Bureau of Naturopathic Medicine, the Board of Registered
13 Nursing, the Veterinary Medical Board, or the Physician Assistant
14 Committee as a case of greatest potential harm to a patient.

15 ~~SEC. 25.~~

16 *SEC. 26.* Section 4846.5 of the Business and Professions Code
17 is amended to read:

18 4846.5. (a) Except as provided in this section, the board shall
19 issue renewal licenses only to those applicants that have completed
20 a minimum of 36 hours of continuing education in the preceding
21 two years.

22 (b) (1) Notwithstanding any other law, continuing education
23 hours shall be earned by attending courses relevant to veterinary
24 medicine and sponsored or cosponsored by any of the following:

25 (A) American Veterinary Medical Association (AVMA)
26 accredited veterinary medical colleges.

27 (B) Accredited colleges or universities offering programs
28 relevant to veterinary medicine.

29 (C) The American Veterinary Medical Association.

30 (D) American Veterinary Medical Association recognized
31 specialty or affiliated allied groups.

32 (E) American Veterinary Medical Association's affiliated state
33 veterinary medical associations.

34 (F) Nonprofit annual conferences established in conjunction
35 with state veterinary medical associations.

36 (G) Educational organizations affiliated with the American
37 Veterinary Medical Association or its state affiliated veterinary
38 medical associations.

39 (H) Local veterinary medical associations affiliated with the
40 California Veterinary Medical Association.

1 (I) Federal, state, or local government agencies.

2 (J) Providers accredited by the Accreditation Council for
3 Continuing Medical Education (ACCME) or approved by the
4 American Medical Association (AMA), providers recognized by
5 the American Dental Association Continuing Education
6 Recognition Program (ADA CERP), and AMA or ADA affiliated
7 state, local, and specialty organizations.

8 (2) Notwithstanding paragraph (1), a total of six hours or less
9 of the required 36 hours of continuing education may be earned
10 by doing either of the following, or a combination thereof:

11 (A) Up to six hours may be earned by taking self-study courses,
12 which may include, but are not limited to, reading journals, viewing
13 video recordings, or listening to audio recordings.

14 (B) Up to four hours may be earned by providing pro bono
15 spaying or neutering services under the supervision of a public
16 animal control agency or shelter, society for the prevention of
17 cruelty to animals shelter, humane society shelter, or rescue group.
18 The services shall be administered at a facility that is appropriately
19 equipped and staffed to provide those services. The service shall
20 be provided to a household with a demonstrated financial need for
21 reduced-cost services.

22 (3) The board may approve other continuing veterinary medical
23 education providers not specified in paragraph (1).

24 (A) The board has the authority to recognize national continuing
25 education approval bodies for the purpose of approving continuing
26 education providers not specified in paragraph (1).

27 (B) Applicants seeking continuing education provider approval
28 shall have the option of applying to the board or to a
29 board-recognized national approval body.

30 (4) For good cause, the board may adopt an order specifying,
31 on a prospective basis, that a provider of continuing veterinary
32 medical education authorized pursuant to paragraph (1) or (3) is
33 no longer an acceptable provider.

34 (c) A person renewing their license issued pursuant to Section
35 4846.4, or a person applying for relicensure or for reinstatement
36 of their license to active status, shall submit proof of compliance
37 with this section to the board certifying that the person is in
38 compliance with this section. Any false statement submitted
39 pursuant to this section shall be a violation subject to Section 4831.

1 (d) This section shall not apply to a veterinarian's first license
2 renewal. This section shall apply only to second and subsequent
3 license renewals granted on or after January 1, 2002.

4 (e) The board shall have the right to audit the records of all
5 applicants to verify the completion of the continuing education
6 requirement. Applicants shall maintain records of completion of
7 required continuing education coursework for a period of four
8 years and shall make these records available to the board for
9 auditing purposes upon request. If the board, during this audit,
10 questions whether any course reported by the veterinarian satisfies
11 the continuing education requirement, the veterinarian shall provide
12 information to the board concerning the content of the course; the
13 name of its sponsor and cosponsor, if any; and specify the specific
14 curricula that was of benefit to the veterinarian.

15 (f) A veterinarian desiring an inactive license or to restore an
16 inactive license under Section 701 shall submit an application on
17 a form provided by the board. In order to restore an inactive license
18 to active status, the veterinarian shall have completed a minimum
19 of 36 hours of continuing education within the last two years
20 preceding application. The inactive license status of a veterinarian
21 shall not deprive the board of its authority to institute or continue
22 a disciplinary action against a licensee.

23 (g) Knowing misrepresentation of compliance with this article
24 by a veterinarian constitutes unprofessional conduct and grounds
25 for disciplinary action or for the issuance of a citation and the
26 imposition of a civil penalty pursuant to Section 4883.

27 (h) The board, in its discretion, may exempt from the continuing
28 education requirement any veterinarian who for reasons of health,
29 military service, or undue hardship cannot meet those requirements.
30 Applications for waivers shall be submitted on a form provided
31 by the board.

32 (i) The administration of this section may be funded through
33 professional license and continuing education provider fees. The
34 fees related to the administration of this section shall not exceed
35 the costs of administering the corresponding provisions of this
36 section.

37 (j) For those continuing education providers not listed in
38 paragraph (1) of subdivision (b), the board or its recognized
39 national approval agent shall establish criteria by which a provider
40 of continuing education shall be approved. The board shall initially

1 review and approve these criteria and may review the criteria as
2 needed. The board or its recognized agent shall monitor, maintain,
3 and manage related records and data. The board may impose an
4 application fee, not to exceed two hundred dollars (\$200)
5 biennially, for continuing education providers not listed in
6 paragraph (1) of subdivision (b).

7 (k) (1) Beginning January 1, 2018, a licensed veterinarian who
8 renews their license shall complete a minimum of one credit hour
9 of continuing education on the judicious use of medically important
10 antimicrobial drugs every four years as part of their continuing
11 education requirements.

12 (2) For purposes of this subdivision, “medically important
13 antimicrobial drug” means an antimicrobial drug listed in Appendix
14 A of the federal Food and Drug Administration’s Guidance for
15 Industry #152, including critically important, highly important,
16 and important antimicrobial drugs, as that appendix may be
17 amended.

18 ~~SEC. 26.~~

19 *SEC. 27.* Section 4883 of the Business and Professions Code
20 is amended to read:

21 4883. The board may deny, revoke, or suspend a license or
22 registration or assess a fine as provided in Section 4875 for any
23 of the following:

24 (a) Conviction of a crime substantially related to the
25 qualifications, functions, or duties of veterinary medicine, surgery,
26 or dentistry, in which case the record of the conviction shall be
27 conclusive evidence.

28 (b) For having professional connection with, or lending the
29 licensee’s or registrant’s name to, any illegal practitioner of
30 veterinary medicine and the various branches thereof.

31 (c) Violation or attempting to violate, directly or indirectly, any
32 of the provisions of this chapter.

33 (d) Fraud or dishonesty in applying, treating, or reporting on
34 tuberculin or other biological tests.

35 (e) Employment of anyone but a veterinarian licensed in the
36 state to demonstrate the use of biologics in the treatment of animals.

37 (f) False or misleading advertising.

38 (g) Unprofessional conduct, that includes, but is not limited to,
39 the following:

1 (1) Conviction of a charge of violating any federal statutes or
2 rules or any statute or rule of this state regulating dangerous drugs
3 or controlled substances. The record of the conviction is conclusive
4 evidence thereof. A plea or verdict of guilty or a conviction
5 following a plea of nolo contendere is deemed to be a conviction
6 within the meaning of this section. The board may order the license
7 or registration to be suspended or revoked, or assess a fine, or
8 decline to issue a license or registration, when the time for appeal
9 has elapsed, or the judgment of conviction has been affirmed on
10 appeal or when an order granting probation is made suspending
11 the imposition of sentence, irrespective of a subsequent order under
12 Section 1203.4, 1210.1, or 3063.1 of the Penal Code allowing the
13 person to withdraw a plea of guilty and to enter a plea of not guilty,
14 or setting aside the verdict of guilty, or dismissing the accusation,
15 information, or indictment.

16 (2) (A) The use of, or prescribing for or administering to
17 oneself, any controlled substance.

18 (B) The use of any of the dangerous drugs specified in Section
19 4022, or of alcoholic beverages to the extent, or in any manner as
20 to be dangerous or injurious to a person licensed or registered
21 under this chapter, or to any other person or to the public, or to the
22 extent that the use impairs the ability of the person so licensed or
23 registered to conduct with safety the practice authorized by the
24 license or registration.

25 (C) The conviction of more than one misdemeanor or any felony
26 involving the use, consumption, or self-administration of any of
27 the substances referred to in this section or any combination
28 thereof, and the record of the conviction is conclusive evidence.

29 A plea or verdict of guilty or a conviction following a plea of
30 nolo contendere is deemed to be a conviction within the meaning
31 of this section. The board may order the license or registration to
32 be suspended or revoked or assess a fine, or may decline to issue
33 a license or registration, when the time for appeal has elapsed or
34 the judgment of conviction has been affirmed on appeal or when
35 an order granting probation is made suspending imposition of
36 sentence, irrespective of a subsequent order under Section 1203.4,
37 1210.1, or 3063.1 of the Penal Code allowing the person to
38 withdraw a plea of guilty and to enter a plea of not guilty, or setting
39 aside the verdict of guilty, or dismissing the accusation,
40 information, or indictment.

- 1 (3) A violation of any federal statute, rule, or regulation or any
2 of the statutes, rules, or regulations of this state regulating
3 dangerous drugs or controlled substances.
- 4 (h) Failure to keep the licensee's or registrant's premises and
5 all equipment therein in a clean and sanitary condition.
- 6 (i) Fraud, deception, negligence, or incompetence in the practice
7 of veterinary medicine.
- 8 (j) Aiding or abetting in any acts that are in violation of any of
9 the provisions of this chapter.
- 10 (k) The employment of fraud, misrepresentation, or deception
11 in obtaining the license or registration.
- 12 (l) The revocation, suspension, or other discipline by another
13 state or territory of a license, certificate, or registration to practice
14 veterinary medicine or as a veterinary technician in that state or
15 territory.
- 16 (m) Cruelty to animals, conviction on a charge of cruelty to
17 animals, or both.
- 18 (n) Disciplinary action taken by any public agency in any state
19 or territory for any act substantially related to the practice of
20 veterinary medicine or the practice of a veterinary technician.
- 21 (o) Violation, or the assisting or abetting violation, of any
22 regulations adopted by the board pursuant to this chapter.
- 23 (p) Accepting, soliciting, or offering any form of remuneration
24 from or to a cannabis licensee if the veterinarian or the
25 veterinarian's immediate family have a financial interest with the
26 cannabis licensee. For purposes of this subdivision, the following
27 definitions shall apply:
- 28 (1) "Cannabis licensee" shall have the same meaning as
29 "licensee" in Section 26001.
- 30 (2) "Financial interest" shall have the same meaning as in
31 Section 650.01.
- 32 (q) Discussing medicinal cannabis with a client while the
33 veterinarian is employed by, or has an agreement with, a cannabis
34 licensee. For purposes of this subdivision, "cannabis licensee"
35 shall have the same meaning as "licensee" in Section 26001.
- 36 (r) Distributing any form of advertising for cannabis in
37 California.
- 38 (s) Making any statement, claim, or advertisement that the
39 licensee or registrant is a veterinary specialist or board certified
40 unless they are certified by an American Veterinary Medical

1 Association-Recognized Veterinary Specialty Organization or a
2 National Association of Veterinary Technicians in
3 America-Recognized Veterinary Specialty Organization.

4 (t) Exercising control over, interfering with, or attempting to
5 influence the professional judgment of another California-licensed
6 veterinarian or registered veterinary technician through coercion,
7 extortion, inducement, collusion, or intimidation through any
8 means, including, but not limited to, compensation, in order to
9 require the other California-licensed veterinarian or registered
10 veterinary technician to perform veterinary services in a manner
11 inconsistent with current veterinary medical practice in this state.

12 ~~SEC. 27.~~

13 *SEC. 28.* Section 4980.03 of the Business and Professions Code
14 is amended to read:

15 4980.03. (a) "Board," as used in this chapter, means the Board
16 of Behavioral Sciences.

17 (b) "Associate," as used in this chapter, means an unlicensed
18 person who has earned a master's or doctoral degree qualifying
19 the person for licensure and is registered with the board as an
20 associate.

21 (c) "Trainee," as used in this chapter, means an unlicensed
22 person who is currently enrolled in a master's or doctoral degree
23 program, as specified in Sections 4980.36 and 4980.37, that is
24 designed to qualify the person for licensure under this chapter, and
25 who has completed no less than 12 semester units or 18 quarter
26 units of coursework in any qualifying degree program.

27 (d) "Applicant for licensure," as used in this chapter, means an
28 unlicensed person who has completed the required education and
29 required hours of supervised experience for licensure.

30 (e) "Advertise," as used in this chapter, includes, but is not
31 limited to, any public communication, as defined in subdivision
32 (a) of Section 651, the issuance of any card, sign, or device to any
33 person, or the causing, permitting, or allowing of any sign or
34 marking on, or in, any building or structure, or in any newspaper
35 or magazine or in any directory, or any printed matter whatsoever,
36 with or without any limiting qualification. Signs within religious
37 buildings or notices in church bulletins mailed to a congregation
38 are not advertising within the meaning of this chapter.

39 (f) "Experience," as used in this chapter, means experience in
40 interpersonal relationships, psychotherapy, marriage and family

1 therapy, direct clinical counseling, and nonclinical practice that
2 satisfies the requirements for licensure as a marriage and family
3 therapist.

4 (g) “Supervisor,” as used in this chapter, means an individual
5 who meets all of the following requirements:

6 (1) Has held an active license for at least two years within the
7 five-year period immediately preceding any supervision as any of
8 the following:

9 (A) A licensed professional clinical counselor, licensed marriage
10 and family therapist, psychologist licensed pursuant to Chapter
11 6.6 (commencing with Section 2900), licensed clinical social
12 worker, licensed educational psychologist, or equivalent
13 out-of-state license. A licensed educational psychologist may only
14 supervise the provision of educationally related mental health
15 services that are consistent with the scope of practice of an
16 educational psychologist, as specified in Section 4989.14.

17 (B) A physician and surgeon who is certified in psychiatry by
18 the American Board of Psychiatry and Neurology or an out-of-state
19 licensed physician and surgeon who is certified in psychiatry by
20 the American Board of Psychiatry and Neurology.

21 (2) For at least two years within the five-year period immediately
22 preceding any supervision, has practiced psychotherapy, provided
23 psychological counseling pursuant to paragraph (5) of subdivision
24 (a) of Section 4989.14, or provided direct clinical supervision of
25 psychotherapy performed by marriage and family therapist trainees,
26 associate marriage and family therapists, associate professional
27 clinical counselors, or associate clinical social workers. Supervision
28 of psychotherapy performed by a social work intern or a
29 professional clinical counselor trainee shall be accepted if the
30 supervision provided is substantially equivalent to the supervision
31 required for registrants.

32 (3) Has received training in supervision as specified in this
33 chapter and by regulation.

34 (4) Has not provided therapeutic services to the supervisee.

35 (5) Has and maintains a current and active license that is not
36 under suspension or probation as one of the following:

37 (A) A marriage and family therapist, professional clinical
38 counselor, clinical social worker, or licensed educational
39 psychologist, issued by the board.

1 (B) A psychologist licensed pursuant to Chapter 6.6
2 (commencing with Section 2900).

3 (C) A physician and surgeon who is certified in psychiatry by
4 the American Board of Psychiatry and Neurology.

5 (6) Is not a spouse, domestic partner, or relative of the
6 supervisee.

7 (7) Does not currently have or previously had a personal,
8 professional, or business relationship with the supervisee that
9 undermines the authority or effectiveness of the supervision.

10 (h) "Client centered advocacy," as used in this chapter, includes,
11 but is not limited to, researching, identifying, and accessing
12 resources, or other activities, related to obtaining or providing
13 services and supports for clients or groups of clients receiving
14 psychotherapy or counseling services.

15 (i) "Accredited," as used in this chapter, means a school, college,
16 or university accredited by either the Commission on Accreditation
17 for Marriage and Family Therapy Education or a regional or
18 national institutional accrediting agency that is recognized by the
19 United States Department of Education.

20 (j) "Approved," as used in this chapter, means a school, college,
21 or university that possessed unconditional approval by the Bureau
22 for Private Postsecondary Education at the time of the applicant's
23 graduation from the school, college, or university.

24 ~~SEC. 28.~~

25 *SEC. 29.* Section 4980.396 of the Business and Professions
26 Code is amended to read:

27 4980.396. (a) On or after January 1, 2021, an applicant for
28 licensure as a marriage and family therapist shall show, as part of
29 the application, that they have completed a minimum of six hours
30 of coursework or applied experience under supervision in suicide
31 risk assessment and intervention. This requirement shall be met
32 in one of the following ways:

33 (1) Obtained as part of their qualifying graduate degree program.
34 To satisfy this requirement, the applicant shall submit to the board
35 a written certification from the registrar or training director of the
36 educational institution or program from which the applicant
37 graduated stating that the coursework required by this section is
38 included within the institution's curriculum required for graduation
39 at the time the applicant graduated, or within the coursework that
40 was completed by the applicant.

1 (2) Obtained as part of their applied experience. Applied
2 experience can be met in any of the following settings: practicum
3 or associateship that meets the requirement of this chapter, formal
4 postdoctoral placement that meets the requirements of Section
5 2911, or other qualifying supervised experience. To satisfy this
6 requirement, the applicant shall submit to the board a written
7 certification from the director of training for the program or
8 primary supervisor where the qualifying experience has occurred
9 stating that the training required by this section is included within
10 the applied experience.

11 (3) By taking a continuing education course that meets the
12 requirements of Section 4980.54. To satisfy this requirement, the
13 applicant shall submit to the board a certification of completion.

14 (b) As a one-time requirement, a licensee prior to the time of
15 their first renewal after January 1, 2021, or an applicant for
16 reactivation or reinstatement to an active license status on or after
17 January 1, 2021, shall have completed a minimum of six hours of
18 coursework or applied experience under supervision in suicide
19 risk assessment and intervention, using one of the methods
20 specified in subdivision (a). Proof of compliance with this section
21 shall be certified under penalty of perjury that they are in
22 compliance with this section and shall be retained for submission
23 to the board upon request.

24 ~~SEC. 29.~~

25 *SEC. 30.* Section 4996.20 of the Business and Professions Code
26 is amended to read:

27 4996.20. (a) "Supervisor," as used in this chapter, means an
28 individual who meets all of the following requirements:

29 (1) Has held an active license for at least two years within the
30 five-year period immediately preceding any supervision as either:

31 (A) A licensed professional clinical counselor, licensed marriage
32 and family therapist, psychologist licensed pursuant to Chapter
33 6.6 (commencing with Section 2900), licensed clinical social
34 worker, licensed educational psychologist, or equivalent
35 out-of-state license. A licensed educational psychologist may only
36 supervise the provision of educationally related mental health
37 services that are consistent with the scope of practice of an
38 educational psychologist, as specified in Section 4989.14.

39 (B) A physician and surgeon who is certified in psychiatry by
40 the American Board of Psychiatry and Neurology or an out-of-state

1 licensed physician and surgeon who is certified in psychiatry by
2 the American Board of Psychiatry and Neurology.

3 (2) For at least two years within the five-year period immediately
4 preceding any supervision, has practiced psychotherapy, provided
5 psychological counseling pursuant to paragraph (5) of subdivision
6 (a) of Section 4989.14, or provided direct clinical supervision of
7 psychotherapy performed by associate clinical social workers,
8 associate marriage and family therapists or trainees, or associate
9 professional clinical counselors. Supervision of psychotherapy
10 performed by a social work intern or a professional clinical
11 counselor trainee shall be accepted if the supervision provided is
12 substantially equivalent to the supervision required for registrants.

13 (3) Has received training in supervision as specified in this
14 chapter and by regulation.

15 (4) Has not provided therapeutic services to the supervisee.

16 (5) Has and maintains a current and active license that is not
17 under suspension or probation as one of the following:

18 (A) A marriage and family therapist, professional clinical
19 counselor, clinical social worker, or licensed educational
20 psychologist issued by the board.

21 (B) A psychologist licensed pursuant to Chapter 6.6
22 (commencing with Section 2900).

23 (C) A physician and surgeon who is certified in psychiatry by
24 the American Board of Psychiatry and Neurology.

25 (6) Is not a spouse, domestic partner, or relative of the
26 supervisee.

27 (7) Does not currently have or previously had a personal,
28 professional, or business relationship with the supervisee that
29 undermines the authority or effectiveness of the supervision.

30 (b) As used in this chapter, the term “supervision” means
31 responsibility for, and control of, the quality of mental health and
32 related services provided by the supervisee. Consultation or peer
33 discussion shall not be considered supervision and shall not qualify
34 as supervised experience.

35 “Supervision” includes, but is not limited to, all of the following:

36 (1) Ensuring the extent, kind, and quality of counseling
37 performed is consistent with the education, training, and experience
38 of the supervisee.

39 (2) Monitoring and evaluating the supervisee’s assessment,
40 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. 30.~~

18 *SEC. 31.* Section 4999.12 of the Business and Professions Code
19 is amended to read:

20 4999.12. For purposes of this chapter, the following terms have
21 the following meanings:

22 (a) “Board” means the Board of Behavioral Sciences.

23 (b) “Accredited” means a school, college, or university
24 accredited by a regional or national institutional accrediting agency
25 that is recognized by the United States Department of Education.

26 (c) “Approved” means a school, college, or university that
27 possessed unconditional approval by the Bureau for Private
28 Postsecondary Education at the time of the applicant’s graduation
29 from the school, college, or university.

30 (d) “Applicant for licensure” means an unlicensed person who
31 has completed the required education and required hours of
32 supervised experience for licensure.

33 (e) “Licensed professional clinical counselor” or “LPCC” means
34 a person licensed under this chapter to practice professional clinical
35 counseling, as defined in Section 4999.20.

36 (f) “Associate” means an unlicensed person who meets the
37 requirements of Section 4999.42 and is registered with the board.

38 (g) “Clinical counselor trainee” means an unlicensed person
39 who is currently enrolled in a master’s or doctoral degree program,
40 as specified in Section 4999.32 or 4999.33, that is designed to

1 qualify the person for licensure and who has completed no less
2 than 12 semester units or 18 quarter units of coursework in any
3 qualifying degree program.

4 (h) "Supervisor" means an individual who meets all of the
5 following requirements:

6 (1) Has held an active license for at least two years within the
7 five-year period immediately preceding any supervision as either:

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 paragraph (5) of subdivision
23 (a) of Section 4989.14, or provided direct clinical supervision of
24 psychotherapy performed by marriage and family therapist trainees,
25 associate marriage and family therapists, associate professional
26 clinical counselors, or associate clinical social workers. Supervision
27 of psychotherapy performed by a social work intern or a
28 professional clinical counselor trainee shall be accepted if the
29 supervision provided is substantially equivalent to the supervision
30 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 (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 are not advertising within the meaning of this chapter.

21 (k) "Referral" means evaluating and identifying the needs of a
22 client to determine whether it is advisable to refer the client to
23 other specialists, informing the client of that judgment, and
24 communicating that determination as requested or deemed
25 appropriate to referral sources.

26 (l) "Research" means a systematic effort to collect, analyze, and
27 interpret quantitative and qualitative data that describes how social
28 characteristics, behavior, emotion, cognitions, disabilities, mental
29 disorders, and interpersonal transactions among individuals and
30 organizations interact.

31 (m) "Supervision" means responsibility for, and control of, the
32 quality of mental health and related services provided by the
33 supervisee. Consultation or peer discussion shall not be considered
34 supervision and shall not qualify as supervised experience.
35 Supervision includes, but is not limited to, all of the following:

36 (1) Ensuring the extent, kind, and quality of counseling
37 performed is consistent with the education, training, and experience
38 of the supervisee.

39 (2) Monitoring and evaluating the supervisee's assessment,
40 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 licensed professional clinical
10 counseling.

11 (6) Reviewing the supervisee's progress notes, process notes,
12 and other patient treatment records, as deemed appropriate by the
13 supervisor.

14 (7) With the client's written consent, providing direct
15 observation or review of audio or video recordings of the
16 supervisee's counseling or therapy, as deemed appropriate by the
17 supervisor.

18 (n) "Clinical setting" means any setting that meets both of the
19 following requirements:

20 (1) Lawfully and regularly provides mental health counseling
21 or psychotherapy.

22 (2) Provides oversight to ensure that the associate's work meets
23 the experience and supervision requirements set forth in this
24 chapter and in regulation and is within the scope of practice of the
25 profession.

26 ~~SEC. 31.~~

27 *SEC. 32.* Section 6534 of the Business and Professions Code
28 is amended to read:

29 6534. (a) The bureau shall maintain the following information
30 in each licensee's file, shall make this information available to a
31 court for any purpose, including the determination of the
32 appropriateness of appointing or continuing the appointment of,
33 or removing, the licensee as a conservator, guardian, trustee,
34 personal representative of a decedent's estate, agent under a durable
35 power of attorney for health care, or agent under a durable power
36 of attorney for finances, and shall otherwise keep this information
37 confidential, except as provided in subdivisions (b) and (c) of this
38 section:

39 (1) The names of the licensee's current conservatees, wards,
40 principals under a durable power of attorney for health care, or

1 principals under a durable power of attorney for finances, and the
2 names of the trusts or estates currently administered by the licensee,
3 whether the case is court supervised or non-court supervised.

4 (2) The aggregate dollar value of all assets currently under the
5 licensee's supervision as a professional fiduciary.

6 (3) The licensee's current addresses and telephone numbers for
7 their place of business and place of residence.

8 (4) Whether the licensee has ever been removed for cause as a
9 conservator, guardian, trustee, personal representative of a
10 decedent's estate, agent under a durable power of attorney for
11 health care, or agent under a durable power of attorney for finances,
12 or has ever resigned or settled a matter in which a complaint against
13 the licensee has been filed with the court as a conservator, guardian,
14 trustee, personal representative of a decedent's estate, agent under
15 a durable power of attorney for health care, or agent under a durable
16 power of attorney for finances, in a specific case, the circumstances
17 causing that removal or resignation, and the case names, court
18 locations, and case numbers associated with the removal or
19 resignation.

20 (5) The case names, court locations, and case numbers of all
21 conservatorship, guardianship, or trust or other estate
22 administration cases that are closed for which the licensee served
23 as the conservator, guardian, trustee, agent under a durable power
24 of attorney for finance or health care, or personal representative
25 of a decedent's estate, whether the case is court supervised or
26 non-court supervised.

27 (6) Information regarding any discipline imposed upon the
28 licensee by the bureau.

29 (7) Whether the licensee has filed for bankruptcy or held a
30 controlling financial interest in a business that filed for bankruptcy
31 in the last 10 years.

32 (b) The bureau shall make the information in paragraphs (2),
33 (4), (6), and (7) of subdivision (a) available to the public.

34 (c) The bureau shall also publish information regarding licensees
35 on the Internet as specified in Section 27. The information shall
36 include, but shall not be limited to, information regarding license
37 status and the information specified under subdivision (b).

38 ~~SEC. 32.~~

39 *SEC. 33.* Section 6538 of the Business and Professions Code
40 is amended to read:

1 6538. (a) (1) To qualify for licensure, an applicant shall have
2 completed 30 hours of prelicensing education courses provided
3 by an educational program approved by the bureau.

4 (2) Beginning January 1, 2023, the prelicensing education
5 courses shall include at least one hour of instruction in cultural
6 competency.

7 (b) (1) To renew a license, or to restore a license from retired
8 status to active status, a licensee shall complete 15 hours of
9 approved continuing education courses each annual renewal cycle.

10 (2) Beginning January 1, 2023, as part of the approved
11 continuing education courses required by paragraph (1), a licensee
12 shall complete at least two hours of instruction in ethics, two hours
13 of instruction in cultural competency, or two hours of instruction
14 in both ethics and cultural competency every annual renewal cycle.

15 (c) The cost of any educational course required by this chapter
16 shall not be borne by any client served by a licensee.

17 (d) For purposes of this section, “cultural competency” means
18 understanding and applying cultural and ethnic data to the process
19 of providing services that includes, but is not limited to,
20 information on the appropriate services for the lesbian, gay,
21 bisexual, transgender, and intersex communities, ethnic
22 communities, and religious communities.

23 ~~SEC. 33.~~

24 *SEC. 34.* Section 6560 of the Business and Professions Code
25 is amended to read:

26 6560. A licensee shall keep complete and accurate client
27 records, and shall make those records available for audit or review
28 by the bureau upon request.

29 ~~SEC. 34.~~

30 *SEC. 35.* Section 6561 of the Business and Professions Code
31 is amended to read:

32 6561. (a) A licensee shall initially, and annually thereafter,
33 file with the bureau a statement under penalty of perjury containing
34 the following:

35 (1) The licensee’s business address, telephone number, and
36 facsimile number.

37 (2) Whether or not the licensee has been removed for cause as
38 a conservator, guardian, trustee, personal representative of a
39 decedent’s estate, agent under a durable power of attorney for
40 health care, or agent under a durable power of attorney for finances.

1 The licensee may file an additional statement of the issues and
2 facts pertaining to the case.

3 (3) The names of the licensee's current conservatees, wards,
4 principals under a durable power of attorney for health care, or
5 principals under a durable power of attorney for finances, and the
6 names of trusts and decedent's estates currently administered by
7 the licensee, whether the cases are court supervised or non-court
8 supervised, and including court names, court locations, and case
9 numbers where applicable.

10 (4) The case names, court locations, and case numbers of all
11 conservatorship, guardianship, trust and other estate administration
12 cases that are closed for which the licensee served as the
13 conservator, guardian, trustee, agent under a durable power of
14 attorney for finance or health care, and personal representative of
15 a decedent's estate, whether the case is court supervised or
16 non-court supervised.

17 (5) Whether the licensee has been found by a court to have
18 breached a fiduciary duty.

19 (6) Whether the licensee has resigned or settled a matter in
20 which a complaint against the licensee has been filed with the
21 court, along with the case number and a statement of the issues
22 and facts pertaining to the allegations.

23 (7) Any licenses or professional certificates held by the licensee.

24 (8) Any ownership or beneficial interests in any businesses or
25 other enterprises held by the licensee or by a family member that
26 receives or has received payments from a client of the licensee.

27 (9) Whether the licensee has filed for bankruptcy or held a
28 controlling financial interest in a business that filed for bankruptcy
29 in the last ten years.

30 (10) The name of any persons or entities that have an interest
31 in the licensee's professional fiduciary business.

32 (11) Whether the licensee has been convicted of a crime.

33 (b) The statement by the licensee required by this section may
34 be filed electronically with the bureau, in a form approved by the
35 bureau. However, any additional statement filed under paragraph
36 (2) of subdivision (a) shall be filed in writing.

37 ~~SEC. 35.~~

38 *SEC. 36.* Section 7086.10 of the Business and Professions Code
39 is amended to read:

1 7086.10. (a) For any licensee whose license is revoked or
2 pending revocation whose actions have caused the payment of an
3 award to a consumer pursuant to the program, the board shall
4 display a notice on the public license detail on the board's internet
5 website stating that the licensee was the subject of a payment
6 pursuant to the program.

7 (b) The notice specified in subdivision (a) shall remain on the
8 board's internet website until seven years after the date of the
9 payment.

10 (c) This section shall operate independently of, and is not subject
11 to, Section 7124.6.

12 ~~SEC. 36.~~

13 *SEC. 37.* Section 7506.10 of the Business and Professions Code
14 is amended to read:

15 7506.10. (a) Every initial registration shall expire one year
16 following the date of issuance, unless renewed as provided in this
17 section. A renewal registration shall expire two years following
18 the date of renewal, unless renewed as provided in this section.

19 (b) At least 60 days prior to the expiration, the bureau shall mail
20 a renewal form to the registrant at the licensee's place of business.
21 A registrant who desires to renew their registration shall forward
22 to the bureau for each registration the properly completed renewal
23 form obtained from the bureau, with the renewal fee prescribed
24 by this chapter, for renewal of their registration. Until the
25 registration renewal certificate is issued, a registrant may continue
26 to work with a temporary registration renewal certificate on a
27 secure form prescribed by the chief and issued by the qualified
28 certificate holder that has been embossed by the bureau with the
29 state seal for a period not to exceed 120 days from the date of
30 expiration of the registration.

31 (c) A licensee shall provide to their registrants information
32 regarding procedures for renewal of registration.

33 (d) A registration that is not renewed within 60 days after its
34 expiration may not be renewed. If the registration is renewed within
35 60 days after its expiration, the registrant, as a condition precedent
36 to renewal, shall pay the renewal fee and also pay the delinquency
37 fee prescribed in this chapter. Registrants working with expired
38 registrations shall pay all accrued fees and penalties prior to
39 renewal or reregistration.

1 (e) Upon renewal, evidence of renewal, as the director may
2 prescribe, shall be issued to the registrant. If evidence of renewal
3 has not been delivered to the registrant prior to the date of
4 expiration, the registrant may present evidence of renewal to
5 substantiate continued registration for a period not to exceed 60
6 days after the date of expiration or a temporary registration renewal
7 certificate, as described in subdivision (b).

8 (f) A registration shall not be renewed until any and all fines
9 assessed pursuant to this chapter and not resolved in accordance
10 with this chapter have been paid.

11 ~~SEC. 37.~~

12 *SEC. 38.* Section 7520.3 of the Business and Professions Code
13 is amended to read:

14 7520.3. (a) As a condition of the issuance, reinstatement,
15 reactivation, or continued valid use of a license under this chapter,
16 a limited liability company shall, in accordance with this section,
17 maintain a policy or policies of insurance against liability imposed
18 on or against it by law for damages arising out of claims based
19 upon acts, errors, or omissions arising out of the private investigator
20 services it provides.

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

23 (1) For a limited liability company licensee with five or fewer
24 persons named as members pursuant to subdivision (i) of Section
25 7525.1, the aggregate limit shall not be less than one million dollars
26 (\$1,000,000).

27 (2) For a limited liability company licensee with more than five
28 persons named as members pursuant to subdivision (i) of Section
29 7525.1, an additional one hundred thousand dollars (\$100,000) of
30 insurance shall be obtained for each person named as members of
31 the licensee except that the maximum amount of insurance is not
32 required to exceed five million dollars (\$5,000,000) in any one
33 designated period, less amounts paid in defending, settling, or
34 discharging claims as set forth under this section.

35 (c) Prior to the issuance, reinstatement, or reactivation of a
36 limited liability company license as provided under this chapter,
37 the applicant or licensee shall, in the manner prescribed by the
38 bureau, submit the information and documentation required by
39 this section and requested by the bureau, demonstrating compliance
40 with the financial security requirements specified by this section.

1 (d) For any insurance policy secured by a licensee in satisfaction
2 of this section, a Certificate of Liability Insurance, signed by an
3 authorized agent or employee of the insurer, shall be submitted
4 electronically or otherwise to the bureau. The insurer issuing the
5 certificate shall report to the bureau the following information for
6 any policy required under this section: name, license number,
7 policy number, dates that coverage is scheduled to commence and
8 lapse, and cancellation date if applicable. The insurer shall list the
9 bureau as the certificate holder for the purposes of receiving
10 notifications related to the policy's status.

11 (e) (1) If a licensee fails to maintain sufficient insurance as
12 required by this section, or fails to provide proof of the required
13 insurance upon request by the bureau, the license is subject to
14 suspension and shall be automatically suspended pursuant to this
15 subdivision until the date that the licensee provides proof to the
16 bureau of compliance with the insurance coverage requirement.

17 (2) Prior to an automatic suspension, the bureau shall notify the
18 licensee, in writing, that it has 30 days to provide proof to the
19 bureau of having the required insurance or the license shall be
20 automatically suspended.

21 (3) If the licensee fails to provide proof of insurance coverage
22 within this period, the bureau may automatically suspend the
23 license.

24 (f) If the license of a limited liability company is suspended
25 pursuant to subdivision (e), each member of the limited liability
26 company shall be personally liable up to one million dollars
27 (\$1,000,000) each for damages resulting to third parties in
28 connection with the company's performance, during the period of
29 suspension, of any act or contract when a license is required by
30 this chapter.

31 (g) On and after March 1, 2023, a licensee organized as a limited
32 liability company shall report annually to the bureau the date and
33 amount of any claims paid during the prior calendar year from any
34 general liability insurance policy held pursuant to this section,
35 using a form provided by the bureau. The creation of the form
36 shall not be subject to the requirements of Chapter 3.5
37 (commencing with Section 11340) of Part 1 of Division 3 of Title
38 2 of the Government Code.

39 (h) This section shall remain in effect only until January 1, 2024,
40 and as of that date is repealed.

1 ~~SEC. 38.~~

2 *SEC. 39.* Section 7523 of the Business and Professions Code
3 is amended to read:

4 7523. (a) Unless specifically exempted by Section 7522, no
5 person shall engage in the business of private investigator, as
6 defined in Section 7521, unless that person has applied for and
7 received a license to engage in that business pursuant to this
8 chapter.

9 (b) Any person who violates any provision of this chapter or
10 who conspires with another person to violate any provision of this
11 chapter, relating to private investigator licensure, or who knowingly
12 engages a nonexempt unlicensed person is guilty of a misdemeanor
13 punishable by a fine of five thousand dollars (\$5,000) or by
14 imprisonment in the county jail not to exceed one year, or by both
15 that fine and imprisonment.

16 (c) A proceeding to impose the fine specified in subdivision (b)
17 may be brought in any court of competent jurisdiction in the name
18 of the people of the State of California by the Attorney General
19 or by any district attorney or city attorney, or with the consent of
20 the district attorney, the city prosecutor in any city or city and
21 county having a full-time city prosecutor for the jurisdiction in
22 which the violation occurred. If the action is brought by the district
23 attorney, the penalty collected shall be paid to the treasurer of the
24 county in which the judgment is entered. If the action is brought
25 by a city attorney or city prosecutor, one-half of the penalty
26 collected shall be paid to the treasurer of the city in which the
27 judgment was entered and one-half to the treasurer of the county
28 in which the judgment was entered. If the action is brought by the
29 Attorney General, all of the penalties collected shall be deposited
30 in the Private Security Services Fund.

31 (d) Any person who: (1) acts as or represents themselves to be
32 a private investigator licensee under this chapter when they are
33 not a licensee under this chapter; (2) falsely represents that they
34 are employed by a licensee under this chapter when they are not
35 employed by a licensee under this chapter; (3) carries a badge,
36 identification card, or business card, indicating that they are a
37 licensee under this chapter when they are not a licensee under this
38 chapter; (4) uses a letterhead or other written or electronically
39 generated materials indicating that they are a licensee under this
40 chapter when they are not a licensee under this chapter; or (5)

1 advertises that they are a licensee under this chapter when they
2 are not a licensee, is guilty of a misdemeanor that is punishable
3 by a fine of ten thousand dollars (\$10,000) or by imprisonment in
4 a county jail for not more than one year, or by both that fine and
5 imprisonment.

6 (e) A proceeding to impose the fine specified in subdivision (d)
7 may be brought in any court of competent jurisdiction in the name
8 of the people of the State of California by the Attorney General
9 or by any district attorney or city attorney, or with the consent of
10 the district attorney, the city prosecutor in any city or city and
11 county having a full-time city prosecutor for the jurisdiction in
12 which the violation occurred. If the action is brought by the district
13 attorney, the penalty collected shall be paid to the treasurer of the
14 county in which the judgment is entered. If the action is brought
15 by a city attorney or city prosecutor, one-half of the penalty
16 collected shall be paid to the treasurer of the city in which the
17 judgment was entered and one-half to the treasurer of the county
18 in which the judgment was entered. If the action is brought by the
19 Attorney General, all of the penalty collected shall be deposited
20 in the Private Security Services Fund.

21 (f) Any person who is convicted of a violation of the provisions
22 of this section shall not be issued a license under this chapter,
23 within one year following that conviction.

24 (g) Any person who is convicted of a violation of subdivision
25 (a), (b), or (d) shall not be issued a license for a period of one year
26 following a first conviction and shall not be issued a license for a
27 period of five years following a second or subsequent conviction
28 of subdivision (a), (b), or (d), or any combination of subdivision
29 (a), (b), or (d).

30 (h) The chief shall gather evidence of violations of this chapter
31 and of any rule or regulation established pursuant to this chapter
32 by persons engaged in the business of private investigator who fail
33 to obtain a license and shall gather evidence of violations and
34 furnish that evidence to prosecuting officers of any county or city
35 for the purpose of prosecuting all violations occurring within their
36 jurisdiction.

37 (i) The prosecuting officer of any county or city shall prosecute
38 all violations of this chapter occurring within their jurisdiction.

1 ~~SEC. 39.~~

2 *SEC. 40.* Section 7583.10 of the Business and Professions
3 Code, as added by Section 14 of Chapter 697 of the Statutes of
4 2021, is amended to read:

5 7583.10. The application shall be verified and shall include all
6 of the following:

7 (a) The full name, residence address, telephone number, and
8 date of birth of the applicant.

9 (b) The name of the entity that administered the course in the
10 exercise of the power to arrest and the appropriate use of force to
11 the applicant.

12 (1) If the course provider is a licensee, the bureau-issued license
13 number.

14 (2) If the course provider is a certified firearms training facility
15 or baton training facility, the bureau-issued facility certificate
16 number.

17 (3) If the course provider is an approved trainer in the exercise
18 of the power to arrest and the appropriate use of force, the approved
19 trainer number issued by the bureau.

20 (c) The name of the person who taught the course in the exercise
21 of the power to arrest and the appropriate use of force completed
22 by the applicant.

23 (d) The serial number on the certificate of completion the course
24 provider issued to the applicant upon completion of the course in
25 the exercise of the power to arrest and the appropriate use of force.

26 (e) A statement that the applicant has completed the training
27 course in the exercise of the power to arrest and the appropriate
28 use of force, as specified in Section 7583.7.

29 (f) A statement as to whether the applicant has been convicted
30 of a misdemeanor, excluding minor traffic violations.

31 (g) A statement as to whether the applicant has been convicted
32 of a felony.

33 (h) The application fee provided for in this chapter or the
34 regulations adopted pursuant thereto, except as provided in Section
35 7583.9.

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

37 ~~SEC. 40.~~

38 *SEC. 41.* Section 7583.15 of the Business and Professions Code
39 is repealed.

1 ~~SEC. 41.~~

2 *SEC. 42.* Section 7583.30 of the Business and Professions Code
3 is amended to read:

4 7583.30. The firearms qualification card, if issued, shall be
5 mailed to the applicant at the address which appears on the
6 application. In the event of the loss or destruction of the card, the
7 cardholder may apply to the bureau for a certified replacement of
8 the card, stating the circumstances surrounding the loss, and pay
9 the fee prescribed in this chapter, whereupon the bureau shall issue
10 a certified replacement of the card.

11 ~~SEC. 42.~~

12 *SEC. 43.* Section 7585.8 of the Business and Professions Code
13 is amended to read:

14 7585.8. (a) Each firearm training facility shall, before allowing
15 any person to participate in the course of training in the carrying
16 and usage of firearms, verify and certify on the firearms
17 qualification application that they have seen documentation
18 verifying that the person to whom they are providing firearms
19 training is a citizen of the United States or possesses permanent
20 legal immigration status in the United States in accordance with
21 Sections 7583.23 and 7596.3.

22 (b) Each firearm training facility shall, before allowing any
23 person to participate in the requalification course in the carrying
24 and usage of firearms, verify and certify on the firearm
25 requalification application that the firearm training facility has
26 seen documentation verifying that the person to whom they are
27 providing firearms training is a citizen of the United States or
28 possesses permanent legal immigration status in the United States
29 in accordance with Sections 7583.32 and 7596.7.

30 ~~SEC. 43.~~

31 *SEC. 44.* Section 7841.2 of the Business and Professions Code
32 is amended to read:

33 7841.2. (a) An applicant for certification as a
34 geologist-in-training shall comply with all of the following:

35 (1) Not have committed acts or crimes constituting grounds for
36 denial of certification under Section 480.

37 (2) Successfully pass the Fundamentals of Geology examination.

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 (A) Graduation from a college or university with a major in
2 geological sciences or any other discipline that, in the opinion of
3 the board, is relevant to geology.

4 (B) Completion of a combination of at least 30 semester hours,
5 or the equivalent, in courses that, in the opinion of the board, are
6 relevant to geology. At least 24 semester hours, or the equivalent,
7 shall be in upper division or graduate courses.

8 (b) (1) The board shall require an applicant for certification as
9 a geologist-in-training to sign or acknowledge a statement of
10 eligibility at the time of submission of the application attesting to
11 the completion of the education requirements established by this
12 section and the rules of the board.

13 (2) Except as required by paragraph (1), the board is not required
14 to verify an applicant's eligibility for certification as a
15 geologist-in-training.

16 ~~SEC. 44.~~

17 *SEC. 45.* Section 9888.5 of the Business and Professions Code
18 is amended to read:

19 9888.5. (a) The director shall develop inspection criteria and
20 standards for specific safety systems and components of the vehicle
21 in order to promote the safe and uniform installation, maintenance,
22 and servicing of vehicle safety systems and components.

23 (b) The director shall issue vehicle safety systems inspection
24 licenses to stations and technicians to conduct inspections of, and
25 repairs to, safety systems of vehicles. The director may
26 electronically issue these licenses.

27 (c) By January 1, 2024, the director shall adopt the regulations,
28 in accordance with the rulemaking provisions of the Administrative
29 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
30 Part 1 of Division 3 of Title 2 of the Government Code), including,
31 but not limited to, all of the following:

32 (1) Inspection criteria and standards for specific safety systems
33 and components of the vehicle in order to promote the safe and
34 uniform installation, maintenance, and servicing of vehicle safety
35 systems and components.

36 (2) The application fee and process for applicants, including
37 any specialized application process for those licensees licensed
38 pursuant to Article 5 (commencing with Section 9887.1) and
39 Article 6 (commencing with Section 9888.1).

1 (3) The certificate of compliance fee and certification process
2 for vehicles, including any specialized certification process for
3 those vehicles certified pursuant to Article 8 (commencing with
4 Section 9889.15). The director shall prescribe a form for the
5 certificate of compliance that contains, at a minimum, the date of
6 issuance, the make and registration number of the vehicle, and the
7 official license of the station.

8 (d) The vehicle safety systems inspection license shall replace
9 licenses issued pursuant to Article 5 (commencing with Section
10 9887.1) and Article 6 (commencing with Section 9888.1). Licenses
11 issued in accordance with those articles shall remain valid until
12 six months after the director adopts regulations pursuant to
13 subdivision (c). A licensee with a license issued pursuant to Article
14 5 (commencing with Section 9887.1) or Article 6 (commencing
15 with Section 9888.1) shall thereafter be regulated under this article
16 and shall apply for and be issued a vehicle safety systems
17 inspection license under this article.

18 (e) The vehicle safety systems inspection certificate shall replace
19 certificates issued pursuant to Article 8 (commencing with Section
20 9889.15). Certificates issued in accordance with that article shall
21 remain valid until six months after the director adopts regulations
22 pursuant to subdivision (c).

23 ~~SEC. 45.~~

24 *SEC. 46.* Section 10083.2 of the Business and Professions Code
25 is amended to read:

26 10083.2. (a) (1) The commissioner shall provide information
27 on the internet regarding the status of every license issued by the
28 department in accordance with the California Public Records Act
29 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
30 Title 1 of the Government Code) and the Information Practices
31 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
32 1.8 of Part 4 of Division 3 of the Civil Code).

33 (2) The public information to be provided on the internet shall
34 include information on suspensions and revocations of licenses
35 issued by the department and accusations filed pursuant to the
36 Administrative Procedure Act (Chapter 3.5 (commencing with
37 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
38 Code) relative to persons or businesses subject to licensure or
39 regulation by the department.

1 (3) The public information shall not include personal
2 information, including home telephone number, date of birth, or
3 social security number. The commissioner shall disclose a
4 licensee's address of record. However, the commissioner shall
5 allow a licensee to provide a post office box number or other
6 alternate address, instead of the licensee's home address, as the
7 address of record. This section shall not preclude the commissioner
8 from also requiring a licensee who has provided a post office box
9 number or other alternative mailing address as the licensee's
10 address of record to provide a physical business address or
11 residence address only for the department's internal administrative
12 use and not for disclosure as the licensee's address of record or
13 disclosure on the internet.

14 (4) The public information shall also include whether a licensee
15 is an associate licensee within the meaning of subdivision (a) of
16 Section 2079.13 of the Civil Code and, if the associate licensee is
17 a broker, identify each responsible broker with whom the licensee
18 is contractually associated as described in Section 10032 of this
19 code or Section 2079.13 of the Civil Code.

20 (b) For purposes of this section, "internet" has the meaning set
21 forth in paragraph (6) of subdivision (f) of Section 17538.

22 (c) Upon petition by a licensee accompanied by a fee sufficient
23 to defray costs associated with consideration of a petition, the
24 commissioner may remove from the posting of discipline described
25 in subdivision (a) an item that has been posted on the department's
26 internet website for no less than 10 years and for which the licensee
27 provides evidence of rehabilitation indicating that the notice is no
28 longer required in order to prevent a credible risk to members of
29 the public utilizing licensed activity of the licensee. In evaluating
30 a petition, the commissioner shall take into consideration other
31 violations that present a credible risk to the members of the public
32 since the posting of discipline requested for removal.

33 (d) The department may develop, through regulations, the
34 amount of the fee and the minimum information to be included in
35 a licensee's petition, including, but not limited to, a written
36 justification and evidence of rehabilitation pursuant to Section
37 482.

38 (e) "Posted" for purposes of this section is defined as the date
39 of disciplinary action taken by the department.

1 (f) The department shall maintain a list of all licensees whose
2 disciplinary records are altered as a result of a petition approved
3 under subdivision (c). The department shall make the list accessible
4 to other licensing bodies. The department shall update and provide
5 the list to other licensing bodies as often as it modifies the records
6 displayed on its internet website in response to petitions approved
7 under subdivision (c).

8 ~~SEC. 46.~~

9 *SEC. 47.* Section 10140.6 of the Business and Professions Code
10 is amended to read:

11 10140.6. (a) A real estate licensee shall not publish, circulate,
12 distribute, or cause to be published, circulated, or distributed in
13 any newspaper or periodical, or by mail, any matter pertaining to
14 any activity for which a real estate license is required that does
15 not contain a designation disclosing that the licensee is performing
16 acts for which a real estate license is required.

17 (b) (1) A real estate licensee shall disclose their name, license
18 identification number and unique identifier assigned to that licensee
19 by the Nationwide Multistate Licensing System and Registry, if
20 that licensee is a mortgage loan originator, and responsible broker's
21 identity, as defined in Section 10015.4, on all solicitation materials
22 intended to be the first point of contact with consumers and on
23 real property purchase agreements when acting in a manner that
24 requires a real estate license or mortgage loan originator license
25 endorsement in those transactions. The commissioner may adopt
26 regulations identifying the materials in which a licensee must
27 disclose a license identification number and unique identifier
28 assigned to that licensee by the Nationwide Multistate Licensing
29 System and Registry, and responsible broker's identity.

30 (2) A real estate licensee who is a natural person and who legally
31 changes the surname in which their license was originally issued
32 may continue to utilize their former surname for the purpose of
33 conducting business associated with their license so long as both
34 names are filed with the department. Use of a former surname shall
35 not constitute a fictitious name for the purposes of Section 10159.5.

36 (3) For purposes of this section, "solicitation materials" include
37 business cards, stationery, advertising flyers, advertisements on
38 television, in print, or electronic media, "for sale," rent, lease,
39 "open house," and directional signs, and other materials designed

1 to solicit the creation of a professional relationship between the
2 licensee and a consumer.

3 (4) This section does not limit or change the requirement
4 described in Section 10236.4 as applicable to real estate brokers.

5 (c) This section shall not apply to “for sale,” rent, lease, “open
6 house,” and directional signs that do either of the following:

7 (1) Display the responsible broker’s identity, as defined in
8 Section 10015.4, without reference to an associate broker or
9 licensee.

10 (2) Display no licensee identification information.

11 (d) “Mortgage loan originator,” “unique identifier,” and
12 “Nationwide Multistate Licensing System and Registry” have the
13 meanings set forth in Section 10166.01.

14 ~~SEC. 47.~~

15 *SEC. 48.* Section 10151 of the Business and Professions Code,
16 as amended by Section 6.1 of Chapter 431 of the Statutes of 2021,
17 is amended to read:

18 10151. (a) Application for the real estate salesperson license
19 examination shall be made in writing to the commissioner. The
20 commissioner may prescribe the format and content of the
21 salesperson examination application. The application for the
22 salesperson examination shall include valid contact information
23 at which the department may contact the applicant and shall be
24 accompanied by the real estate salesperson license examination
25 fee.

26 (b) Persons who have been notified by the commissioner that
27 they passed the real estate salesperson license examination may
28 apply for a real estate salesperson license. A person applying for
29 the salesperson examination may also apply for a real estate
30 salesperson license. However, a license shall not be issued until
31 the applicant passes the real estate salesperson license examination.
32 If there is any change to the information contained in a real estate
33 salesperson license application after the application has been
34 submitted and before the license has been issued, the commissioner
35 may require the applicant to submit a supplement to the application
36 listing the changed information.

37 (c) (1) The commissioner may prescribe the format and content
38 of the real estate salesperson license application. The application
39 for the real estate salesperson license shall include valid contact
40 information at which the department may contact the applicant.

1 (2) An application for the real estate salesperson license
2 examination or for both the examination and license that is received
3 by the commissioner on or after October 1, 2007, shall include
4 evidence or certification, satisfactory to the commissioner, of
5 successful completion at an accredited institution of a
6 three-semester unit course, or the quarter equivalent thereof, or
7 successful completion of an equivalent course of study as defined
8 in Section 10153.5 in real estate principles as well as the successful
9 completion at an accredited institution of a course in real estate
10 practice as set forth in Section 10153.2, and one additional course
11 as set forth in Section 10153.2, other than real estate principles,
12 real estate practice, advanced legal aspects of real estate, advanced
13 real estate finance, or advanced real estate appraisal. The applicant
14 shall provide this evidence or certification to the commissioner
15 prior to taking the real estate salesperson license examination.

16 (d) The commissioner shall waive the requirements of this
17 section for the following applicants:

18 (1) An applicant who is a member of the State Bar of California.

19 (2) An applicant who has qualified to take the examination for
20 an original real estate broker license by satisfying the requirements
21 of Section 10153.2.

22 (e) Application for endorsement to act as a mortgage loan
23 originator, as defined in Section 10166.01, shall be made either
24 electronically or in writing as directed by the commissioner. The
25 commissioner may prescribe the format and the content of the
26 mortgage loan originator endorsement application, which shall
27 meet the minimum requirements for licensing of a mortgage loan
28 originator, pursuant to the Secure and Fair Enforcement for
29 Mortgage Licensing Act of 2008 (Public Law 110-289).

30 ~~SEC. 48.~~

31 *SEC. 49.* Section 10151 of the Business and Professions Code,
32 as added by Section 6.2 of Chapter 431 of the Statutes of 2021, is
33 repealed.

34 ~~SEC. 49.~~

35 *SEC. 50.* Section 10153.2 of the Business and Professions
36 Code, as amended by Section 3 of Chapter 361 of the Statutes of
37 2021, is amended to read:

38 10153.2. (a) An applicant to take the examination for an
39 original real estate broker license shall also submit evidence,

1 satisfactory to the commissioner, of successful completion, at an
2 accredited institution, of:

3 (1) A three-unit semester course, or the quarter equivalent
4 thereof, in each of the following:

5 (A) Real estate practice.
6 (B) Legal aspects of real estate.
7 (C) Real estate appraisal.
8 (D) Real estate financing.
9 (E) Real estate economics or accounting.

10 (2) A three-unit semester course, or the quarter equivalent
11 thereof, in three of the following:

12 (A) Advanced legal aspects of real estate.
13 (B) Advanced real estate finance.
14 (C) Advanced real estate appraisal.
15 (D) Business law.
16 (E) Escrows.
17 (F) Real estate principles.
18 (G) Property management.
19 (H) Real estate office administration.
20 (I) Mortgage loan brokering and lending.
21 (J) Computer applications in real estate.
22 (K) On and after July 1, 2004, California law that relates to
23 common interest developments, including, but not limited to, topics
24 addressed in the Davis-Stirling Common Interest Development
25 Act (Part 5 (commencing with Section 4000) of Division 4 of the
26 Civil Code) and in the Commercial and Industrial Common Interest
27 Development Act (Part 5.3 (commencing with Section 6500) of
28 Division 4 of the Civil Code).

29 (b) The commissioner shall waive the requirements of this
30 section for an applicant who is a member of the State Bar of
31 California and shall waive the requirements for which an applicant
32 has successfully completed an equivalent course of study as
33 determined under Section 10153.5.

34 (c) The commissioner shall extend credit under this section for
35 any course completed to satisfy requirements of Section 10153.3
36 or 10153.4.

37 (d) This section shall remain in effect only until January 1, 2024,
38 and as of that date is repealed.

1 ~~SEC. 50.~~

2 *SEC. 51.* Section 10153.2 of the Business and Professions
3 Code, as added by Section 4 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, which shall include both of the
12 following:

13 (i) A component on implicit bias, including education regarding
14 the impact of implicit bias, explicit bias, and systemic bias on
15 consumers, the historical and social impacts of those biases, and
16 actionable steps students can take to recognize and address their
17 own implicit biases.

18 (ii) A component on federal and state fair housing laws as those
19 laws apply to the practice of real estate. The fair housing
20 component shall include an interactive participatory component,
21 during which the applicant shall roleplay as both a consumer and
22 real estate professional.

23 (B) Legal aspects of real estate.

24 (C) Real estate appraisal.

25 (D) Real estate financing.

26 (E) Real estate economics or accounting.

27 (2) A three-unit semester course, or the quarter equivalent
28 thereof, in three of the following:

29 (A) Advanced legal aspects of real estate.

30 (B) Advanced real estate finance.

31 (C) Advanced real estate appraisal.

32 (D) Business law.

33 (E) Escrows.

34 (F) Real estate principles.

35 (G) Property management.

36 (H) Real estate office administration.

37 (I) Mortgage loan brokering and lending.

38 (J) Computer applications in real estate.

39 (K) On and after July 1, 2004, California law that relates to
40 common interest developments, including, but not limited to, topics

1 addressed in the Davis-Stirling Common Interest Development
2 Act (Part 5 (commencing with Section 4000) of Division 4 of the
3 Civil Code) and in the Commercial and Industrial Common Interest
4 Development Act (Part 5.3 (commencing with Section 6500) of
5 Division 4 of the Civil Code).

6 (b) The commissioner shall waive the requirements of this
7 section for an applicant who is a member of the State Bar of
8 California and shall waive the requirements for which an applicant
9 has successfully completed an equivalent course of study as
10 determined under Section 10153.5.

11 (c) The commissioner shall extend credit under this section for
12 any course completed to satisfy requirements of Section 10153.3
13 or 10153.4.

14 (d) This section shall become operative on January 1, 2024.

15 ~~SEC. 51.~~

16 *SEC. 52.* Section 10153.3 of the Business and Professions Code
17 is amended to read:

18 10153.3. (a) This section shall apply to an application for the
19 real estate salesperson license examination, the real estate
20 salesperson license, and for both the examination and license
21 received by the commissioner prior to October 1, 2007.

22 (b) Application for the real estate salesperson license
23 examination pursuant to this section shall be made in writing to
24 the commissioner. The commissioner may prescribe the format
25 and content of the salesperson examination application. The
26 application for the salesperson examination shall be accompanied
27 by the real estate salesperson license examination fee.

28 (c) In order to take the examination for a real estate salesperson
29 license, an applicant under this section shall submit evidence or
30 certification satisfactory to the commissioner of enrollment in, or
31 successful completion at, an accredited institution of a three-unit
32 semester course or the quarter equivalent thereof, or successful
33 completion of an equivalent course of study as defined in Section
34 10153.5, in real estate principles. Evidence of enrollment
35 satisfactory to the commissioner may include a statement from the
36 applicant made under penalty of perjury.

37 (d) An applicant under this section may take the real estate
38 salesperson license examination within two years of the date their
39 application was received by the commissioner. Notwithstanding
40 subdivision (c), if the applicant fails to schedule an examination

1 or to obtain a passing score on it within that time period, they shall
2 be required to submit evidence or certification satisfactory to the
3 commissioner of satisfactory completion at an accredited institution
4 of the courses described in subdivision (c) of Section 10151 or
5 satisfactory completion of an equivalent course of study as defined
6 in Section 10153.5, before taking the examination.

7 (e) An applicant under this section shall, prior to issuance of
8 the real estate salesperson license, submit evidence or certification
9 satisfactory to the commissioner of successful completion of the
10 real estate principles course as described in subdivision (c) and of
11 successful completion at an accredited institution or successful
12 completion of an equivalent course of study as defined in Section
13 10153.5, of a course in real estate practice and one additional
14 course set forth in Section 10153.2 other than real estate principles,
15 real estate practice, advanced legal aspects of real estate, advanced
16 real estate finance, or advanced real estate appraisal.

17 (f) The commissioner shall waive the requirements of this
18 section for an applicant who is a member of the State Bar of
19 California, or who has completed an equivalent course of study,
20 as determined under Section 10153.5, or who has qualified to take
21 the examination for an original real estate broker license by
22 satisfying the requirements of Section 10153.2.

23 ~~SEC. 52.~~

24 *SEC. 53.* Section 10153.4 of the Business and Professions Code
25 is amended to read:

26 10153.4. (a) This section shall apply to an application for the
27 real estate salesperson license examination, the real estate
28 salesperson license, and for both the examination and license
29 received by the commissioner prior to October 1, 2007, if the
30 applicant obtains a passing score on the real estate salesperson
31 license examination and submits a license application prior to
32 October 1, 2007.

33 (b) Application for the real estate salesperson license
34 examination pursuant to this section shall be made in writing to
35 the commissioner. The commissioner may prescribe the format
36 and content of the salesperson examination application. The
37 application for the salesperson examination shall be accompanied
38 by the real estate salesperson license examination fee.

1 (c) An applicant under this section shall comply with the
2 requirements of subdivision (c) of Section 10153.3 in order to take
3 the real estate salesperson license examination.

4 (d) An applicant under this section who obtains a passing score
5 on the real estate salesperson license examination prior to October
6 1, 2007, shall, prior to the issuance of the real estate salesperson
7 license, submit evidence or certification satisfactory to the
8 commissioner of successful completion at an accredited institution
9 of a three-unit semester course, or the quarter unit equivalent
10 thereof, or successful completion of an equivalent course of study
11 as defined in Section 10153.5, in real estate principles as described
12 in subdivision (c) of Section 10153.3. An applicant for an original
13 real estate salesperson license under this section shall also, prior
14 to the issuance of the license, or within 18 months after issuance,
15 submit evidence or certification satisfactory to the commissioner
16 of successful completion at an accredited institution or a private
17 vocational school, as specified in Section 10153.5, of a course in
18 real estate practice and one additional course set forth in Section
19 10153.2, other than real estate principles, real estate practice,
20 advanced legal aspects of real estate, advanced real estate finance,
21 or advanced real estate appraisal.

22 (e) A salesperson who qualifies for a license pursuant to this
23 section shall not be required for the first license renewal thereafter
24 to complete the continuing education pursuant to Article 2.5
25 (commencing with Section 10170), except for the courses specified
26 in paragraphs (1) to (4), inclusive, of subdivision (a) of Section
27 10170.5 or, on and after July 1, 2007, except for the courses
28 specified in paragraphs (1) to (5), inclusive, of subdivision (a) of
29 Section 10170.5.

30 (f) The salesperson license issued to an applicant who has
31 satisfied only the requirements of subdivision (c) at the time of
32 issuance shall be automatically suspended effective 18 months
33 after issuance if the licensee has failed to satisfy the requirements
34 of subdivision (d). The suspension shall not be lifted until the
35 suspended licensee has submitted the required evidence of course
36 completion and the commissioner has given written notice to the
37 licensee of the lifting of the suspension.

38 (g) The original license issued to a salesperson shall clearly set
39 forth the conditions of the license and shall be accompanied by a

1 notice of the provisions of this section and of any regulations
2 adopted by the commissioner to implement this section.

3 (h) The commissioner shall waive the requirements of this
4 section for any person who presents evidence of admission to the
5 State Bar of California, and the commissioner shall waive the
6 requirement for any course for which an applicant has completed
7 an equivalent course of study as determined under Section 10153.5.

8 ~~SEC. 53.~~

9 *SEC. 54.* Section 10159.5 of the Business and Professions Code
10 is amended to read:

11 10159.5. (a) (1) Every person applying for a license under
12 this chapter who desires to have the license issued under a fictitious
13 business name shall file with the application a certified copy of
14 their fictitious business name statement filed with the county clerk
15 pursuant to Chapter 5 (commencing with Section 17900) of Part
16 3 of Division 7.

17 (2) A responsible broker may, by contract, permit a salesperson
18 to do all of the following:

19 (A) File an application on behalf of a responsible broker with
20 a county clerk to obtain a fictitious business name.

21 (B) Deliver to the department an application, signed by the
22 responsible broker, requesting the department's approval to use a
23 county approved fictitious business name that shall be identified
24 with the responsible broker's license number.

25 (C) Pay for any fees associated with filing an application with
26 a county or the department to obtain or use a fictitious business
27 name.

28 (D) Maintain ownership of a fictitious business name, as defined
29 in paragraph (1) of subdivision (a) of Section 10159.7, that may
30 be used subject to the control of the responsible broker.

31 (b) (1) A salesperson using a fictitious business name authorized
32 by subdivision (a), shall use that name only as permitted by the
33 responsible broker.

34 (2) This section does not change a real estate broker's duties
35 under this division to supervise a salesperson.

36 (c) A person applying to a county for a fictitious business name
37 pursuant to subdivision (a) may file the application in the county
38 or counties where the fictitious business name will be used.

39 (d) Advertising and solicitation materials, including business
40 cards, print or electronic media and "for sale" signage, using a

1 fictitious business name obtained in accordance with paragraph
2 (2) of subdivision (a) shall include the responsible broker's identity,
3 as defined in Section 10015.4, in a manner equally as prominent
4 as the fictitious business name.

5 (e) Notwithstanding subdivision (b) of Section 10140.6,
6 advertising and solicitation materials, including print or electronic
7 media and "for sale" signage, containing a fictitious business name
8 obtained in accordance with paragraph (2) of subdivision (a) shall
9 include the name and license number of the salesperson who is
10 using the fictitious business name.

11 (f) Notwithstanding Section 10185, a violation of this section
12 is not a misdemeanor.

13 ~~SEC. 54.~~

14 *SEC. 55.* Section 10165 of the Business and Professions Code
15 is amended to read:

16 10165. For a violation of Section 10161.8, 10162, 10163, or
17 subdivision (b) of Section 10164, the commissioner may
18 temporarily suspend or permanently revoke the license of the real
19 estate licensee in accordance with this part relating to hearings.

20 ~~SEC. 55.~~

21 *SEC. 56.* Section 10166.01 of the Business and Professions
22 Code is amended to read:

23 10166.01. For purposes of this article, the following definitions
24 shall apply:

25 (a) "SAFE Act" means the federal Secure and Fair Enforcement
26 for Mortgage Licensing Act of 2008 (Public Law 110-289).

27 (b) (1) "Mortgage loan originator" means an individual who
28 takes a residential mortgage loan application or offers or negotiates
29 terms of a residential mortgage loan for compensation or gain.

30 (2) Mortgage loan originator does not include any of the
31 following:

32 (A) An individual who performs purely administrative or clerical
33 tasks on behalf of a person meeting the definition of a mortgage
34 loan originator, except as otherwise provided in subdivision (c) of
35 Section 10166.03. The term "administrative or clerical tasks"
36 means the receipt, collection, and distribution of information
37 common for the processing or underwriting of a loan in the
38 mortgage industry and communication with a consumer to obtain
39 information necessary for the processing or underwriting of a
40 residential mortgage loan.

1 (B) An individual that only performs real estate brokerage
2 services, as defined in subdivision (a) or (b) of Section 10131,
3 unless that person is compensated by a lender, other mortgage loan
4 originator, or by any agent of any lender or other mortgage loan
5 originator.

6 (C) An individual who solely renegotiates terms for existing
7 mortgage loans held or serviced by their employer and who does
8 not otherwise act as a mortgage loan originator, unless the United
9 States Department of Housing and Urban Development or a court
10 of competent jurisdiction determines that the SAFE Act requires
11 such an employee to be licensed as a mortgage loan originator
12 under state laws implementing the SAFE Act.

13 (D) An individual that is solely involved in extensions of credit
14 relating to timeshare plans, as that term is defined in Section
15 101(53D) of Title 11 of the United States Code.

16 (E) An individual licensed or registered as a mortgage loan
17 originator pursuant to the Financial Code and the SAFE Act.

18 (c) “Nationwide Multistate Licensing System and Registry”
19 means a mortgage licensing system developed and maintained by
20 the Conference of State Bank Supervisors and the American
21 Association of Residential Mortgage Regulators for the licensing
22 and registration of mortgage loan originators.

23 (d) “Residential mortgage loan” means any loan primarily for
24 personal, family, or household use that is secured by a mortgage,
25 deed of trust, or other equivalent consensual security interest on
26 a dwelling, or residential real estate upon which is constructed or
27 intended to be constructed a dwelling. “Dwelling” means a
28 residential structure that contains one to four units, whether or not
29 that structure is attached to real property. The term includes an
30 individual condominium unit, cooperative unit, mobilehome, or
31 trailer, if it is used as a residence.

32 (e) “Unique identifier” means a number or other identifier
33 assigned by protocols established by the Nationwide Multistate
34 Licensing System and Registry.

35 (f) “Loan processor or underwriter” means an individual who
36 performs clerical or support duties as an employee at the direction
37 of, and subject to the supervision and instruction of, a mortgage
38 loan originator.

1 ~~SEC. 56.~~

2 SEC. 57. Section 10166.02 of the Business and Professions
3 Code is amended to read:

4 10166.02. (a) A real estate broker who acts pursuant to Section
5 10131.1 or subdivision (d) or (e) of Section 10131, and who makes,
6 arranges, or services loans secured by real property containing one
7 to four residential units, and any salesperson who acts in a similar
8 capacity under the supervision of that broker, shall notify the
9 department by January 31, 2010, or within 30 days of commencing
10 that activity, whichever is later. The notification shall be made in
11 writing, as directed, on a form that is acceptable to the
12 commissioner.

13 (b) No individual may engage in business as a mortgage loan
14 originator under this article without first doing both of the
15 following:

16 (1) Obtaining and maintaining a real estate license pursuant to
17 Article 2 (commencing with Section 10150).

18 (2) Obtaining and maintaining a real estate license endorsement
19 pursuant to this article identifying that individual as a licensed
20 mortgage loan originator.

21 (c) License endorsements shall be valid for a period of one year
22 and shall expire on December 31 each year.

23 (d) Applicants for a mortgage loan originator license
24 endorsement shall apply in a form prescribed by the commissioner.
25 Each form shall contain content as set forth by rule, regulation,
26 instruction, or procedure of the commissioner.

27 (e) In order to fulfill the purposes of this article, the
28 commissioner may establish relationships or contracts with the
29 Nationwide Multistate Licensing System and Registry or other
30 entities designated by the Nationwide Multistate Licensing System
31 and Registry to collect and maintain records and process transaction
32 fees or other fees related to licensees or other persons subject to
33 this article.

34 (f) A real estate broker or salesperson who fails to notify the
35 department pursuant to subdivision (a), or who fails to obtain a
36 license endorsement required pursuant to paragraph (2) of
37 subdivision (b), shall be assessed a penalty of fifty dollars (\$50)
38 per day for each day written notification has not been received or
39 a license endorsement has not been obtained, up to and including
40 the 30th day after the first day of the assessment penalty. On and

1 after the 31st day, the penalty is one hundred dollars (\$100) per
2 day, not to exceed a total penalty of ten thousand dollars (\$10,000),
3 regardless of the number of days, until the department receives
4 the written notification or the licensee obtains the license
5 endorsement. Penalties for violations of subdivisions (a) and (b)
6 shall be additive.

7 (g) The commissioner may suspend or revoke the license of a
8 real estate broker or salesperson who fails to pay a penalty imposed
9 pursuant to this section. In addition, the commissioner may bring
10 an action in an appropriate court of this state to collect payment
11 of that penalty.

12 (h) All penalties paid or collected under this section shall be
13 deposited into the Consumer Recovery Account of the Real Estate
14 Fund and shall, upon appropriation by the Legislature, be available
15 for expenditure for the purposes specified in Chapter 6.5
16 (commencing with Section 10470).

17 ~~SEC. 57.~~

18 *SEC. 58.* Section 10166.03 of the Business and Professions
19 Code is amended to read:

20 10166.03. (a) A loan processor or underwriter who does not
21 represent to the public, through advertising or other means of
22 communicating or providing information, including the use of
23 business cards, stationery, brochures, signs, rate lists, or other
24 promotional items, that the individual can or will perform any of
25 the activities of a mortgage loan originator shall not be required
26 to obtain a license endorsement as a mortgage loan originator.

27 (b) An individual engaging solely in loan processor or
28 underwriter activities shall not represent to the public, through
29 advertising or other means of communicating or providing
30 information including the use of business cards, stationery,
31 brochures, signs, rate lists, or other promotional items, that the
32 individual can or will perform any of the activities of a mortgage
33 loan originator.

34 (c) An independent contractor who is employed by a mortgage
35 loan originator may not engage in the activities of a loan processor
36 or underwriter for a residential mortgage loan unless the
37 independent contractor loan processor or underwriter obtains and
38 maintains an endorsement as a mortgage loan originator under this
39 article. Each independent contractor loan processor or underwriter
40 who obtains and maintains an endorsement as a mortgage loan

1 originator under this article shall have and maintain a valid unique
2 identifier issued by the Nationwide Multistate Licensing System
3 and Registry.

4 ~~SEC. 58.~~

5 *SEC. 59.* Section 10166.04 of the Business and Professions
6 Code is amended to read:

7 10166.04. (a) In connection with an application to the
8 commissioner for a license endorsement as a mortgage loan
9 originator, every applicant shall furnish to the Nationwide
10 Multistate Licensing System and Registry information concerning
11 the applicant's identity, including the following:

12 (1) Fingerprint images and related information, for purposes of
13 performing a federal, or both a state and federal, criminal history
14 background check.

15 (2) Personal history and experience in a form prescribed by the
16 Nationwide Multistate Licensing System and Registry, including
17 the submission of authorization for the Nationwide Multistate
18 Licensing System and Registry and the commissioner to obtain
19 both of the following:

20 (A) An independent credit report from a consumer reporting
21 agency.

22 (B) Information related to any administrative, civil, or criminal
23 findings by any governmental jurisdiction.

24 (b) The commissioner may ask the Nationwide Multistate
25 Licensing System and Registry to obtain state criminal history
26 background check information on applicants described in
27 subdivision (a) using the procedures set forth in subdivisions (c)
28 and (d).

29 (c) If the Nationwide Multistate Licensing System and Registry
30 electronically submits fingerprint images and related information,
31 as required by the Department of Justice, for an applicant for a
32 mortgage loan originator license endorsement, to the Department
33 of Justice for the purposes of obtaining information as to the
34 existence and content of a record of state convictions and state
35 arrests, and as to the existence and content of a record of state
36 arrests for which the Department of Justice establishes that the
37 person is free on bail or on their recognizance pending trial or
38 appeal, the Department of Justice shall provide an electronic
39 response to the Nationwide Multistate Licensing System and
40 Registry pursuant to paragraph (1) of subdivision (p) of Section

1 11105 of the Penal Code, and shall provide the same electronic
2 response to the department.

3 (d) The Nationwide Multistate Licensing System and Registry
4 may request from the Department of Justice subsequent arrest
5 notification service, as provided pursuant to Section 11105.2 of
6 the Penal Code, for persons described in subdivision (a). The
7 Department of Justice shall provide the same electronic response
8 to the department.

9 (e) The Department of Justice shall charge a fee sufficient to
10 cover the cost of processing the requests described in this section.

11 ~~SEC. 59.~~

12 *SEC. 60.* Section 10166.06 of the Business and Professions
13 Code is amended to read:

14 10166.06. (a) In addition to the requirements of Section 10153,
15 an applicant for a license endorsement as a mortgage loan
16 originator shall complete at least 20 hours of education courses,
17 which shall include at least the following:

18 (1) Three hours of federal law and regulations.

19 (2) Three hours of ethics, which shall include instruction on
20 fraud, consumer protection, and fair lending issues.

21 (3) Two hours of training related to lending standards for the
22 nontraditional mortgage product marketplace.

23 (b) For purposes of this section, education courses are only
24 acceptable if they have been reviewed and approved, or otherwise
25 deemed acceptable, by the Nationwide Multistate Licensing System
26 and Registry, in accordance with the SAFE Act. Education may
27 be offered in a classroom, online, or by any other means approved
28 by the Nationwide Multistate Licensing System and Registry, in
29 accordance with the SAFE Act.

30 (c) A person who successfully completes the education
31 requirements approved by the Nationwide Multistate Licensing
32 System and Registry in any state other than California shall be
33 granted credit by the commissioner toward completion of the
34 education requirements of this section.

35 (d) Before being issued a license endorsement to act as a
36 mortgage loan originator, an individual shall pass a qualified
37 written test developed or otherwise deemed acceptable by the
38 Nationwide Multistate Licensing System and Registry and
39 administered by a test provider approved or otherwise deemed

1 acceptable by the Nationwide Multistate Licensing System and
2 Registry.

3 (e) A written test shall not be treated as a qualified written test
4 for purposes of this section, unless the test adequately measures
5 the applicant's knowledge and comprehension in the following
6 subject areas: ethics, federal law and regulation pertaining to
7 mortgage origination, state law and regulation pertaining to
8 mortgage origination, and federal and state law and regulation
9 relating to fraud, consumer protection, the nontraditional mortgage
10 marketplace, and fair lending issues.

11 (f) This section does not prohibit a test provider approved by
12 the Nationwide Multistate Licensing System and Registry from
13 providing a test at the location of the employer of the applicant or
14 any subsidiary or affiliate of the employer of the applicant, or any
15 entity with which the applicant holds an exclusive arrangement to
16 conduct the business of a mortgage loan originator.

17 (g) An individual shall not be considered to have passed a
18 qualified written test administered pursuant to this section unless
19 the individual achieves a test score of not less than 75 percent
20 correct answers to questions.

21 (h) An individual who fails the qualified written test may retake
22 the test, although at least 30 days must pass between each retesting,
23 except as provided in subdivision (i).

24 (i) An applicant who fails three consecutive tests shall wait at
25 least six months before retesting.

26 (j) A mortgage loan originator who fails to maintain a valid
27 license endorsement for a period of five years or longer or who
28 fails to register as a mortgage loan originator shall retake the
29 qualified written test.

30 ~~SEC. 60.~~

31 *SEC. 61.* Section 10166.07 of the Business and Professions
32 Code is amended to read:

33 10166.07. (a) A real estate broker who acts pursuant to Section
34 10131.1 or subdivision (d) or (e) of Section 10131, and who makes,
35 arranges, or services one or more loans in a calendar year that are
36 secured by real property containing one to four residential units,
37 shall annually file a business activities report, within 90 days after
38 the end of the broker's fiscal year or within any additional time as
39 the commissioner may allow for filing for good cause. The report
40 shall contain within its scope all of the following information for

1 the fiscal year, relative to the business activities of the broker and
2 those of any other brokers and real estate salespersons acting under
3 that broker's supervision:

4 (1) Name and license number of the supervising broker and
5 names and license numbers of the real estate brokers and
6 salespersons under that broker's supervision. The report shall
7 include brokers and salespersons who were under the supervising
8 broker's supervision for all or part of the year.

9 (2) A list of the real estate-related activities in which the
10 supervising broker and the brokers and salespersons under the
11 supervising broker's supervision engaged during the prior year.
12 This listing shall identify all of the following:

13 (A) Activities relating to mortgages, including arranging,
14 making, or servicing.

15 (B) Other activities performed under the real estate broker's or
16 salesperson's license.

17 (C) Activities performed under related licenses, including, but
18 not limited to, a license to engage as a finance lender or a finance
19 broker under the California Financing Law (Division 9
20 (commencing with Section 22000) of the Financial Code), or a
21 license to engage as a residential mortgage lender or residential
22 mortgage loan servicer under the California Residential Mortgage
23 Lending Act (Division 20 (commencing with Section 50000) of
24 the Financial Code).

25 (3) A list of the forms of media used by the broker and those
26 under the broker's supervision to advertise to the public, including
27 print, radio, television, the internet, or other means.

28 (4) For fixed rate loans made, brokered, or serviced, all of the
29 following:

30 (A) The total number, aggregate principal amount, lowest
31 interest rate, highest interest rate, and a list of the institutional
32 lenders of record. If the loan was funded by any lender other than
33 an institutional lender, the broker shall categorize the loan as
34 privately funded.

35 (B) The total number and aggregate principal amount of covered
36 loans, as defined in Section 4970 of the Financial Code.

37 (C) The total number and aggregate principal amount of loans
38 for which Department of Real Estate form RE Form 885 or an
39 equivalent is required.

1 (5) For adjustable rate loans made, brokered, or serviced, all of
2 the following:

3 (A) The total number, aggregate principal amount, lowest
4 beginning interest rate, highest beginning interest rate, highest
5 margin, and a list of the institutional lenders of record. If the loan
6 was funded by any lender other than an institutional lender, the
7 broker shall categorize the loan as privately funded.

8 (B) The total number and aggregate principal amount of covered
9 loans, as defined in Section 4970 of the Financial Code.

10 (C) The total number and aggregate principal amount of loans
11 for which Department of Real Estate form RE Form 885 or an
12 equivalent is required.

13 (6) For all loans made, brokered, or serviced, the total number
14 and aggregate principal amount of loans funded by institutional
15 lenders, and the total number and aggregate principal amount of
16 loans funded by private lenders.

17 (7) For all loans made, brokered, or serviced, the total number
18 and aggregate principal amount of loans that included a prepayment
19 penalty, the minimum prepayment penalty length, the maximum
20 prepayment penalty length, and the number of loans with
21 prepayment penalties whose length exceeded the length of time
22 before the borrower's loan payment amount could increase.

23 (8) For all loans brokered, the total compensation received by
24 the broker, including yield spread premiums, commissions, and
25 rebates, but excluding compensation used to pay fees for third-party
26 services on behalf of the borrower.

27 (9) For all mortgage loans made or brokered, the total number
28 of loans for which a mortgage loan disclosure statement was
29 provided in a language other than English, and the number of forms
30 provided per language other than English.

31 (10) For all mortgage loans serviced, the total amount of funds
32 advanced to be applied toward a payment to protect the security
33 of the note being serviced.

34 (11) For purposes of this section, an institutional lender has the
35 meaning specified in paragraph (1) of subdivision (c) of Section
36 10232.

37 (b) A broker subject to this section and Section 10232.2 may
38 file consolidated reports that include all of the information required
39 under this section and Section 10232.2. Those consolidated reports

1 shall clearly indicate that they are intended to satisfy the
2 requirements of both sections.

3 (c) If a broker subject to this section fails to timely file the report
4 required under this section, the commissioner may cause an
5 examination and report to be made and may charge the broker one
6 and one-half times the cost of making the examination and report.
7 In determining the hourly cost incurred by the commissioner for
8 conducting an examination and preparing the report, the
9 commissioner may use the estimated average hourly cost for all
10 department audit staff performing audits of real estate brokers. If
11 a broker fails to pay the commissioner's cost within 60 days of the
12 mailing of a notice of billing, the commissioner may suspend the
13 broker's license or deny renewal of that license. The suspension
14 or denial shall remain in effect until the billed amount is paid or
15 the broker's right to renew a license has expired. The commissioner
16 may maintain an action for the recovery of the billed amount in
17 any court of competent jurisdiction.

18 (d) The report described in this section is exempted from any
19 requirement of public disclosure by paragraph (2) of subdivision
20 (d) of Section 6254 of the Government Code.

21 (e) The commissioner may waive the requirement to submit
22 certain information described in paragraphs (1) to (10), inclusive,
23 of subdivision (a) if the commissioner determines that this
24 information is duplicative of information required by the
25 Nationwide Multistate Licensing System and Registry, pursuant
26 to Section 10166.08.

27 ~~SEC. 61.~~

28 *SEC. 62.* Section 10166.08 of the Business and Professions
29 Code is amended to read:

30 10166.08. Each mortgage loan originator shall submit reports
31 of condition to the Nationwide Multistate Licensing System and
32 Registry reports of condition, and those reports shall be in the form
33 and shall contain information as the Nationwide Multistate
34 Licensing System and Registry may require.

35 ~~SEC. 62.~~

36 *SEC. 63.* Section 10166.10 of the Business and Professions
37 Code is amended to read:

38 10166.10. (a) A mortgage loan originator shall complete at
39 least eight hours of continuing education annually, which shall
40 include at least three hours relating to federal law and regulations,

1 two hours of ethics, which shall include instruction on fraud,
2 consumer protection, and fair lending issues, and two hours related
3 to lending standards for the nontraditional mortgage product
4 marketplace.

5 (b) For purposes of subdivision (a), continuing education courses
6 and course providers shall be reviewed and approved by the
7 commissioner and the Nationwide Multistate Licensing System
8 and Registry.

9 (c) The commissioner shall have the authority to substitute any
10 of the courses described in subdivision (a) for the course
11 requirements of Section 10170.5, subject to a finding that the
12 course requirements in subdivision (a) and the course completion
13 standards in subdivision (g) of Section 10166.06 are substantially
14 equivalent to, and meet the intent of, Section 10170.5.

15 (d) This section does not preclude any education course, as
16 approved by the commissioner and the Nationwide Multistate
17 Licensing System and Registry, that is provided by the employer
18 of the mortgage loan originator or an entity that is affiliated with
19 the mortgage loan originator by an agency contract, or any
20 subsidiary or affiliate of the employer or entity.

21 (e) Continuing education may be offered either in a classroom,
22 online, or by any other means approved by the commissioner and
23 the Nationwide Multistate Licensing System and Registry.

24 (f) A mortgage loan originator may only receive credit for a
25 continuing education course in the year in which the course is
26 taken.

27 (g) A mortgage loan originator may not take the same approved
28 course in the same or successive years to meet the requirements
29 of this section for continuing education.

30 (h) A mortgage loan originator who is an instructor of an
31 approved continuing education course may receive credit for their
32 own annual continuing education requirement at the rate of two
33 hours credit for every one hour taught.

34 (i) A person who successfully completes the education
35 requirements approved by the Nationwide Multistate Licensing
36 System and Registry in any state other than California shall be
37 granted credit by the commissioner towards completion of
38 continuing education requirements in this state.

39 (j) A mortgage loan originator whose license endorsement
40 lapses, expires, or is suspended or revoked, and who wishes to

1 regain their license endorsement, shall complete continuing
2 education requirements for the last year in which the endorsement
3 was held, before issuance of a new or renewed endorsement.

4 ~~SEC. 63.~~

5 *SEC. 64.* Section 10166.15 of the Business and Professions
6 Code is amended to read:

7 10166.15. (a) The commissioner shall regularly report
8 violations of this article, as well as enforcement actions taken
9 against any mortgage loan originator to whom an endorsement has
10 been issued, and enforcement actions taken against any individual
11 for failure to obtain an endorsement as a mortgage loan originator,
12 to the Nationwide Multistate Licensing System and Registry.

13 (b) The commissioner shall establish a process that may be used
14 by mortgage loan originators to challenge information entered into
15 the Nationwide Multistate Licensing System and Registry by the
16 commissioner.

17 (c) The commissioner is authorized to promulgate regulations
18 specifying (1) the recordkeeping requirements that mortgage loan
19 originators shall satisfy and (2) the penalties that shall apply to
20 mortgage loan originators for violations of this article.

21 ~~SEC. 64.~~

22 *SEC. 65.* Section 10166.16 of the Business and Professions
23 Code is amended to read:

24 10166.16. (a) Except as otherwise provided in Section 1512
25 of the SAFE Act, the requirements under any federal or state law
26 regarding the privacy or confidentiality of any information or
27 material provided to the Nationwide Multistate Licensing System
28 and Registry, and any privilege arising under federal or state law,
29 including the rules of any federal or state court, with respect to
30 that information or material, shall continue to apply to the
31 information or material after the information or material has been
32 disclosed to the Nationwide Multistate Licensing System and
33 Registry. The information and material may be shared with all
34 state and federal regulatory officials with mortgage industry
35 oversight authority without the loss of privilege or the loss of
36 confidentiality protections provided by federal or state law.

37 (b) For these purposes, the commissioner is authorized to enter
38 agreements or sharing arrangements with other governmental
39 agencies, the Conference of State Bank Supervisors, the American
40 Association of Residential Mortgage Regulators, or other

1 associations representing governmental agencies as established by
2 rule, regulation or order of the commissioner.

3 (c) Information or material that is subject to a privilege or
4 confidentiality under subdivision (a) shall not be subject to either
5 of the following:

6 (1) Disclosure under any federal or state law governing the
7 disclosure to the public of information held by an officer or an
8 agency of the federal government or the state.

9 (2) Subpoena or discovery, or admission into evidence, in any
10 private civil action or administrative process, unless with respect
11 to any privilege held by the Nationwide Multistate Licensing
12 System and Registry with respect to the information or material,
13 the person to whom the information or material pertains waives,
14 in whole or in part, in the discretion of the person, that privilege.

15 (d) This section shall not apply with respect to the information
16 or material relating to the employment history of, and publicly
17 adjudicated disciplinary and enforcement actions against, mortgage
18 loan originators that is included in the Nationwide Multistate
19 Licensing System and Registry for access by the public.

20 ~~SEC. 65:~~

21 *SEC. 66.* Section 10166.17 of the Business and Professions
22 Code is amended to read:

23 10166.17. In addition to any other duties imposed upon the
24 commissioner by law, the commissioner shall require mortgage
25 loan originators to be licensed and registered through the
26 Nationwide Multistate Licensing System and Registry. In order
27 to carry out this requirement the commissioner is authorized to
28 participate in the Nationwide Multistate Licensing System and
29 Registry. For this purpose, the commissioner may establish by
30 rule, regulation, or order, requirements as necessary, including,
31 but not limited to, the following:

32 (a) Background checks for the following:

33 (1) Criminal history through fingerprint or other databases.

34 (2) Civil or administrative records.

35 (3) Credit history.

36 (4) Any other information as deemed necessary by the
37 Nationwide Multistate Licensing System and Registry.

38 (b) The payment of fees to apply for or renew licenses through
39 the Nationwide Multistate Licensing System and Registry.

1 (c) The setting or resetting as necessary of renewal or reporting
2 dates.

3 (d) Requirements for amending or surrendering a license or any
4 other activities as the commissioner deems necessary for
5 participation in the Nationwide Multistate Licensing System and
6 Registry.

7 ~~SEC. 66.~~

8 *SEC. 67.* Section 10235.5 of the Business and Professions Code
9 is amended to read:

10 10235.5. (a) A real estate licensee or mortgage loan originator
11 shall not place an advertisement disseminated primarily in this
12 state for a loan unless there is disclosed within the printed text of
13 that advertisement, or the oral text in the case of a radio or
14 television advertisement, the Department of Real Estate number
15 and the unique identifier assigned to that licensee by the
16 Nationwide Multistate Licensing System and Registry under which
17 the loan would be made or arranged.

18 (b) “Mortgage loan originator,” “unique identifier,” and
19 “Nationwide Multistate Licensing System and Registry” have the
20 meanings set forth in Section 10166.01.

21 ~~SEC. 67.~~

22 *SEC. 68.* Section 10236.4 of the Business and Professions Code
23 is amended to read:

24 10236.4. (a) In compliance with Section 10235.5, every
25 licensed real estate broker shall also display their license number
26 on all advertisements where there is a solicitation for borrowers
27 or potential investors. Every mortgage loan originator, as defined
28 in Section 10166.01, shall also display the unique identifier
29 assigned to that individual by the Nationwide Multistate Licensing
30 System and Registry on all advertisements where there is a
31 solicitation for borrowers.

32 (b) The disclosures required by Sections 10232.4 and 10240
33 shall include the licensee’s license number, the mortgage loan
34 originator’s unique identifier, if applicable, and the department’s
35 license information telephone number.

36 (c) “Mortgage loan originator,” “unique identifier,” and
37 “Nationwide Multistate Licensing System and Registry” have the
38 meanings set forth in Section 10166.01.

1 ~~SEC. 68.~~

2 *SEC. 69.* Section 12303 of the Business and Professions Code
3 is amended to read:

4 12303. The state standards of weights and measures by which
5 all state and county standards of weights and measures shall be
6 tried, proved, and sealed include the following standards, provided
7 the standards have been certified relative to national standards
8 under the direction of the National Institute of Standards and
9 Technology:

- 10 (a) Metrological standards provided by the United States.
11 (b) Metrological standards procured by the state.
12 (c) Metrological standards in the possession of county sealers.
13 (d) Metrological standards in the possession of laboratories
14 certified to perform measurement services pursuant to Section
15 12314.

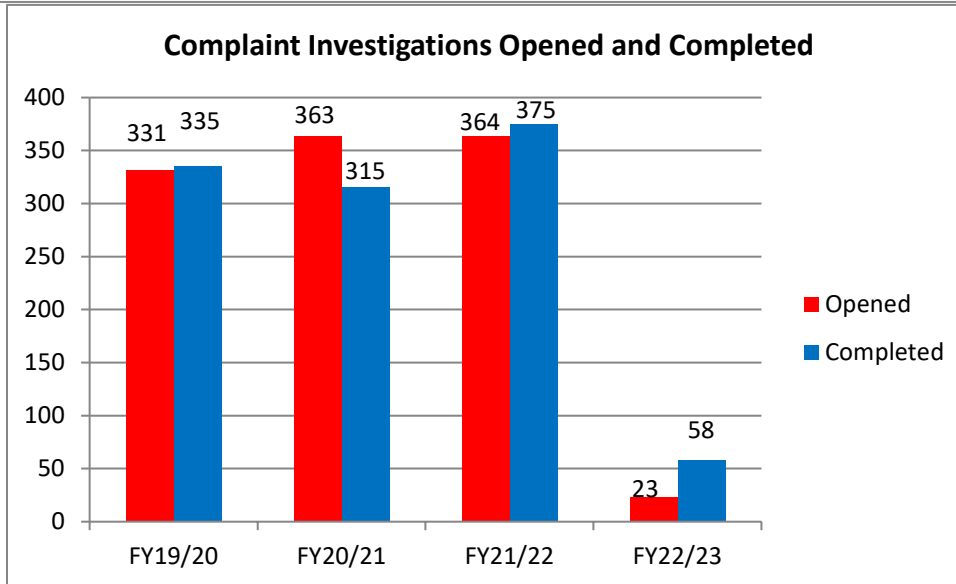
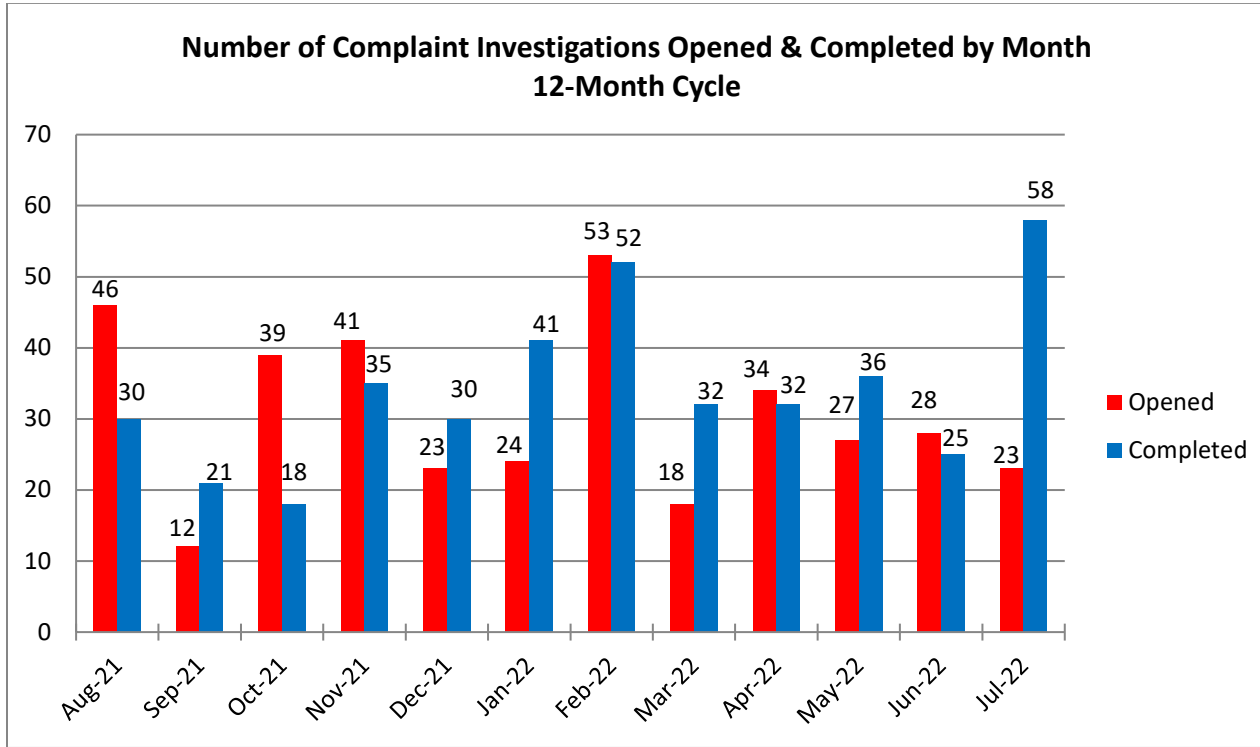
16 ~~SEC. 69.~~

17 *SEC. 70.* No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

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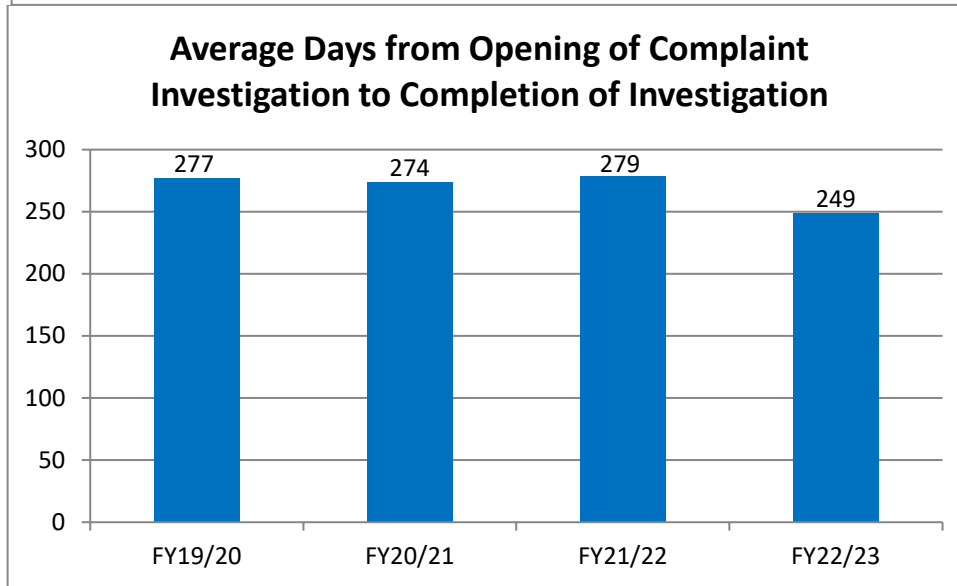
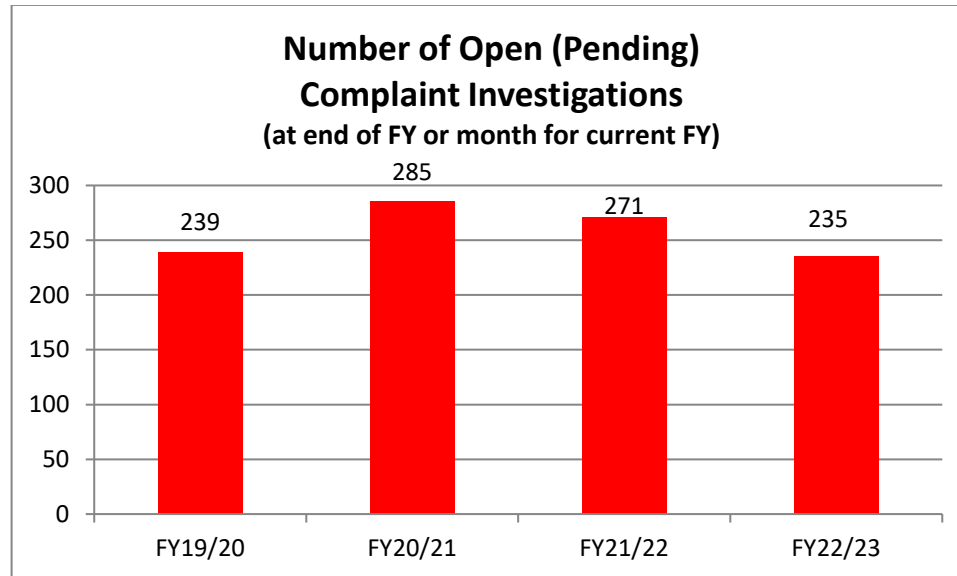
- VI. Enforcement**
- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2022/23 Update

Complaint Investigation Phase



NOTE: FY22/23 statistics are through July 31, 2022

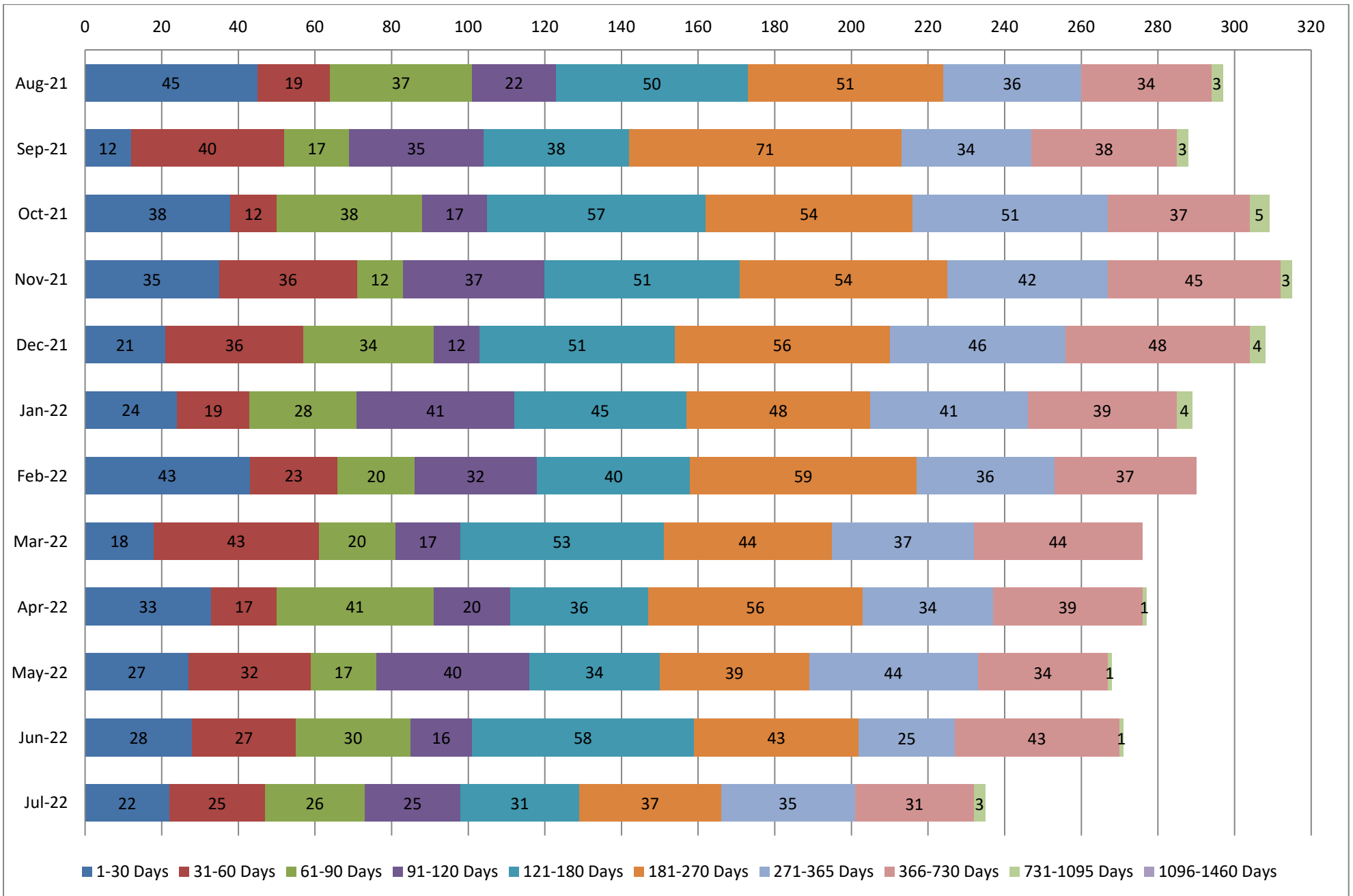
Complaint Investigation Phase



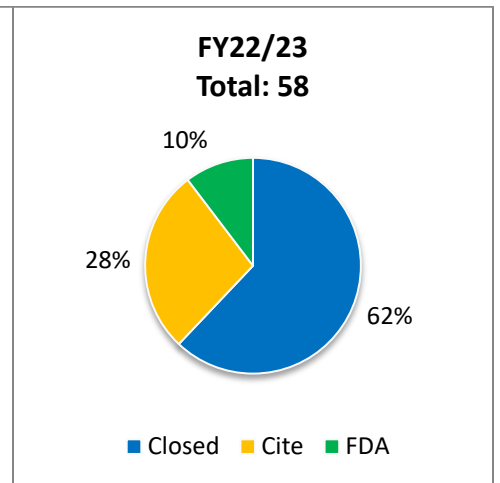
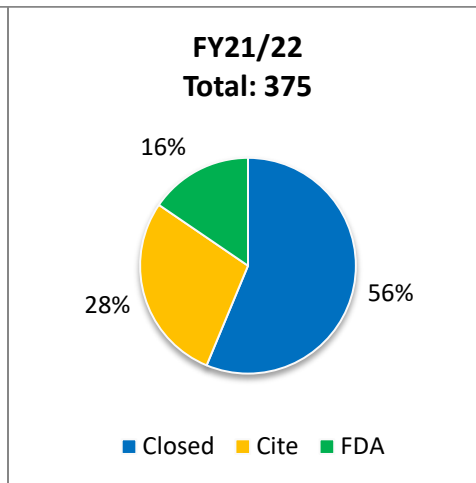
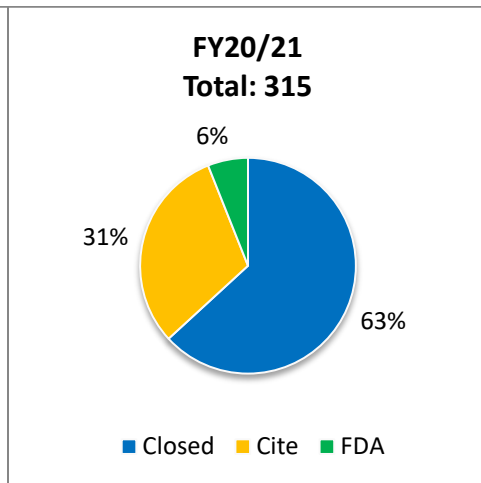
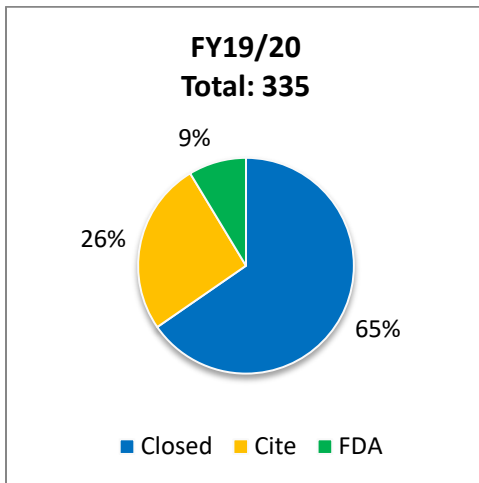
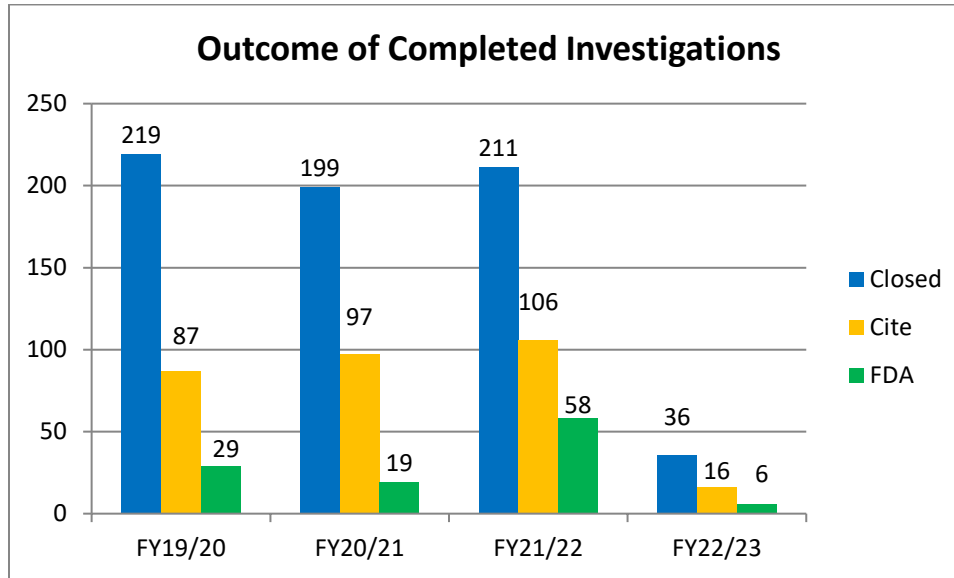
NOTE: FY22/23 statistics are through July 31, 2022

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



Complaint Investigation Phase Outcome of Completed Investigations



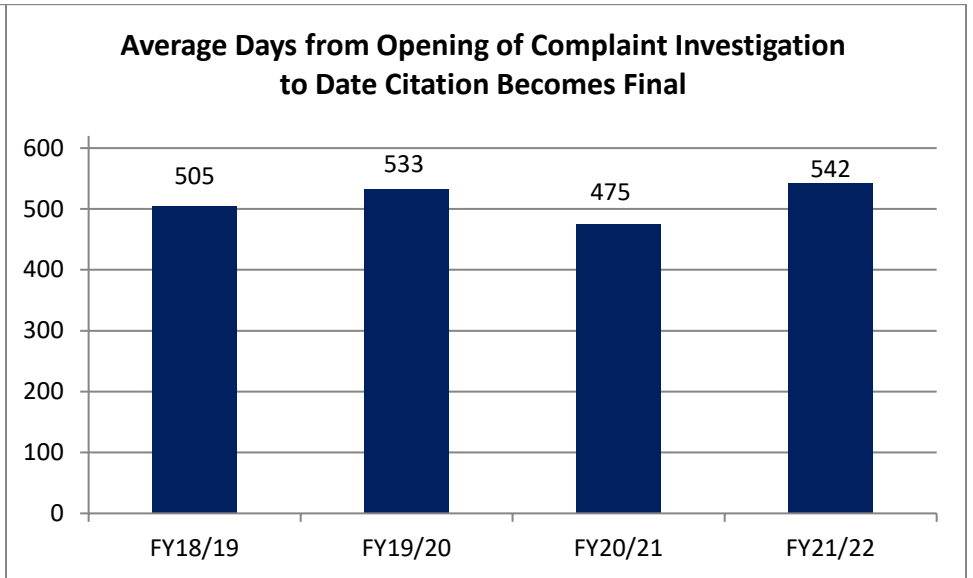
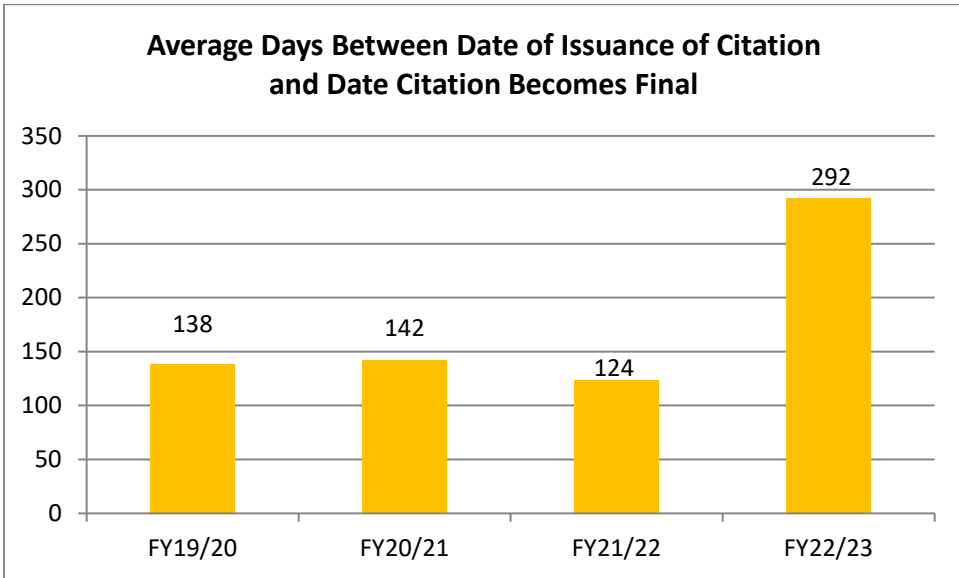
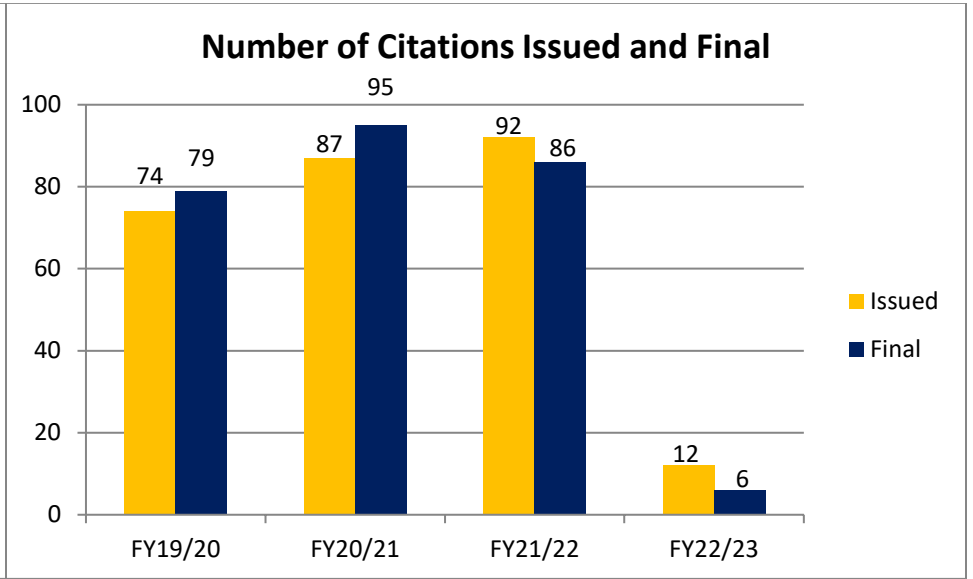
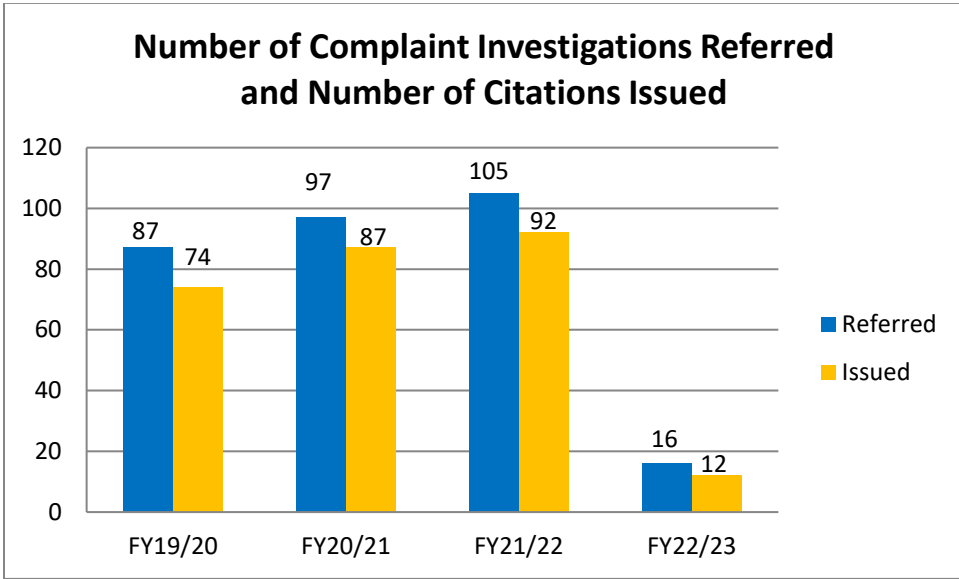
NOTE: FY22/23 statistics are through July 31, 2022

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

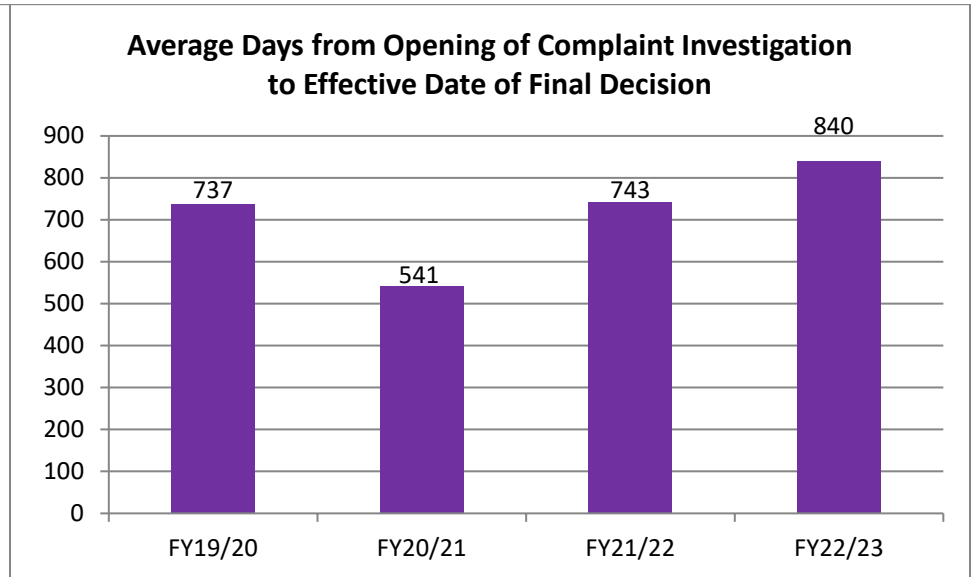
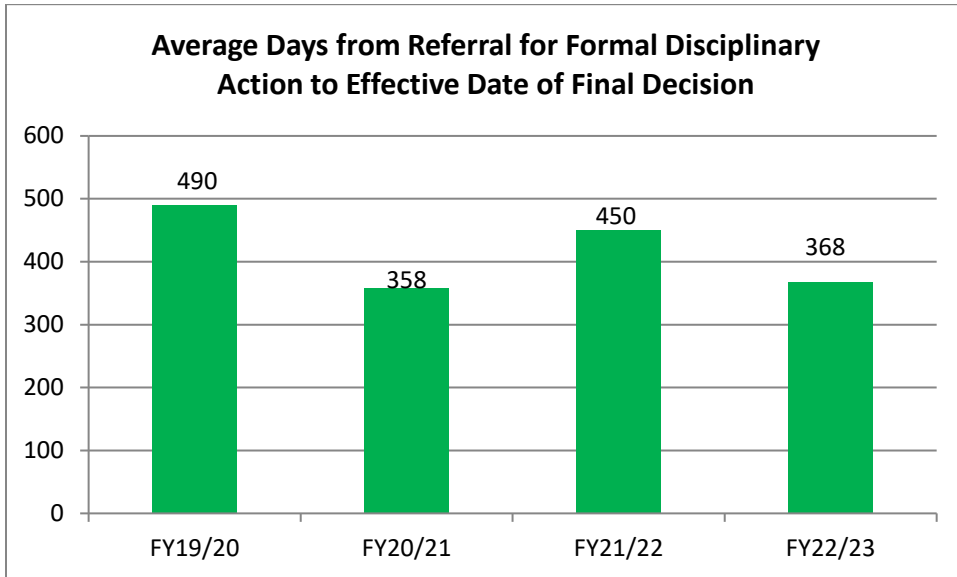
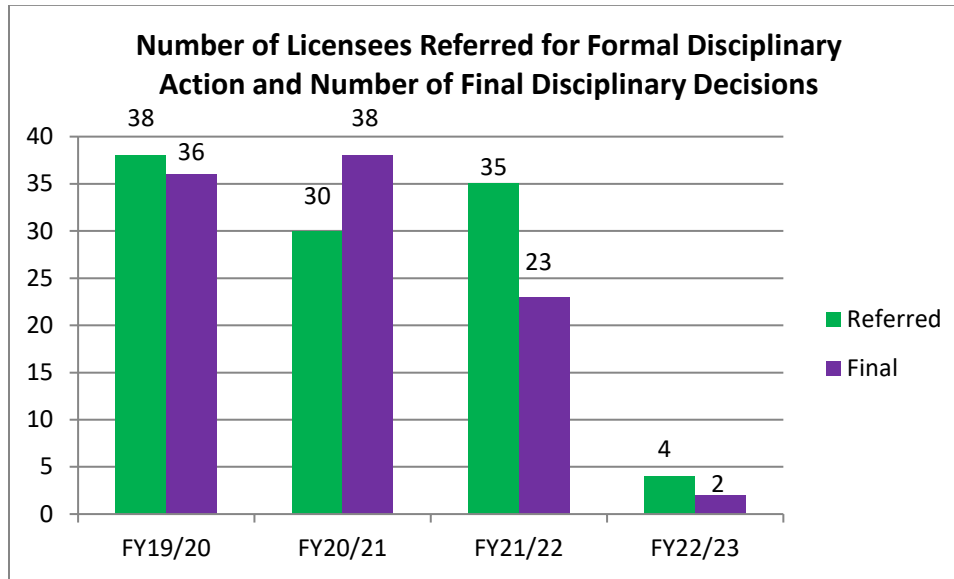
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY22/23 statistics are through July 31, 2022

Formal Disciplinary Actions Against Licensees



NOTE: FY22/23 statistics are through July 31, 2022

Complaint Investigation Phase

Number of Complaint Investigations Opened & Completed by Month 12-Month Cycle

Month	Complaint Investigations Opened	Complaint Investigations Completed
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
June 2022	28	25
July 2022	23	58

Complaint Investigations Opened and Completed Total by Fiscal Year

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2019/20	331	335
2020/21	363	315
2021/22	336	350
2022/23	23	58

Current Fiscal Year through July 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
2019/20	239
2020/21	285
2021/22	268
2022/23	235

Current Fiscal Year through July 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
2019/20	277
2020/21	274
2021/22	278
2022/23	249

Current Fiscal Year through July 31, 2022

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2019/20	219	65%	87	29%	29	9%
2020/21	199	63%	97	31%	19	6%
2021/22	191	55%	102	29%	57	16%
2022/23	36	62%	16	28%	6	10%

Current Fiscal Year through July 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
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
June 2022	28	27	30	16	58	43	25	43	1	0
July 2022	22	25	26	25	31	37	35	31	3	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
2019/20	87	74
2020/21	97	87
2021/22	105	87
2022/23	16	12

Current Fiscal Year through July 31, 2022

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2019/20	74	79
2020/21	87	95
2021/22	87	85
2022/23	16	6

Current Fiscal Year through July 31, 2022

Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

Fiscal Year	Number of Days
2019/20	138
2020/21	142
2021/22	125
2022/23	292

Current Fiscal Year through July 31, 2022

Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

Fiscal Year	Number of Days
2019/20	505
2020/21	533
2021/22	475
2022/23	542

Current Fiscal Year through July 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
2019/20	38	35
2020/21	30	38
2021/22	32	19
2022/23	4	2

Current Fiscal Year through July 31, 2022

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

Fiscal Year	Number of Days
2019/20	490
2020/21	358
2021/22	419
2022/23	368

Current Fiscal Year through July 31, 2022

Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

Fiscal Year	Number of Days
2019/20	737
2020/21	541
2021/22	747
2022/23	840

Current Fiscal Year through July 31, 2022

VII. Exams/Licensing

A. Examination/Licensing Updates

1. 2022 Examination Update – First and Second Quarter Examination Results

2022 Exam Results Statistics

2022-California State Specific Civil Engineer Examination Results

First Quarter 2022			
Civil Engineer - Seismic Principles			
	Total Number of Candidates	Number Passed	Pass %
January	86	50	58%
February	119	69	58%
March	222	96	43%
Total	427	215	50%
Civil Engineer - Engineering Surveying			
	Total Number of Candidates	Number Passed	Pass %
January	74	43	58%
February	125	73	58%
March	222	108	49%
Total	421	224	53%

Second Quarter 2022			
Civil Engineer - Seismic Principles			
	Total Number of Candidates	Number Passed	Pass %
April	211	121	57%
May	177	95	54%
June	240	106	44%
Total	628	322	51%
Civil Engineer - Engineering Surveying			
	Total Number of Candidates	Number Passed	Pass %
April	215	120	56%
May	160	79	49%
June	240	91	38%
Total	615	290	47%

2022 First and Second Quarter Totals			
Civil Engineer - Seismic Principles			
	Total Number of Candidates	Number Passed	Pass %
2022 Total	1055	537	51%
Civil Engineer - Engineering Surveying			
	Total Number of Candidates	Number Passed	Pass %
2022 Total	1036	514	50%

2022 Exam Results Statistics

2022-California State Specific Exams

California Land Surveyor			
	Total Number of Candidates	Number Passed	Pass %
Spring	107	48	45%

Traffic Engineer			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A

Geotechnical Engineer			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A

Professional Geologist California Specific Exam			
	Total Number of Candidates	Number Passed	Pass %
Spring	128	58	45%

Certified Engineering Geologist			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A

Certified Hydrogeologist			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A

Professional Geophysicist			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A

2022-Geology ASBOG Exams

Fundamentals of Geology			
	Total Number of Candidates	Number Passed	Pass %
Spring	120	88	73%

Practice of Geology			
	Total Number of Candidates	Number Passed	Pass %
Spring	90	74	82%

2022 Exam Results Statistics

2022 - NCEES Engineering and Land Surveying National Exams

Paper and Pencil Exams - Spring 2022 - California

	Total Number of Candidates	Number Passed	Pass %
Structural Engineer (Lateral)	121	37	31
Structural Engineer (Vertical)	124	40	32

Computer-Based Exams (CBT) - January-June 2022 - California

	Total Number of Candidates	Number Passed	Pass %
Agricultural Engineer	Fall Exam	Fall Exam	Fall Exam
Chemical Engineer	19	11	58
Civil Engineer	961	478	50
Control Systems Engineer	Fall Exam	Fall Exam	Fall Exam
Electrical Engineer	218	93	43
Fire Protection Engineer	Fall Exam	Fall Exam	Fall Exam
Fundamentals of Engineering	2,696	1,369	51
Fundamentals of Surveying	175	74	42
Industrial Engineer	Fall Exam	Fall Exam	Fall Exam
Mechanical Engineer	236	138	58
Metallurgical Engineer	Fall Exam	Fall Exam	Fall Exam
Nuclear Engineer	Fall Exam	Fall Exam	Fall Exam
Petroleum Engineer	Fall Exam	Fall Exam	Fall Exam
Practice of Surveying	97	47	48

VIII. 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)
 - 1. 2022 Annual Meeting Update – Board Voting Delegate **(Possible Action)**
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Summary of Motions **(Possible Action)**
 - 2. Introduction of Jason Gamble, PE, NCEES Chief Officer of Examinations
- G. Update on Outreach Efforts
- H. Future Meeting Logistics

Rulemaking Status Report

- 1. Examination Fees, Abandoned Applications, and Postponements (16 CCR sections 3005, 3024, 3024.5, 3026, and 3031)**
 - Initial rulemaking package submitted to DCA Legal for review on July 27, 2022.
 - Board approved revised text at the June 23-24, 2022, Board meeting.
 - 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, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, , 427.10 427.30, 3021, 3022.2, 3023, and 3032)**
 - Staff working on final text for submittal to DCA Legal in September 2022.
 - 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. 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.

- 4. 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 – 8/10/2022	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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The Maintenance & Operations (M&O) phase of project began July 2022. Product Increment (PI5) of the project is scheduled to go live early September 2022 and for BPELSG, will consist primarily of bug fixes and requested refinements.

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
Go Live Product Increment 5 (PI5)	On-going	Sept 2022	No



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. 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.~~

BA. 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.~~

CB. 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.~~

DC. 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.~~

ED. 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.~~

FE. 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 ~~scores~~ 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-these 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>FeePrice</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>			
<u>Vertical breadth section</u>	<u>\$350</u>	<u>8/22</u>	<u>1/24</u>
<u>Vertical depth section</u>	<u>\$350</u>	<u>8/22</u>	<u>1/24</u>
<u>Lateral breadth section</u>	<u>\$350</u>	<u>8/22</u>	<u>1/24</u>
<u>Lateral depth section</u>	<u>\$350</u>	<u>8/22</u>	<u>1/24</u>

***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.

IX. President's Report/Board Member Activities

- X. Approval of Meeting Minutes (Possible Action)**
 - A. Approval of the Minutes of the June 23, 2022, Board Meeting

DRAFT

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

Thursday, June 23, 2022, beginning at 9:00 a.m.

Thursday, June 23, 2022

Board Members Present:	President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Kathy Jones Irish; Coby King; Paul Novak; Mohammad Qureshi; Wilfredo Sanchez; and Christina Wong
Board Members Absent:	Alireza Asgari; Duane Friel; Michael Hartley; Eric Johnson; and Frank Ruffino
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Joseph Chin (Legal Counsel)

I. Roll Call to Establish a Quorum

President Mathieson called the meeting to order at 9:00 a.m., and a quorum was established.

II. Pledge of Allegiance

Mr. Sanchez led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, an individual by the name of Hannah Camp inquired about the civil engineering licensure process after experiencing long delays for application review. Mr. Moore indicated that the Board will be discussing this matter later in the meeting.

IV. Administration

A. Fiscal Year 2021/22 Budget Report

Mr. Moore reviewed the budget report. He noted there is not much of a change since the May meeting. There is a slight change in revenue in the positive direction. He explained that we will not see changes until Fiscal Month 13 closes. It has been trending in the direction projected.

V. Consideration of Rulemaking Proposals

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

Ms. Eissler reviewed the amendment as it relates to the ASBOG examinations specifically for the Fundamentals of Geology and the Practice of Geology

national examinations. Beginning in the spring of 2023, ASBOG will be administering the examinations rather than the Board, and they will collect the examination fees directly. There are changes that need to take place in regulation that references examination fees to remove those references as the Board will no longer be collecting them. In addition, updating the regulations relating to abandoned applications and postponements will bring them in line with the current operating procedures of the Board.

MOTION:	Dr. Qureshi and Dr. Amistad moved to approve the proposed regulatory text for Title 16, California Code of Regulations sections (16 CCR) 3005, 3024, 3024.5, 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, the Board authorizes 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, the Board authorizes 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.
VOTE:	9-0, 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				

- 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

Ms. Eissler announced this item would be discussed at the August meeting.

- 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

Ms. Eissler announced this item would be discussed at the August meeting.

VIII. Exams/Licensing

D. Examination/Licensing Updates

Mr. Moore reported that, during the transition to Connect, the Board publicized a deadline of September 30, 2021, to receive all paper applications related to Civil Engineer and Professional Land Surveyor licenses. After that date, all new applications would need to be submitted in the Connect system upon the November 10, 2021, Product Increment (PI) 3.5 release. There were far more paper applications by the end of September than the Board had previously received for civil engineering applications. When the transition to Connect took place, there was a significant change to the licensing application process. Staff had to process legacy (paper) applications while simultaneously processing the applications through Connect.

In addition to the new civil engineering and land surveying applications being submitted through Connect, PI 3.5 also included the ability for applicants to register and pay for the state-specific civil engineering and land surveying examinations through Connect. Legacy applicants who still needed to pass a state-specific examination needed to be able to create an account in Connect and register and pay for the examinations. Staff initially identified about 40,000 applicants in the legacy system who still needed to take a state-specific examination. This total was a result of the number of applicants who had submitted civil engineering and land surveying applications within the last two decades who have yet to complete the application process. It was eventually narrowed down to approximately 7,000 as many had not ever attempted to take a state-specific examination. If there is no activity on their application for 24 months, the applications are considered abandoned, and the applicant must start the application process over. This timeframe was extended to allow those who had not taken an examination the ability to do so. Staff along with the Connect developers came up with a method to allow these applicants an opportunity to access Connect for the first time to register and pay for the state-specific examinations without having to go through the application process again. Consequently, overall application processing timeframes were extended.

Applicants are currently experiencing a 4-5 month processing timeframe for reviewing and approving applications. While this timeframe is consistent with many of the Board's previous application process timeframes prior to

Connect, it is not the timeframe staff expects with the new system once the transition is fully complete. Applicants and staff are accustomed to a 30-60 day processing timeframe. Dawn Hall and the Administrative Unit identified trends in common deficiencies, such as missing fingerprints, transcripts, and references. The application timeframe is no longer increasing the way it had been, and staff is getting a much better handle on the volume of applications.

The legacy applications are still being reviewed, and the timeframes are shortening to about 3 months. The goal is to get through technical review, identify deficiencies, and allow applicants to sit for the exams. As of January, there have been close to 800 professional engineer and land surveyor applications approved in the legacy system and the scheduling of over 1,700 state exam requests in both Connect and transferred legacy applicants. Board staff is working diligently to process those requests. Mr. Moore is optimistic that the processing time will return to the 30-60 day timeframe by the end of the year.

During Public Comment, Ms. Camp thanked the Board for their time and asked additional follow-up questions.

VI. Legislation

A. 2022 Legislative Calendar

Ms. Eissler reviewed the Legislative calendar. Summer recess occurs in July, and the Legislative Session ends at the end of August.

B. Discussion of Legislation for 2022

1. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.
No action taken.
2. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
No action taken.
3. AB 1733 (Quirk) State bodies: open meetings.
No action taken.
4. AB 1795 (Fong) Open meetings: remote participation.
No action taken.
5. SB 1120 (Jones) Engineering, land surveying, and geology.

MOTION:	Mr. Novak and Ms. Irish moved to take a position of "Support" on SB 1120, as amended June 15, 2022.
VOTE:	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
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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.
No action taken.

7. SB 1365 (Jones) Licensing boards: procedures.
No action taken.

8. SB 1443 (Roth) The Department of Consumer Affairs.

MOTION:	Dr. Qureshi and Dr. Amistad moved to take a position of "Support" on SB 1443, as amended May 19, 2022.
VOTE:	9-0, 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				

9. SB 1495 (Committee on Business, Professions and Economic Development) Professions and vocations.

No action taken.

VII. Enforcement

A. Enforcement Statistical Reports

A. Fiscal Year 2021/22 Update

Ms. Criswell reviewed the enforcement statistics. Ms. Wong pointed out an increase in licensees who are subject to discipline. Ms. Criswell explained that there may be one subject with multiple projects, so separate complaint investigation cases are opened; when the investigations are referred to the Office of the Attorney General for formal disciplinary action, they are combined into one case.

IX. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reviewed the status report and noted that Item 4 (Definition of Traffic Engineering) and Item 5 (Definitions of Negligence and Incompetence and Responsible charge Criteria for Professional Geologists and Professional Geophysicists) have lower priorities than the rulemaking packages relating to the ASBOG examination fees and application processing.

B. Update on Board's Business Modernization Project

The Board is currently in the warranty period of the project. Some clean-up remains before the vendor receives payment prior to transitioning to the maintenance and operations phase which is expected to start July 1, 2022. Mr. Moore reviewed feedback received from the users of the Connect system.

C. Personnel

Mr. Moore reported that two licensing evaluator vacancies have been filled. Staff is currently working on the recruitment process to back fill the front desk vacancy which is a result of a promotion. Staff Geologist Laurie Racca's retirement will create a vacancy. Interviews for that vacancy will take place next week.

D. ABET

ABET usually contacts the Board mid- to late summer about potential visits and observers. Mr. Moore will reach out to Board members to see if anyone is interested in attending once we receive information about potential visits.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore is finalizing an out-of-state travel request to attend the ASBOG Annual Meeting in North Carolina. The request will likely be denied as ASBOG offers the ability to participate virtually and North Carolina is on the banned travel list. President Mathieson reported that she participated in the ASBOG Nominations Committee for officers to be elected in the fall.

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

1. Report on Western Zone Interim Meeting, May 19-21, 2022, Stateline, NV

Dr. Qureshi was elected as NCEES Western Zone Vice-President and will be running for President Elect in 2024. Also, Ms. Eissler was awarded the NCEES Western Zone Distinguished Service Award.

2. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Summary of Motions
Mr. Moore presented the summary of draft motions and reviewed several for the 2022 NCEES Annual Meeting.

ACCA (Advisory Committee on Council Activities) Motion 1 has an effect on the NCEES budget and is not on the consent agenda. There was some discussion regarding adding a past president slot to each standing committee or task force. The discussion included costs involved for travel associated with those committees.

ACCA Motion 5 references diversity, equity, and inclusion. There were some language changes, and it is currently on the consent agenda.

ACCA Motion 9 and ACCA Motion 10 are similar in what they are attempting. Mr. Moore reported Motion 9 was not endorsed by the Board of Directors and is not on the consent agenda as they believe ACCA Motion 10 better covers the subject matter related to who is eligible for board membership and terms of office. Dr. Qureshi further explained that Motion 9 was to create representation for public members on the Board of Directors and Motion 10 is allowing public members to run for office of president and vice-president which they currently cannot do.

Mr. Moore reviewed the EPS (Examinations for Professional Surveyors) motions. The EPS committee had draft motions related to the number of divisions for the Principles and Practice of Surveying (PS) examination. After feedback from all four zones and the Board of Directors, the committee has chosen to pull back those motions and wait until the current occupational analysis study is completed later this summer to be evaluated fully by the committee.

Finance Motion 3 – Mr. Moore reported on the change of the fees going forward to be sustainable as a not-for-profit organization and to cover the costs for the exams. This was highly debated at the zone meeting.

Finance Motion 4 – Mr. Moore explained that the two structural exam sections did not have any revisions as they are still in paper form. Currently, the exam fee is \$400.00 per section, totaling \$800.00 to sit for the full two-day structural exam. When the structural exam converts to CBT, the fees will be \$350 per section, totaling \$1,400.00 for four sections which will be spread out as an applicant can schedule for each section separately.

Finance Motion 5 – The new NCEES Chief Financial Officer has pointed out that even the not-for-profit organization must be able to remain sustainable and make enough profit to remain sustainable for its mission.

UPLG Motion 6 – Mr. Moore brought this motion to the Board’s attention as it garnered a lot of discussion at the zone meeting. It was in reference to office and field experience for land surveying applicants whether it should be combined to simply indicate *experience*.

Policy Statement 35 - Ms. Eissler discussed and recalled that there was a lot of discussion about what ultimately became the “BS+30” Policy Statement/Policy Statement 35. The idea was they would not require a master’s degree for licensure as a Professional Engineer; they would require a bachelor’s degree plus 30 additional units. It was originally in the Model Law, which for many member boards would be a mandated requirement that would be difficult to implement. Therefore, it was removed from the Model Law and ended up being a Policy Statement. The Engineering Model Task Force was assigned to review it and has proposed a complete revision. There was some discussion of it at the zone meeting because it was difficult to discern the actual wording due to the way it was presented via PowerPoint. Ms. Eissler noted that it is currently on the consent agenda, but considering the discussions that have occurred in the past about it, it may likely be pulled from consent. It has never affected our Board; however, our Board has never supported it.

Western Zone Motion 1 – Mr. Moore reported that the New Mexico Board proposed adding a third pathway to comity licensure to the Model Law and requested that it be a Western Zone Resolution to be presented at the Annual Meeting for consideration. There were discussions at the zone meeting with varying opinions. The Zone did vote in favor of it being presented as a Zone Resolution. The NCEES Board of Directors does not support the proposal, and it is not on the consent agenda. Mr. Moore believes it is not beneficial to pursue this pathway.

G. Update on Outreach Efforts

Mr. Moore reviewed the outreach efforts.

X. President’s Report/Board Member Activities

President Mathieson prepared the message from the President for the new Strategic Plan.

XI. Nomination and Election of President and Vice President for Fiscal Year 2022/23

President Mathieson reported that Board Members Fel Amistad and Alireza Asgari both served as the Nominating Committee. Dr. Amistad reported that they are nominating Rossana D’Antonio for the Board President position and Mike Hartley for the Vice President position.

MOTION:	Mr. King and Ms. Irish moved to close nominations.
VOTE:	9-0, 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				

MOTION:	Dr. Qureshi and Dr. Amistad moved to elect Rossana D'Antonio as Board President and Mike Hartley as Vice-President for Fiscal Year 2022/23.
VOTE:	9-0, 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				

XII. Approval of Meeting Minutes

A. Approval of the Minutes of the May 2, 2022, Board Meeting

MOTION:	Mr. Novak and Dr. Amistad moved to approve the minutes.
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VOTE:	7-0-2, Motion Carried
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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				

XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Mr. Moore proposed changing the October meeting date from October 13-14 to October 20-21, 2022. There was one scheduling conflict with Board member Paul Novak.

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

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]

XV. Open Session to Announce the Results of Closed Session

During Closed Session, the Board took action on two stipulations and three proposed decisions.

XVI. Adjourn

The meeting adjourned at 3:32 p.m.

PUBLIC PRESENT

Hannah Camp

XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting

- XII. 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)]

XIII. Open Session to Announce the Results of Closed Session

XIV. Adjourn