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

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

Teleconference Public Board Meeting
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MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS
BOARD MEETING August 20, 2020
TELECONFERENCE

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

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<th>Title</th>
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B. Update on Board’s Business Modernization Project
C. Personnel
D. ABET
   1. Fall 2020 and Winter 2021 Board Observer Opportunities
E. Association of State Boards of Geology (ASBOG)
F. National Council of Examiners for Engineering and Surveying (NCEES)
   1. Nomination of NCEES Emeritus Member
   2. Annual Meeting Update
G. Update on Outreach Efforts

XI. Technical Advisory Committees (TACs)
   A. Assignment of Items to TACs
   B. Appointment of TAC Members
   C. Reports from the TACs

XII. President’s Report/Board Member Activities

XIII. Approval of Meeting Minutes
   A. Approval of the Minutes of the June 25, 2020, Board Meeting

XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting

XV. Closed Session – The Board will meet in Closed Session to discuss, as needed:
   A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
   B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
   C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
   D. Pending Litigation [Pursuant to Government Code section 11126(e)]

XVI. Adjournment
   Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.
I. Roll Call to Establish a Quorum
II. Selection of Temporary President
III. Pledge of Allegiance
IV. Public Comment for Items Not on the Agenda
VI. Administration

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

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 19-20 Year-End Activity</th>
<th>FY 20-21 FM 1 Projections</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Applications/Licensing Fees</td>
<td>1,634,900</td>
<td>1,508,000</td>
<td>-8%</td>
</tr>
<tr>
<td>2 Renewal fees</td>
<td>6,832,841</td>
<td>8,628,000</td>
<td>26%</td>
</tr>
<tr>
<td>3 Delinquent fees</td>
<td>70,202</td>
<td>108,000</td>
<td>54%</td>
</tr>
<tr>
<td>Other &amp; Reimbursements</td>
<td>250,494</td>
<td>127,000</td>
<td>-49%</td>
</tr>
<tr>
<td>4 Interest</td>
<td>104,952</td>
<td>160,000</td>
<td>52%</td>
</tr>
<tr>
<td><strong>Total Revenue:</strong></td>
<td><strong>8,893,389</strong></td>
<td><strong>10,531,000</strong></td>
<td><strong>18%</strong></td>
</tr>
</tbody>
</table>

### Expense

#### Personnel Services:

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 19-20 Year-End Activity</th>
<th>FY 20-21 FM 1 Projections</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Salary &amp; Wages (Staff)</td>
<td>2,940,639</td>
<td>2,698,000</td>
<td>-8%</td>
</tr>
<tr>
<td>Temp Help</td>
<td>133,390</td>
<td>124,444</td>
<td>-7%</td>
</tr>
<tr>
<td>Statutory Exempt (EO)</td>
<td>133,998</td>
<td>122,463</td>
<td>-9%</td>
</tr>
<tr>
<td>Board Member Per Diem</td>
<td>10,100</td>
<td>10,000</td>
<td>-1%</td>
</tr>
<tr>
<td>Overtime/Flex Elect/Lump Sum</td>
<td>725</td>
<td>700</td>
<td>-3%</td>
</tr>
<tr>
<td>Staff Benefits</td>
<td>1,293,881</td>
<td>1,079,200</td>
<td>-17%</td>
</tr>
<tr>
<td><strong>Total Personnel Services</strong></td>
<td><strong>4,512,733</strong></td>
<td><strong>4,034,807</strong></td>
<td><strong>-11%</strong></td>
</tr>
</tbody>
</table>

#### Operating Expense and Equipment:

<table>
<thead>
<tr>
<th>Description</th>
<th>FY 19-20 Year-End Activity</th>
<th>FY 20-21 FM 1 Projections</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Expense</td>
<td>79,266</td>
<td>80,000</td>
<td>1%</td>
</tr>
<tr>
<td>6 Printing</td>
<td>34,084</td>
<td>27,000</td>
<td>-21%</td>
</tr>
<tr>
<td>Communication</td>
<td>23,277</td>
<td>25,000</td>
<td>7%</td>
</tr>
<tr>
<td>Postage</td>
<td>40,535</td>
<td>50,000</td>
<td>23%</td>
</tr>
<tr>
<td>Insurance</td>
<td>103</td>
<td>150</td>
<td>46%</td>
</tr>
<tr>
<td>Travel In State</td>
<td>81,915</td>
<td>60,000</td>
<td>-27%</td>
</tr>
<tr>
<td>Travel, Out-of-State</td>
<td>664</td>
<td>800</td>
<td>20%</td>
</tr>
<tr>
<td>Training</td>
<td>230</td>
<td>250</td>
<td>9%</td>
</tr>
<tr>
<td>Facilities Operations</td>
<td>358,580</td>
<td>400,000</td>
<td>12%</td>
</tr>
<tr>
<td>7 C &amp; P Services - Interdept.</td>
<td>661,477</td>
<td>670,000</td>
<td>1%</td>
</tr>
<tr>
<td>8 C &amp; P Services - External</td>
<td>1,935,730</td>
<td>1,700,000</td>
<td>-12%</td>
</tr>
<tr>
<td>9 DCA Pro Rata</td>
<td>0</td>
<td>1,748,000</td>
<td>0%</td>
</tr>
<tr>
<td>DOI - Investigations</td>
<td>0</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Interagency Services</td>
<td>1,510,879</td>
<td>25,000</td>
<td>-98%</td>
</tr>
<tr>
<td>Consolidated Data Center</td>
<td>20,839</td>
<td>22,000</td>
<td>6%</td>
</tr>
<tr>
<td>Information Technology</td>
<td>30,528</td>
<td>32,000</td>
<td>5%</td>
</tr>
<tr>
<td>Equipment</td>
<td>139,877</td>
<td>143,000</td>
<td>2%</td>
</tr>
<tr>
<td>10 Other Items of Expense (ARF Deposit)</td>
<td>200,000</td>
<td>300,000</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Total OE&amp;E</strong></td>
<td><strong>5,117,984</strong></td>
<td><strong>5,283,200</strong></td>
<td><strong>3%</strong></td>
</tr>
</tbody>
</table>

**Total Expense:**

- **Total Revenue:** 8,893,389
- **Total Expense:** 9,630,717
- **Difference:** (737,328)
Financial Statement Notes

1 **Applications/Licensing Fees** - The total amount collected for Application and Licensing Fees is $1,634,900 for Fiscal Year 2019-20 on August 7, 2020.

2 **Renewal fees** - Renewal fees are not collected equally throughout the year. On average, the Board collects 75% of its renewal fees revenue in the first half of the fiscal year.

3 **Delinquent fees** - Approximately 90% of delinquent fee revenue is collected in the second half of the fiscal year.

4 **Interest** - Includes income from surplus money investments earned on money in the Board’s fund. The state treasury manages this money and the Board earns income based on the current interest rate.

5 **Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements. The Board has the following vacancies: 1.0 SSM I, 1.0 AGPA/SSA, and 1.0 OA.

6 **Printing** - $25,000 in contract encumbrances in FI$Cal reports (EDD mailers such as Pamphlets, Leaflets, and Brochures). Board staff is working with DCA Budgets to identify contracts.

7 **C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.

8 **C&P Services External** - Includes all external contracts (examination development, exam site rental, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).

9 **DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.

10 **Other Items of Expense (ARF Deposit)** - The Board has created an architectural revolving fund (ARF) to support tenant improvements throughout the office and the majority of costs will be new modular furniture procurement.
GUIDE TO READING THE FINANCIAL STATEMENT

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

Revenue

<table>
<thead>
<tr>
<th>Object Description</th>
<th>FY 19-20 REV &amp; EXP 4/12 Activity Log</th>
<th>FY 19-20 FM 1 Projections</th>
<th>FY 19-20 Projections to Year End</th>
<th>% CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications/Licensing Fees</td>
<td>1,196,248</td>
<td>1,646,000</td>
<td>1,646,000</td>
<td>0%</td>
</tr>
<tr>
<td>Renewal fees</td>
<td>6,116,355</td>
<td>6,891,000</td>
<td>6,891,000</td>
<td>0%</td>
</tr>
<tr>
<td>Delinquent fees</td>
<td>48,633</td>
<td>88,000</td>
<td>88,000</td>
<td>0%</td>
</tr>
<tr>
<td>Other &amp; Reimbursements</td>
<td>68,720</td>
<td>140,000</td>
<td>140,000</td>
<td>0%</td>
</tr>
<tr>
<td>Interest</td>
<td>74,492</td>
<td>163,000</td>
<td>163,000</td>
<td>0%</td>
</tr>
<tr>
<td><strong>Total Revenue:</strong></td>
<td><strong>7,504,448</strong></td>
<td><strong>8,928,000</strong></td>
<td><strong>8,928,000</strong></td>
<td><strong>0%</strong></td>
</tr>
</tbody>
</table>

Expense

Personnel Services:

<table>
<thead>
<tr>
<th>Object Description</th>
<th>FY 19-20 REV &amp; EXP 4/12 Activity Log</th>
<th>FY 19-20 FM 1 Projections</th>
<th>FY 19-20 Projections to Year End</th>
<th>% CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary &amp; Wages (Staff)</td>
<td>1,956,776</td>
<td>2,924,425</td>
<td>172,293</td>
<td>-94%</td>
</tr>
<tr>
<td>Temp Help</td>
<td>88,479</td>
<td>123,785</td>
<td>12,392</td>
<td>-90%</td>
</tr>
<tr>
<td>Statutory Exempt (EO)</td>
<td>89,056</td>
<td>135,526</td>
<td>11,243</td>
<td>-92%</td>
</tr>
<tr>
<td>Board Member Per Diem</td>
<td>6,100</td>
<td>10,000</td>
<td>10,000</td>
<td>0%</td>
</tr>
<tr>
<td>Overtime/Flex Elect/Lump Sum</td>
<td>725</td>
<td>0</td>
<td>900</td>
<td>100%</td>
</tr>
<tr>
<td>Staff Benefits</td>
<td>1,172,709</td>
<td>1,713,980</td>
<td>1,760,538</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Total Personnel Services</strong></td>
<td><strong>3,313,845</strong></td>
<td><strong>4,907,716</strong></td>
<td><strong>1,967,366</strong></td>
<td><strong>-60%</strong></td>
</tr>
</tbody>
</table>

Operating Expense and Equipment:

<table>
<thead>
<tr>
<th>Object Description</th>
<th>FY 19-20 REV &amp; EXP 4/12 Activity Log</th>
<th>FY 19-20 FM 1 Projections</th>
<th>FY 19-20 Projections to Year End</th>
<th>% CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Expense</td>
<td>51,411</td>
<td>67,000</td>
<td>80,000</td>
<td>19%</td>
</tr>
<tr>
<td>Printing</td>
<td>25,056</td>
<td>8,000</td>
<td>30,000</td>
<td>275%</td>
</tr>
<tr>
<td>Communication</td>
<td>15,592</td>
<td>44,000</td>
<td>25,000</td>
<td>-43%</td>
</tr>
<tr>
<td>Postage</td>
<td>0</td>
<td>50,000</td>
<td>18,562</td>
<td>-63%</td>
</tr>
<tr>
<td>Insurance</td>
<td>103</td>
<td>16,000</td>
<td>17,000</td>
<td>6%</td>
</tr>
<tr>
<td>Travel In State</td>
<td>35,346</td>
<td>60,000</td>
<td>50,000</td>
<td>-17%</td>
</tr>
</tbody>
</table>

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

Projections to year end
Identifies amounts for revenue and expenditure projected for the current fiscal year, as of June 16, 2020
## Governor's Budget 2020-21

### Revenues:

<table>
<thead>
<tr>
<th>Description</th>
<th>PY 2019-20</th>
<th>CY 2020-21</th>
<th>BY 2021-22</th>
<th>BY + 1 2022-23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delinquent fees</td>
<td>4121200</td>
<td>$10,604</td>
<td>$12,906</td>
<td>$14,559</td>
</tr>
<tr>
<td>Renewal fees</td>
<td>4127400</td>
<td>$6,832</td>
<td>$11,623</td>
<td>$11,765</td>
</tr>
<tr>
<td>Other regulatory fees</td>
<td>4129200</td>
<td>$160</td>
<td>$129</td>
<td>$129</td>
</tr>
<tr>
<td>Other regulatory licenses and permits</td>
<td>4129400</td>
<td>$1,343</td>
<td>$2,017</td>
<td>$2,023</td>
</tr>
<tr>
<td>Income from surplus money investments</td>
<td>4163000</td>
<td>$22</td>
<td>$36</td>
<td>$30</td>
</tr>
<tr>
<td>Sale of fixed assets</td>
<td>1604000</td>
<td>$1</td>
<td>$1</td>
<td>$1</td>
</tr>
<tr>
<td>Escheat of unclaimed checks and warrants</td>
<td>4171400</td>
<td>$22</td>
<td>$22</td>
<td>$22</td>
</tr>
<tr>
<td>Miscellaneous revenues</td>
<td>4172500</td>
<td>$1</td>
<td>$1</td>
<td>$1</td>
</tr>
<tr>
<td><strong>Totals, Revenues</strong></td>
<td><strong>$8,549</strong></td>
<td><strong>$10,554</strong></td>
<td><strong>$13,957</strong></td>
<td><strong>$14,115</strong></td>
</tr>
</tbody>
</table>

### Transfers from Other Funds:

- Revenue Transfer from Geology/General Fund
  - FO0001 Proposed GF Loan Repayment per item
2011-011-0770, Budget Act of 2011

**Totals, Revenues and Transfers**

<table>
<thead>
<tr>
<th>Description</th>
<th>PY 2019-20</th>
<th>CY 2020-21</th>
<th>BY 2021-22</th>
<th>BY + 1 2022-23</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$8,549</strong></td>
<td><strong>$10,554</strong></td>
<td><strong>$13,957</strong></td>
<td><strong>$14,115</strong></td>
<td></td>
</tr>
</tbody>
</table>

### Expenditures:

<table>
<thead>
<tr>
<th>Description</th>
<th>PY 2019-20</th>
<th>CY 2020-21</th>
<th>BY 2021-22</th>
<th>BY + 1 2022-23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Consumer Affairs (State Operations)</td>
<td>1111</td>
<td>$10,559</td>
<td>$13,260</td>
<td>$13,658</td>
</tr>
<tr>
<td>Financial Information System for CA (State Operations)</td>
<td>8880</td>
<td>$ -1</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Supplemental Pension Payments (State Operations)</td>
<td>9892</td>
<td>$209</td>
<td>$209</td>
<td>$209</td>
</tr>
<tr>
<td>Statewide Admin. (State Operations)</td>
<td>9900</td>
<td>$819</td>
<td>$635</td>
<td>$635</td>
</tr>
<tr>
<td>Less funding provided by General Fund</td>
<td>1111-011</td>
<td>$ -1,134</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td><strong>Total Disbursements</strong></td>
<td><strong>$9,952</strong></td>
<td><strong>$10,352</strong></td>
<td><strong>$14,104</strong></td>
<td><strong>$14,502</strong></td>
</tr>
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</table>

### Fund Balance:

<table>
<thead>
<tr>
<th>Description</th>
<th>PY 2019-20</th>
<th>CY 2020-21</th>
<th>BY 2021-22</th>
<th>BY + 1 2022-23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve for economic uncertainties</td>
<td>5,504</td>
<td>5,706</td>
<td>5,559</td>
<td>5,172</td>
</tr>
</tbody>
</table>

**Months in Reserve**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.4</td>
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VII. Legislation

A. 2020 Legislative Calendar

B. Discussion of Legislation for 2020
   AB 1263 Contracts: consumer services: consumer complaints.
   AB 1616 Department of Consumer Affairs: boards: expunged convictions.
   AB 2028 State agencies: meetings.
   AB 2113 Refugees, asylees, and immigrants: professional licensing.
   AB 2549 Department of Consumer Affairs: temporary licenses.
   SB 865 Excavations: subsurface installations.
   SB 878 Department of Consumer Affairs Licensing: applications: wait times.
   SB 1474 Business and Professions
DEADLINES

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

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

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

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

Jan. 20 Martin Luther King, Jr. Day.

Jan. 24 Last day for any committee to hear and report to the floor bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)).

Feb. 17 Presidents’ Day.

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

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

Mar. 27 Cesar Chavez Day observed

May 11 Senate Reconvenes

May 25 Memorial Day

May 29 Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house (J.R. 61(b)(5)).
June 5  Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house (J.R. 61(b)(6). Last day for policy committees to meet prior to June 8 (J.R. 61(b)(7)).

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

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

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

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

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

July 3  Independence Day observed.

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

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

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

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

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

Aug. 31  Last day to amend bills on the Floor (J.R. 61(b)(17)).

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

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2020

Sept. 30  Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor’s possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 3  General Election

Nov. 30  Adjournment Sine Die at midnight (Art. IV, Sec. 3(a)).

Dec. 7  12 m. convening of 2021-22 Regular Session (Art. IV, Sec. 3(a)).

2021

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

Jan. 4  Legislature reconvenes (JR 51(a)(1)).
Summary of Legislation

AB 1263 Contracts: consumer services: consumer complaints. (Low)
3/12/2020 – Support, as amended 1/6/2020
* 8/20/2020 – No action needed

AB 1616 Department of Consumer Affairs: boards: expunged convictions. (Low)
3/12/2020 – Watch, as amended 1/6/2020
* 8/20/2020 – Action needed – recommend taking a position of WATCH since the bill was amended on 7/7/2020

AB 2028 State agencies: meetings. (Aguiar-Curry)
3/12/2020 – Watch (there should be some exceptions for matters that are urgent or have changed within the 10-day notice period)
5/7/2020 – Oppose Unless Amended to include exceptions for budgetary, legislative, and regulatory matters
* 8/20/2020 – Action needed – recommend taking a position of WATCH since the bill was amended on 7/28/2020

AB 2113 Refugees, asylees, and immigrants: professional licensing. (Low)
3/12/2020 – Watch
* 8/20/2020 – Action needed – recommend taking a position of WATCH since the bill was amended on 8/4/2020

AB 2549 Department of Consumer Affairs: temporary licenses. (Salas)
3/12/2020 – No position taken
* 8/20/2020 – No action needed

SB 865 Excavations: subsurface installations. (Hill)
3/12/2020 – Watch (directed staff to work with the author, sponsors, and Dig Safe Board staff to determine the actual intent of this amendment and to assist them with developing language that would more appropriately reflect that used with GIS systems and would address any issues relating to compliance with the Professional Land Surveyors’ Act)
6/25/2020 – Oppose unless Amended, as amended 6/2/2020
* 8/20/2020 – Action needed – recommend changing to “Watch” since the bill was amended on 7/27/2020

SB 878 Department of Consumer Affairs Licensing: applications: wait times. (Jones)
3/12/2020 – Watch
6/25/2020 – Support, as amended 6/18/2020
* 8/20/2020 – No action needed

SB 1474 Business and Professions. (Senate Committee on Business, Professions & Economic Development)
* 8/20/2020 – Action needed – recommend taking a position of “Support” since the bill was amended on 8/10/2020
AB 1263 (Low, D-Cupertino)
Contracts: consumer services: consumer complaints.

Location: 8/12/2020 – Senate BP & ED Committee
Last Amended: 1/6/2020
Board Position: Support, as amended 1/6/2020 (as of 3/12/2020)
Board Staff Analysis: 8/12/2020

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

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

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

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

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

Staff Recommendation: No action needed at this time.

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

LEGISLATIVE COUNSEL’S DIGEST


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

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

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

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

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


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

SECTION 1. Section 1670.8.5 is added to the Civil Code, to read:

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

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

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

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

(2) “Licensing board” means any entity contained in Section 101 of the Business and Professions Code, the State Bar of
California, the Department of Real Estate, or any other state agency that issues a license, certificate, or registration authorizing a person to engage in a business or profession.

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

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

CHAPTER 1.6. PEER-TO-PEER CAR SHARING PROGRAMS

1939.60. This chapter may be cited as the Peer to Peer Car Sharing Program Act.

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

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

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

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

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

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

(1) The intent to terminate the use of the shared vehicle is verifiably communicated by the shared vehicle driver to the shared vehicle owner using the peer to peer car sharing program.
(2) The shared vehicle owner or the shared vehicle owner's authorized designee takes possession and control of the shared vehicle.

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

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

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

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

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

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

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

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

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

(c) That the peer-to-peer car sharing program’s insurance coverage on the shared vehicle owner and the shared vehicle driver, required pursuant to Article 5.1 (commencing with Section 11629.6) to Chapter 1 of Part 3 of Division 2 of the Insurance Code, is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the
ear-sharing termination time, the shared vehicle driver and the
shared vehicle owner may not be covered.
(d) The amounts of the daily rate, additional mandatory charges,
fees, and, if applicable, any insurance or protection plan costs that
are charged to the shared vehicle owner or the shared vehicle
driver.
(e) That the shared vehicle owner’s motor vehicle liability
insurance may not provide coverage for a shared vehicle.
(f) An emergency telephone number for customer service
inquiries, including requests for emergency roadside assistance.
1939.63. A peer-to-peer car sharing program shall disclose the
daily rate, charges, fees, and costs when providing a quote and
shall not require any other fees or charges to be paid as a condition
of using the shared vehicle.
1939.64. (a) A peer-to-peer car sharing program shall only
enter into a car sharing program agreement with a shared vehicle
driver who is at least 18 years of age and who provides
documentation of either of the following documents:
(1) A valid, unexpired California driver’s license that authorizes
the driver to operate a vehicle of the same class as the shared
vehicle:
(2) A valid, unexpired driver’s license issued by the state or
country of the shared vehicle driver’s residence that authorizes the
driver in that state or country to drive a vehicle of the same class
as the shared vehicle.
1939.65. A peer-to-peer car sharing program shall have sole
responsibility for any equipment that is installed in or on the
vehicle to facilitate the car sharing transaction, and shall agree to
indemnify and hold harmless the shared vehicle owner for any
damage to or theft of the equipment during the sharing period not
caus ed by the vehicle owner. The peer-to-peer car sharing program
has the right to seek indemnity from the shared vehicle driver for
any loss or damage to the equipment that occurs during the car
sharing period.
1939.66. (a) Notwithstanding any other law, a commercial
airport authority is authorized to regulate access to an airport and
set access fees for peer-to-peer car sharing programs. If required,
a peer-to-peer car sharing program shall obtain a permit or other
written authorization from the airport operator prior to facilitating
the sharing of vehicles at that airport.
(b) This section does not affect the authority of any political subdivision of the state to regulate access to an airport it owns or operates and to set access fees or requirements for a peer-to-peer car sharing program.

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

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

Article 5.1. Peer-to-Peer Car Sharing Programs

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

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

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

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

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

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

(d) The peer-to-peer car sharing program shall assume primary liability for a claim when it is, in whole or in part, providing the
insurance required under subdivision (b) and both of the following are true:

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

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

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

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

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

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

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

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

11629.62.—Before a shared vehicle is made available for car sharing on the peer-to-peer car-sharing program, the peer-to-peer car-sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car-sharing program, including use without
physical damage coverage, may violate the terms of the contract with the lienholder.

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

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

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

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

(a) The claim is made against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car sharing period:

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

11629.67.—A peer-to-peer car sharing program shall, for each vehicle that it facilitates the use of, provide the registered owner of the vehicle with a Department of Motor Vehicles Form REG 5085 or other suitable proof of compliance with the insurance
requirements of this section and the requirements of the California Financial Responsibility Law in Section 1656.2 of the Vehicle Code, a copy of which shall be maintained in the vehicle by the vehicle’s registered owner during any time when the vehicle is operated by any person other than the vehicle’s owner pursuant to a peer-to-peer car sharing program.

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

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

(a) The term “dealer” has the same meaning as in Section 285.

(b) (1) A “manufacturer’s recall” is a recall conducted pursuant to Sections 30118 to 30120, inclusive, of Title 49 of the United States Code.

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

(e) A “peer-to-peer car sharing program” has the same meaning as defined in Section 1939.61 of the Civil Code.

(d) A “recall database” is a database from which an individual may obtain vehicle identification number (VIN) specific manufacturer’s recall information relevant to a specific vehicle.

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

(A) The recall data on a vehicle manufacturer’s internet website for a specific vehicle’s line make.

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

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

(2) For a vehicle manufacturer that is subject to the regulations adopted pursuant to Section 31301 of the federal Moving Ahead for Progress in the 21st Century Act (Public Law 112-141), a recall database shall include, at a minimum, the recall information required pursuant to Section 573.15 of Title 49 of the Code of Federal Regulations.
(e) A “recall database report” is a report, specific to a vehicle that is identified by its VIN, containing information obtained from a recall database.

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

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

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

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

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

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

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

SEC. 6. Section 11760 of the Vehicle Code is amended to read:
11760. (a) This article does not create any legal duty upon the
dealer, rental car company, peer-to-peer car-sharing program, or
department related to the accuracy, errors, or omissions contained
in a recall database report or any legal duty to provide information
added to a recall database after the dealer, rental car company,
peer-to-peer car-sharing program, or department obtained the recall
database report pursuant to Sections 11754 and 11758.
(b) The changes to this section made by Chapter 591 of the
statutes of 2018 shall not apply in any manner to litigation that is
pending as of January 1, 2019.
(c) This section does not affect the determination of whether or
not a company is a rental car company or whether or not a company
is a peer-to-peer car-sharing program.
AB 1616 (Introduced by Low, D-Cupertino; Coauthor: Eduardo Garcia, D-Coachella)
Department of Consumer Affairs: boards: expunged convictions.

Status: 7/7/2020 – Amended and re-referred to Senate Committee on Business, Professions & Economic Development (BP & ED).
Location: 8/12/2020 – Senate BP & ED Committee
Last Amended: 7/7/2020
Board Position: Watch, as amended 1/6/2020 (as of 3/12/2020)
Board Staff Analysis: 8/12/2020

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

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

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

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

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

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

LEGISLATIVE COUNSEL’S DIGEST


Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.
This bill would require a board within the department that has posted on its internet website that a person’s license was revoked because the person was convicted of a crime to, within 6 months of receiving an expungement order for the underlying offense from the person, if the person reappears for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board’s internet website if the person applies for licensure or is relicensed, or remove the initial posting on its internet website that the person’s license was revoked. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, as specified, to remove within the same period the initial posting on its internet website that the person’s license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would require a person in either case to pay $50 fee to the board, unless another amount is determined by the department, to the board for board to be necessary to cover the cost of administering the bill’s provisions.


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

SECTION 1. Section 493.5 is added to the Business and Professions Code, to read:

493.5. (a) 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, upon receiving from the person a certified copy of an expungement order granted pursuant to Section 1203.4 of the Penal Code for the underlying offense, shall, within six months of receiving the expungement order, unless it is otherwise prohibited by law, or by other terms or conditions, do either of the following:

(1) If the person reappears for licensure or has been relicensed, post notification of the expungement order and the date thereof on its internet website.

(2) If the person is not currently licensed and does not reapply for licensure, remove the initial posting on its internet website that the person’s license was revoked. revoked and information previously posted regarding arrests, charges, and convictions.
(b) A person described in subdivision (a) shall pay to the board a fee in an amount to be of fifty dollars ($50), unless another amount is determined by the department to be necessary to cover the administrative cost, ensuring that the amount does not exceed the reasonable cost of administering this section. The fee shall be deposited by the board into the appropriate fund and shall be available only upon appropriation by the Legislature.

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

(d) If any provision in this section conflicts with Section 2027, Section 2027 shall prevail.
AB 2028 (Aguiar-Curry, D-Napa)
State agencies: meetings.

Location: 8/12/2020 – Senate Committee on Government Organization
Introduced: 1/30/2020
Last Amended: 7/28/2020
Board Staff Analysis: 8/12/2020

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

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

This bill would also delete the exemption relating to public comment, thus providing the public with an opportunity to address the state body on any agenda item, even if the public had already had an opportunity to address it at a public meeting of a committee of the state body.

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

Staff Comment: The “writings or materials” referred to in this bill are what this Board refers to as the “meeting materials.” The meeting materials prepared by staff are provided to the Board members and posted on the Board’s website approximately seven days (one week) before the meeting. If new or updated information becomes available after the meeting materials packet is distributed, the new information is distributed to the Board members and made available to the public, either by posting on the Board’s website if time allows or by having them available as handouts at the meeting. Current law requires that writings, as defined, that are distributed to...
members of the state body prior to or during a meeting pertaining to an item to be considered during the meeting be made available for public inspection at the meeting if prepared by the state body or a member of the state body. The Department of Consumer Affairs’ Legal Office has previously indicated that this means any written materials the Board will review or discuss at a meeting must be made available to the public at any time prior to the Board’s discussion, which allows for handouts of updated information to be provided at meetings. This bill would require that any writings or materials that are to be reviewed or discussed by the Board members at a meeting be made available to the public at least 10 days prior to the meeting, which would preclude the opportunity for new or updated information to be provided to the Board within that 10-day period.

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

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

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

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

Staff believes that the changes made to the bill in the July 8, 2020, version would not negatively impact the Board and address concerns that have been raised regarding the ability of the Board to consider last-minute information that could be pertinent to issues it has already noticed for discussion at its public meetings. As such, staff believes it is appropriate for the Board to take a “Watch” position on the bill, as amended July 28, 2020.
**Staff Recommendation:** Staff recommends that the Board take a position of “Watch” on AB 2028, as amended July 28, 2020.

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

LEGISLATIVE COUNSEL’S DIGEST

AB 2028, as amended, Aguiar-Curry. State agencies: meetings.
Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

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

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

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

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

SECTION 1. The Legislature finds and declares the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(4)

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

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

(5)

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

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

(d) Notice of a meeting of a state body that complies with this
section shall also constitute notice of a meeting of an advisory
body of that state body, provided that the business to be discussed
by the advisory body is covered by the notice of the meeting of
the state body, provided that the specific time and place of the
advisory body’s meeting is announced during the open and public
state body’s meeting, and provided that the advisory body’s
meeting is conducted within a reasonable time of, and nearby, the
meeting of the state body.
(e) A person may request, and shall be provided, notice pursuant
to subdivision (a) for all meetings of a state body or for a specific
meeting or meetings. In addition, at the state body’s discretion, a
person may request, and may be provided, notice of only those
meetings of a state body at which a particular subject or subjects
specified in the request will be discussed.
(f) A request for notice of more than one meeting of a state body
shall be subject to the provisions of Section 14911.
(g) The notice shall be made available in appropriate alternative
formats, as required by Section 202 of the Americans with
Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal
rules and regulations adopted in implementation thereof, upon
request by any person with a disability. The notice shall include
information regarding how, to whom, and by when a request for
any disability-related modification or accommodation, including
auxiliary aids or services may be made by a person with a disability
who requires these aids or services in order to participate in the
public meeting.
SEC. 3. Section 11125.7 of the Government Code is amended
to read:
11125.7. (a) Except as otherwise provided in this section, the
state body shall provide an opportunity for members of the public
to directly address the state body on each agenda item before or
during the state body’s discussion or consideration of the item.
Every notice for a special meeting at which action is proposed to
be taken on an item shall provide an opportunity for members of
the public to directly address the state body concerning that item
prior to action on the item. In addition, the notice requirement of
Section 11125 shall not preclude the acceptance of testimony at
meetings, other than emergency meetings, from members of the
public if no action is taken by the state body at the same meeting
on matters brought before the body by members of the public.
(b) The state body may adopt reasonable regulations to ensure
that the intent of subdivision (a) is carried out, including, but not
limited to, regulations limiting the total amount of time allocated
for public comment on particular issues and for each individual speaker.

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

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

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

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

(1) Closed sessions held pursuant to Section 11126.

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

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

(4) Agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission’s consideration of the item.
An act to amend Sections 11125 and 11125.7 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL’S DIGEST

AB 2028, as amended, Aguiar-Curry. State agencies: meetings.
Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

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

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

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

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.
This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would prescribe requirements to be satisfied in order for these writings or materials to be distributed or discussed. The bill would generally require that these writings and materials be made available on the body’s internet website no later than the first business day after they are provided to members of the state body or at least 48 hours in advance of the meeting, whichever is earlier, and to be provided immediately upon written request. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill would require that they be posted on the body’s internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body, and made available immediately upon written request. The bill would except writings or materials relating to matters to be discussed in a closed session and state financial materials, as defined, that put the Treasurer at a competitive disadvantage in financial transactions from its requirements. The bill would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, and changing financial market conditions as they become available, as specified. Upon receipt of a written request, the bill would require that these writings or materials be provided immediately.

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

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

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

SECTION 1. The Legislature finds and declares the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body’s discretion, a person may request, and may be provided, notice of only those
meetings of a state body at which a particular subject or subjects
specified in the request will be discussed.
(e) A request for notice of more than one meeting of a state body
shall be subject to the provisions of Section 14911.
(f) The notice shall be made available in appropriate alternative
formats, as required by Section 202 of the Americans with
Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal
rules and regulations adopted in implementation thereof, upon
request by any person with a disability. The notice shall include
information regarding how, to whom, and by when a request for
any disability-related modification or accommodation, including
auxiliary aids or services may be made by a person with a disability
who requires these aids or services in order to participate in the
public meeting.

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

11125.7. (a) Except as otherwise provided in this section, the
state body shall provide an opportunity for members of the public
to directly address the state body on each agenda item before or
during the state body’s discussion or consideration of the item.
This section is not applicable if the agenda item has already been
considered by a committee composed exclusively of members of
the state body at a public meeting where interested members of
the public were afforded the opportunity to address the committee
on the item, before or during the committee’s consideration of the
item, unless the item has been substantially changed since the
committee heard the item, as determined by the state body. Every
notice for a special meeting at which action is proposed to be taken
on an item shall provide an opportunity for members of the public
to directly address the state body concerning that item prior to
action on the item. In addition, the notice requirement of Section
11125 shall not preclude the acceptance of testimony at meetings,
other than emergency meetings, from members of the public if no
action is taken by the state body at the same meeting on matters
brought before the body by members of the public.
(b) The state body may adopt reasonable regulations to ensure
that the intent of subdivision (a) is carried out, including, but not
limited to, regulations limiting the total amount of time allocated
for public comment on particular issues and for each individual speaker.

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

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

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

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

(1) Closed sessions held pursuant to Section 11126.

(f) This section is not applicable to decisions regarding proceedings held pursuant to Chapter 5 (commencing with Section 11500), relating to administrative adjudication, or to the conduct of those proceedings.

(g) This section is not applicable to hearings conducted by the California Victim Compensation Board pursuant to Sections 13963 and 13963.1.

(h) This section is not applicable to agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission’s consideration of the item.

SECTION 1. The Legislature finds and declares the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) For purposes of this paragraph, “financial materials” mean documents related to bonds, loans, and grants.
(4) If the writings or materials described in paragraph (1) on an agenda for discussion at a meeting of the state body are related to legislation that is before the Legislature in a current legislative session or are related to changing financial market conditions, a state body shall satisfy the requirements of this subdivision by posting on its Internet website the writings and materials related to the legislation or the changing market conditions as they become available after the time periods described in paragraph (2). Upon receipt of a written request, these writings or materials shall be provided immediately. The state body shall make clear what date the new or changed writings or materials are posted and, when applicable, what changes have been made in the writings or materials.

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

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

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

(g) The notice shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.
SEC. 3. Section 11125.7 of the Government Code is amended to read:

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

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

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

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

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

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

(1) Closed sessions held pursuant to Section 11126.

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

(3) Hearings conducted by the California Victim Compensation Board pursuant to Sections 13963 and 13963.1.
(4) Agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission’s consideration of the item.
AB 2113 (Introduced by Assembly Member Low, D-Cupertino; Coauthors: Assembly Members Carrillo, D-Los Angeles; Chiu, D-San Francisco; Medina, D-Riverside; Blanca Rubio, D-West Covina; and Gonzalez, D-San Diego)

Refugees, asylees, and immigrants: professional licensing.


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

Introduced: 2/6/2020

Last Amended: 8/4/2020

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

Board Staff Analysis: 8/12/2020

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

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

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

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

The bill was amended on August 4, 2020, to delete the word “political” in the phrase “granted political asylum” because “asylum” without the modifier “political” is the appropriate term to use under Federal law. This change does not impact the Board.
Staff Recommendation: Staff recommends the Board take a position of “Watch” on AB 2113, as amended August 4, 2020.

Laws: An act to add Section 134.5 to the Business and Professions Code, relating to professions and vocations.
ASSEMBLY BILL  No. 2113

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

February 6, 2020

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

LEGISLATIVE COUNSEL’S DIGEST


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

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

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

SECTION 1. Section 135.4 is added to the Business and Professions Code, to read:

135.4. (a) Notwithstanding any other law, a board within the department shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that they have been admitted to the United States as a refugee under Section 1157 of Title 8 of the United States Code, have been granted political asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to Section 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under Section 1244 of Public Law 110-181, under Public Law 109-163, or under Section 602(b) of Title VI of Division F of Public Law 111-8.

(b) Nothing in this section shall be construed as changing existing licensure requirements. A person applying for expedited licensure under subdivision (a) shall meet all applicable statutory and regulatory licensure requirements.

(c) A board may adopt regulations necessary to administer this section.
AB 2549 (Salas, D-Bakersfield; co-author: Gonzalez, D-San Diego)
Department of Consumer Affairs: temporary licenses.

Status: 7/1/2020 – Referred to the Senate Committee on Business, Professions & Economic Development
Location: 8/12/2020 – Senate Business, Professions & Economic Development Committee
Introduced: 2/19/2020
Last Amended: 5/18/2020 (Revised 6/4/2020 as to co-author)
Board Position: No position (as of 5/7/2020)
Board Staff Analysis: 8/12/2020

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

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

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

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

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

Staff Recommendation: No action needed at this time.

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

LEGISLATIVE COUNSEL’S DIGEST

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

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

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


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

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

115.6. (a) A board within the department shall, after appropriate investigation, issue
the following eligible temporary licenses to an applicant within 30 days of receiving the required documentation pursuant to meeting the requirements set forth in subdivision (c):

1. Registered nurse license by the Board of Registered Nursing.
2. Vocational nurse license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
3. Psychiatric technician license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.
4. Speech-language pathologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
5. Audiologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
6. All licenses issued by the Veterinary Medical Board.
7. All licenses issued by the Board for Professional Engineers, Land Surveyors, and Geologists.
8. All licenses issued by the Medical Board of California.
9. All licenses issued by the Podiatric Medical Board of California.
10. All licenses issued by the Dental Board of California.
11. All licenses issued by the Dental Hygiene Board of California.
12. All licenses issued by the California State Board of Pharmacy.
13. All licenses issued by the State Board of Barbering and Cosmetology.
14. All licenses issued by the Board of Psychology.
15. All licenses issued by the California Board of Occupational Therapy.
16. All licenses issued by the Physical Therapy Board of California.
17. All licenses issued by the California Board of Accountancy.

Revenues from fees for temporary licenses issued under this paragraph shall be credited to the Accountancy Fund in accordance with Section 5132.

(b) The board may conduct an investigation of an applicant for purposes of denying or revoking a temporary license issued pursuant to this section. This investigation may include a criminal background check.
An applicant seeking a temporary license pursuant to this section shall meet the following requirements:

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

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

3. The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that the applicant meets all of the requirements for the temporary license and that the information submitted in the application is accurate, to the best of the applicant’s knowledge. The application shall also include written verification from the applicant’s original licensing jurisdiction stating that the applicant’s license is in good standing in that jurisdiction.

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

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

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

7. A temporary license issued pursuant to this section may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the requirements described in subdivision (c) or provided substantively inaccurate information that would affect the person’s eligibility for temporary licensure.

Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary
licenseholder to immediately cease the practice of the licensed profession upon receipt.

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

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

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

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

SEC. 2. Section 5132 of the Business and Professions Code is amended to read:
5132. (a) All moneys received by the board under this chapter from any source and for any purpose and from a temporary license issued under Section 115.6 shall be accounted for and reported monthly by the board to the Controller and at the same time the moneys shall be remitted to the State Treasury to the credit of the Accountancy Fund.

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

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

REVISIONS:

Heading—Line 2.
SB 865 (Hill, D-San Mateo)
Excavations: subsurface installations.

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

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

**Introduced:** 1/17/2020

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

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

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

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

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

At its March 12, 2020, meeting, the Board took a position of “Watch” on SB 865 and directed staff to work with the author, sponsors, and Dig Safe Board staff to determine the actual intent of this amendment and to assist them with developing language that would more appropriately reflect that used with GIS systems and would address any issues relating to compliance with the Professional Land Surveyors’ Act. Board staff has offered our assistance to the Dig Safe Board staff, and they have advised they will be in contact with us regarding the bill.
Board staff has had the opportunity to discuss SB 865 with the Author’s staff, the Executive Officer of the Dig Safe Board, and representatives from the various dig alert organizations. They advised that their intent is to require the utility owners/operators to capture accurate coordinates of newly installed subsurface utilities at the time of installation for the purposes of recording and relying upon those coordinates to “locate and mark” the locations in the event of future excavations nearby. We provided information on what would be involved in meeting that intent and that capturing coordinates in the manner in which they described would be required to be performed by, or under the responsible charge, of an individual legally authorized to practice land surveying. The parties indicated they appreciated our input and would consider amending the bill to provide clarification.

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

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

“Commencing January 1, 2024, all new subsurface installations shall be tagged with GIS coordinates mapped using a geographic information system and maintained as permanent records of the operator.”

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

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

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

LEGISLATIVE COUNSEL’S DIGEST

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

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

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

The act requires the board to perform various duties relating to the protection of subsurface installations. The act generally requires an operator of a subsurface installation to become a member of, participate in, and share in the costs of, a regional notification center. The act requires a record of all notifications by an excavator or operator to the
regional notification center to be maintained for a period of not less than 3 years and available for inspection as specified. The act requires an operator to maintain certain records on subsurface installations. The act establishes prescribed notification procedures for an excavator who discovers or damages a subsurface installation.

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

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

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

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

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


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

SECTION 1. Section 4216 of the Government Code is amended to read:

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

(a) “Active subsurface installation” means a subsurface installation currently in use or currently carrying service.

(b) “Board” means the California Underground Facilities Safe Excavation Board, also known as the “Dig Safe Board.”

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

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

(e) “Electronic positive response” means an electronic response from an operator to the regional notification center providing the status of an operator’s statutorily required response to a ticket.

(f) (1) “Emergency” means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.
(2) “Unexpected occurrence” includes, but is not limited to, a
fire, flood, earthquake or other soil or geologic movement, riot,
accident, damage to a subsurface installation requiring immediate
repair, or sabotage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(s) “Subsurface installation” means any underground pipeline, conduit, duct, wire, or other structure, except nonpressurized sewerlines, nonpressurized storm drains, or other nonpressurized drain lines.
(t) “Ticket” means an excavation location request issued a number by the regional notification center.
(u) “Tolerance zone” means 24 inches on each side of the field marking placed by the operator in one of the following ways:
    (1) Twenty-four inches from each side of a single marking, assumed to be the centerline of the subsurface installation.
    (2) Twenty-four inches plus one-half the specified size on each side of a single marking with the size of installation specified.
    (3) Twenty-four inches from each outside marking that graphically shows the width of the outside surface of the subsurface installation on a horizontal plane.
(v) “Working day” for the purposes of determining excavation start date and time means a weekday Monday through Friday, from 7:00 a.m. to 5:00 p.m., except for federal holidays and state holidays, as defined in Section 19853, or as otherwise posted on the internet website of the regional notification center.

SEC. 2. Section 4216.1 of the Government Code is amended to read:
        4216.1. (a) Every operator of a subsurface installation, except the Department of Transportation, shall become a member of, participate in, and share in the costs of, a regional notification center. Operators of subsurface installations who are members of, participate in, and share in, the costs of a regional notification center, including, but not limited to, the Underground Service Alert—Northern California or the Underground Service Alert—Southern California are in compliance with this section and Section 4216.9. A regional notification center shall not charge a fee to a person for notifying the regional notification center to obtain a ticket or to renew a ticket.
        (b) A regional notification center shall include on its board two excavator representatives.

SEC. 3. Section 4216.2 of the Government Code is amended to read:
        4216.2. (a) Before notifying the appropriate regional notification center, an excavator planning to conduct an excavation shall delineate the area to be excavated. If the area is not delineated, an operator may, at the operator’s discretion, choose not to locate and field mark until the area to be excavated has been delineated.
        (b) Except in an emergency, an excavator planning to conduct an excavation shall notify the appropriate regional notification
center of the excavator’s intent to excavate at least two working
days, and not more than 14 calendar days, before beginning that
excavation. The date of the notification shall not count as part of
the two-working-day notice. If an excavator gives less notice than
the legal excavation start date and time and the excavation is not
an emergency, the regional notification center will take the
information and provide a ticket, but an operator has until the legal
excavation start date and time to respond. However, an excavator
and an operator may mutually agree to a different notice and start
date. The contact information for operators notified shall be
available to the excavator.

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

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

(e) The regional notification center shall provide a ticket to the
person who contacts the center pursuant to this section and shall
notify any member, if known, who has a subsurface installation
in the area of the proposed excavation. A ticket shall be valid for
28 days from the date of issuance. If work continues beyond 28 days, the excavator shall renew the ticket either by accessing the center’s internet website or by calling “811” by the end of the 28th day.

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

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

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

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

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

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

(i) Locate and field mark within the area delineated for excavation and, where multiple subsurface installations of the same type are known to exist together, mark the number of subsurface installations.
(ii) To the extent and degree of accuracy that the information is available, provide information to an excavator where the operator’s active or inactive subsurface installations are located.

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

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

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

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

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

(4) An operator shall amend, update, maintain, and preserve all plans and records for its subsurface installations as that information becomes known. If there is a change in ownership of a subsurface installation, the records shall be turned over to the new operator.

Commencing January 1, 2017, records on abandoned subsurface installations, to the extent that those records exist, shall be retained.

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

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

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

(C) “Header” means a chamber from which liquid or gas is distributed to or from smaller pipelines.
(b) If the field marks are no longer reasonably visible, an excavator shall renotify the regional notification center with a request for remarks that can be for all or a portion of the excavation. Excavation shall cease in the area to be remarked. If the delineation markings are no longer reasonably visible, the excavator shall redelineate the area to be remarked. If remarks are requested, the operator shall have two working days, not including the date of request, to remark the subsurface installation. If the area to be remarked is not the full extent of the original excavation, the excavator shall delineate the portion to be remarked and provide a description of the area requested to be remarked on the ticket. The excavator shall provide a description for the area to be remarked that falls within the area of the original location request.

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

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

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

(d) (1) On or before January 1, 2021, the board shall adopt regulations to implement subparagraph (A) of paragraph (1) of subdivision (c). The initial adoption, amendment, or repeal of a regulation authorized by this section is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6, and the board is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1. After the initial adoption, amendment, or repeal of an emergency regulation pursuant to this section, the board shall not request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1.
(2) It is the intent of the Legislature, in authorizing the deviations in this section from the requirements and procedures of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2, to authorize the board to expedite the exercise of its power to implement regulations as its unique operational circumstances require.

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

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

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

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

(2) (A) An excavator may use a vacuum excavation device to expose subsurface installations within the tolerance zone if the operator has marked the subsurface installation, the excavator has contacted any operator whose subsurface installations may be in conflict with the excavation, and the operator has agreed to the use of a vacuum excavation device. An excavator shall inform the regional notification center of the excavator’s intent to use a vacuum excavation device when obtaining a ticket.
(B) An excavator may use power-operated or boring equipment for the removal of any existing pavement only if there is no known subsurface installation contained in the pavement.

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

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

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

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

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

(B) After calling “911” emergency services, the excavator shall immediately notify the subsurface installation operator. The excavator may contact the regional notification center to obtain the contact information of the subsurface installation operator. If the operator is unknown and the damage or discovery of damage occurs outside the working hours of the regional notification center, the excavator may follow the instructions provided by the regional notification center through its internet website or the telephone line recorded message.
(C) Within two 48 hours of discovering or causing damage, the excavator shall notify the regional notification center.

(2) An excavator discovering or causing any other damage to a subsurface installation, including other breaks, leaks, nicks, dents, gouges, grooves, or other damage to subsurface installation lines, conduits, coatings, or cathodic protection, shall do the following:

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

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

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

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

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

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

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

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

(4) This article shall not be construed to limit any other provision of law granting governmental immunity to state or local agencies
or to impose any liability or duty of care not otherwise imposed by law upon any state or local agency.

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

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

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

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

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

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

(e) Commencing July 1, 2020, the Dig Safe Board shall enforce this article on persons other than those listed in subdivisions (c)
and (d). The board shall not initiate an enforcement action pursuant
to this subdivision for a violation that occurred prior to July 1,
2020. As the enforcing body for persons other than those listed in
subdivisions (c) and (d), the board may collect any monetary
penalties imposed upon those persons.
(f) Moneys collected as a result of penalties imposed pursuant
to subdivisions (c) and (e) shall be deposited into the Safe Energy
Infrastructure and Excavation Fund.
(g) Statewide information provided by operators and excavators
regarding incident events shall be compiled and made available
in an annual report by regional notification centers and posted on
the internet websites of the regional notification centers and shall
be made available to the board upon request.
(h) For purposes of subdivision (g), the following terms have
the following meanings:
(1) “Incident event” means the occurrence of excavator
downtime, damages, near misses, and violations.
(2) “Statewide information” means information submitted by
operators and excavators using the California Regional Common
Ground Alliance’s Virtual Private Damage Information Reporting
Tool. Supplied data shall comply with the Damage Information
Reporting Tool’s minimum essential information as listed in the
most recent version of the Best Practices guide of the Common
Ground Alliance.
SEC. 7. Section 4216.12 of the Government Code is amended
to read:
4216.12. (a) The Dig Safe Board is hereby created under, and
shall be assisted by the staff of, the Office of the State Fire Marshal
until January 1, 2022. On and after January 1, 2022, the board shall
be within the Office of Energy Infrastructure Safety within the
Natural Resources Agency pursuant to Part 7.3 (commencing with
Section 15470) of Division 3 of Title 2.
(b) The board shall perform the following tasks:
(1) Coordinate education and outreach activities that encourage
safe excavation practices, as described in Section 4216.17.
(2) Develop standards, as described in Section 4216.18.
(3) Investigate possible violations of this article, as described
in Section 4216.19.
(4) Enforce this article to the extent authorized by subdivision
(e) of Section 4216.6.
(c) Notwithstanding any other law, on and after January 1, 2020, the board shall be subject to review by the appropriate policy committees of the Legislature at least once every three years.

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

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

1. To understand the existing needs for education and outreach, including to those groups with the highest awareness and education needs, including, but not limited to, homeowners.
2. To facilitate discussion on how to coordinate existing education and outreach efforts with state and local government agencies, California operators, regional notification centers, and trade associations that fund outreach and education programs that encourage safe excavation practices.
3. In addition to state and local government agencies, California operators, regional notification centers, and trade associations that fund outreach and education programs that encourage safe excavation practices, the meeting pursuant to subdivision (a) shall include representatives of groups that may be the target of those outreach and education efforts.
4. For violations that are neither egregious nor persistent, the board shall offer violators the option of completing an educational course in lieu of paying a fine. To develop the programming for the educational option, the board may contract with a third party or create the curriculum itself.
5. Upon appropriation by the Legislature, moneys in the Safe Energy Infrastructure and Excavation Fund shall be available to the board to fund the educational course developed pursuant to subdivision (c).
SB 878 (Jones, R-El Cajon)
Department of Consumer Affairs Licensing: applications: wait times.

Status: 8/11/2020 – Passed Assembly Committee on Business and Professions. Referred to Assembly Committee on Appropriations.
Location: 8/12/2020 – Assembly Committee on Appropriations
Introduced: 1/22/2020
Last Amended: 6/18/2020
Board Position: Support, as amended 6/18/2020 (as of 6/25/2020)
Board Staff Analysis: 8/12/2020

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

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

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

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

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

As is standard procedure with any legislation that could have a fiscal impact on the Board, we provided information indicating that there could a significant fiscal impact to the Board if we were required to produce the specified information more often than the current annual report because of the significant manual work involved at this time. Board staff has recently had discussions with both the Author’s staff and the consultant for the Senate Appropriations Committee regarding this determination and our other concerns with the bill. We explained that we have concerned with the terminology used in the bill, as well as with the fiscal and workload impacts to the Board because of the confusion that could be caused by the terminology and because of the manual work we would have to do to obtain the data since our current IT systems cannot be relied upon to provide accurate data. We also explained that obtaining the data will become much less burdensome once our new IT system is fully implemented for all types of applications and license renewals, which
we anticipate will be sometime in 2021. Both the Author’s staff and the Committee consultant were open to considering amendments to the bill to clarify the terminology used, which would help to alleviate some of the fiscal impact the Board could face in complying with these new requirements.

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

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

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

**Laws:** An act to add Section 139.5 to the Business and Professions Code, relating to professions and vocations.
AMENDED IN SENATE JUNE 18, 2020

SENATE BILL No. 878

Introduced by Senator Jones

January 22, 2020

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

LEGISLATIVE COUNSEL’S DIGEST

SB 878, as amended, Jones. Department of Consumer Affairs: Licensing: applications: wait times.

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

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

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

SECTION 1. Section 139.5 is added to the Business and Professions Code, to read:

139.5. Beginning July 1, 2021, each board, as defined in Section 22, within the department that issues a license shall do both of the following:

(a) Prominently display on its internet website one of the following:

(1) The current average timeframes for processing initial and renewal license applications on its internet website.

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

(b) With respect to the information displayed on the website, specify the following:

(1) The current average timeframes for processing each license type that the board administers.

(2) The combined current average timeframe for processing all license types that the board administers.
SB 1474 (Introduced by Committee on Business, Professions and Economic Development (Senators Glazer (Chair), Archuleta, Chang, Dodd, Galgiani, Hill, Leyva, Pan, and Wilk)
(Principal coauthor: Assembly Member Low)
(Coauthor: Senator Morrell))
Business and Professions.

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

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

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

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

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

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

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

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

**Laws:** An act to amend Sections 27, 101, 125.9, 130, 144, 200.1, 205, 494.5, 1000, 1913, 1917, 1917.1, 1922, 2065, 2113, 2135.5, 2460, 2531, 2531.75, 2570.19, 2602, 2607.5, 2841, 2847.1, 2847.3, 2920, 2933, 3504, 3512, 3686, 3710, 3716, 4001, 4003, 4501, 4503, 4504, 4604, 4621, 4800, 4804.5, 4990, 4990.04, 5600.4, 5810, 7000, 7000.5, 7000.6, 7011.4, 7011.5, 7011.8, 7015, 7017.3, 7028.7, 7030, 7031, 7058.7, 7071.4, 7080.5, 7085.5, 7099.2, 7123.5, 7135, 7136, 7137, 7137.5, 7138, 7139.1, 7139.2, 7141.5, 7145.5, 7159, 7170, 7303, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 8516, 10050, 11301, 16100, and 19164 of, to amend, repeal, and add Section 1632 of, to add Section 7099.9 to, and to add and repeal Section 1632.56 of, the Business and Professions Code, to add Section 1670.8.5 to the Civil Code, and to amend Section 94950 of the Education Code, relating to business and professions, and making an appropriation therefor.
An act to amend Sections 27, 101, 125.9, 130, 144, 200.1, 205, 494.5, 1000, 4209, 1913, 1917, 1917.1, 1922, 2065, 2113, 2135.5, 2460, 2531, 2531.75, 2570.19, 2602, 2607.5, 2841, 2847.1, 2847.3, 2920, 2933, 3504, 3512, 3686, 3710, 3716, 4001, 4003, 4503, 4604, 4621, 4800, 4804.5, 4990, 4990.04, 5600.4, 5810, 7000, 7000.5, 7000.6, 7011.4, 7011.5, 7011.8, 7015, 7017.3, 7028.7, 7030, 7031, 7058.7, 7071.4, 7080.5, 7085.5, 7099.2, 7123.5, 7135, 7136, 7137, 7137.5, 7138, 7139.1, 7139.2, 7141.5, 7145.5, 7159, 7170, 7303, 7512.3, 7512.14, 7512.15, 7520.3, 7525.1, 7529, 7533.5, 7538, 7538.5, 7539, 8516, 10050, 11301, 16100, and 19164 of, to amend, repeal, and add Section 1632 of, to add and repeal Section 1632.56 of, the Business and Professions Code, to add Section 1670.8.5 to the Civil Code, and to amend Section 94950 of the Education Code, relating to business and professions, and making an appropriation therefor.
if it is delivered to the board’s headquarters or postmarked within 90 days of the expiration of the license.

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

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

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

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

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

This bill would expand the definition of “laboratory director” to include licensed dentists.

(5) Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California in the Department of Consumer Affairs. Existing law requires an applicant for licensure to have taken and received a passing score on either a clinical and written examination administered by the Western Regional Examining Board or a clinical and written examination developed by the American Board of Dental Examiners, Inc., as specified.
This bill, until January 1, 2025, would specify that an applicant who received a passing score on an examination administered by the Western Regional Examining Board between January 1, 2015, to December 31, 2019, inclusive, shall be deemed to satisfy the examination requirement, as specified.

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

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

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

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

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

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

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

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

Existing law authorizes the Medical Board of California, in its discretion, to waive certain examination and certification requirements
for licensure for a graduate of a foreign medical school who holds a certificate of registration issued by the board to practice medicine as a full-time faculty member at a medical school.

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

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

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

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

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

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

This bill would authorize the board to obtain and review criminal offender record information and would require an applicant, as a condition of licensure, to furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and criminal offender record information search. The bill would require the applicant to pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches, and would require the applicant to certify, under penalty of perjury, whether the applicant’s fingerprints have been furnished to the Department of Justice. By expanding the crime of perjury, the bill would impose a state-mandated local program.
(8) Existing law provides for the January 1, 2021, repeal of provisions creating the Podiatric Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Board of Psychology, the Physician Assistant Board, the California State Board of Pharmacy, the Veterinary Medical Board, the Board of Behavioral Sciences, and the State Board of Barbering and Cosmetology.

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

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

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

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

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

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

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

(12) Existing law, the Real Estate Law, provides for the licensure and regulation of real estate brokers by the Real Estate Commissioner,
the chief officer of the Department of Real Estate within the Business, Consumer Services, and Housing Agency. The Real Estate Law subjects the powers and duties of the department, under specified provisions of law, to review by the appropriate policy committees of the Legislature, performed as if those provisions were scheduled to be repealed as of January 1, 2021.

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

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

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

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

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

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

(15) Existing law, the California Private Postsecondary Education Act of 2009, until January 1, 2021, provides, among other things, for student protections and regulatory oversight of private postsecondary
institutions in the state, enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. This bill would extend the operation of the California Private Postsecondary Education Act of 2009 to January 1, 2022.

(16) This bill would make other conforming, technical, and nonsubstantive changes.
(17) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

27. (a) Each entity specified in subdivisions (c), (d), and (e) shall provide on the internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).

The public information to be provided on the internet shall include information on suspensions and revocations of licenses issued by the entity and other related enforcement action, including accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Government Code) taken by the entity relative to persons, businesses, or facilities subject to licensure or regulation by the entity. The information may not include personal information, including home telephone number, date of birth, or social security number. Each entity shall disclose a licensee’s address of record. However, each entity shall allow a licensee to provide a post office box number or other alternate address, instead of the licensee’s home address, as the address of record. This
section shall not preclude an entity from also requiring a licensee, who has provided a post office box number or other alternative mailing address as the licensee’s address of record, to provide a physical business address or residence address only for the entity’s internal administrative use and not for disclosure as the licensee’s address of record or disclosure on the internet.

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

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

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

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

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

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

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

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

(7) The Bureau for Private Postsecondary Education shall disclose information on private postsecondary institutions under
its jurisdiction, including disclosure of notices to comply issued pursuant to Section 94935 of the Education Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101. The department is comprised of the following:

(a) The Dental Board of California.

(b) The Medical Board of California.

(c) The State Board of Optometry.
1. The California State Board of Pharmacy.
2. The Veterinary Medical Board.
3. The California Board of Accountancy.
4. The California Architects Board.
5. The State Board of Barbering and Cosmetology.
6. The Board for Professional Engineers, Land Surveyors, and Geologists.
7. The Contractors State License Board.
8. The Bureau for Private Postsecondary Education.
10. The Board of Registered Nursing.
11. The Board of Behavioral Sciences.
12. The State Athletic Commission.
15. The Court Reporters Board of California.
16. The Board of Vocational Nursing and Psychiatric Technicians.
17. The Landscape Architects Technical Committee.
18. The Division of Investigation.
20. The Respiratory Care Board of California.
21. The Acupuncture Board.
22. The Board of Psychology.
23. The Podiatric Medical Board of California.
24. The Physical Therapy Board of California.
26. The Physician Assistant Board.
27. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
28. The California Board of Occupational Therapy.
29. The Osteopathic Medical Board of California.
30. The Naturopathic Medicine Committee.
31. The Dental Hygiene Board of California.
32. The Professional Fiduciaries Bureau.
33. The State Board of Chiropractic Examiners.
34. The Bureau of Real Estate Appraisers.
35. The Structural Pest Control Board.
36. The Bureau of Cannabis Control.
(an) Any other boards, offices, or officers subject to its jurisdiction by law.

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

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

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

(b) The system shall contain the following provisions:

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

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

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

(4) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if the licensee desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.
(5) Failure of a licensee to pay a fine or comply with an order of abatement, or both, within 30 days of the date of assessment or order, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

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

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

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

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

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

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

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

(1) The Medical Board of California.

(2) The Podiatric Medical Board of California.

(3) The Physical Therapy Board of California.

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

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

(6) The State Board of Optometry.

(7) The California State Board of Pharmacy.

(8) The Veterinary Medical Board.

(9) The California Architects Board.

(10) The Landscape Architect Technical Committee.
(11) The Board for Professional Engineers and Land Surveyors.
(12) The Contractors State License Board.
(13) The Board of Behavioral Sciences.
(14) The Court Reporters Board of California.
(15) The State Athletic Commission.
(16) The Osteopathic Medical Board of California.
(17) The Respiratory Care Board of California.
(18) The Acupuncture Board.
(19) The Board of Psychology.
(20) The Structural Pest Control Board.

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

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

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

(1) California Board of Accountancy.
(2) State Athletic Commission.
(3) Board of Behavioral Sciences.
(4) Court Reporters Board of California.
(5) Dental Board of California.
(6) California State Board of Pharmacy.
(7) Board of Registered Nursing.
(8) Veterinary Medical Board.
(9) Board of Vocational Nursing and Psychiatric Technicians.
(10) Respiratory Care Board of California.
(11) Physical Therapy Board of California.
(12) Physician Assistant Committee.
(13) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.
(14) Medical Board of California.
(15) State Board of Optometry.
(16) Acupuncture Board.
(17) Cemetery and Funeral Bureau.
(18) Bureau of Security and Investigative Services.
(19) Division of Investigation.
(20) Board of Psychology.
(21) California Board of Occupational Therapy.
(22) Structural Pest Control Board.
(23) Contractors State License Board.
(24) Naturopathic Medicine Committee.
(25) Professional Fiduciaries Bureau.
(26) Board for Professional Engineers, Land Surveyors, and Geologists.
(27) Bureau of Cannabis Control.
(28) Podiatric Medical Board of California.
(29) Osteopathic Medical Board of California.

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

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

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

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

(b) Subdivision (a) shall not apply to the Contingent Fund of the Medical Board of California.
SEC. 7. Section 205 of the Business and Professions Code, as amended by Section 2 of Chapter 865 of the Statutes of 2019, is amended to read:

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

(1) Accountancy Fund.
(2) California Architects Board Fund.
(3) Athletic Commission Fund.
(4) Barbering and Cosmetology Contingent Fund.
(5) Cemetery and Funeral Fund.
(6) Contractors License Fund.
(7) State Dentistry Fund.
(8) Home Furnishings and Thermal Insulation Fund.
(9) California Architects Board-Landscape Architects Fund.
(10) Contingent Fund of the Medical Board of California.
(11) Optometry Fund.
(12) Pharmacy Board Contingent Fund.
(13) Physical Therapy Fund.
(14) Private Investigator Fund.
(15) Private Security Services Fund.
(16) Professional Engineer’s, Land Surveyor’s, and Geologist’s Fund.
(17) Consumer Affairs Fund.
(18) Behavioral Sciences Fund.
(19) Licensed Midwifery Fund.
(20) Court Reporters’ Fund.
(21) Veterinary Medical Board Contingent Fund.
(22) Vocational Nursing and Psychiatric Technicians Fund.
(23) Electronic and Appliance Repair Fund.
(24) Dispensing Opticians Fund.
(25) Acupuncture Fund.
(26) Physician Assistant Fund.
(27) Board of Podiatric Medicine Fund.
(28) Psychology Fund.
(29) Respiratory Care Fund.
(30) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
(31) Board of Registered Nursing Fund.
(32) Animal Health Technician Examining Committee Fund.
(33) State Dental Hygiene Fund.
(34) State Dental Assistant Fund.
(35) Structural Pest Control Fund.
(36) Structural Pest Control Eradication and Enforcement Fund.
(37) Structural Pest Control Research Fund.
(38) Household Movers Fund.
(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.
(c) This section shall be repealed on July 1, 2022.

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

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:
(1) Accountancy Fund.
(2) California Architects Board Fund.
(3) Athletic Commission Fund.
(4) Barbering and Cosmetology Contingent Fund.
(5) Cemetery and Funeral Fund.
(6) Contractors License Fund.
(7) State Dentistry Fund.
(8) Home Furnishings and Thermal Insulation Fund.
(9) California Architects Board-Landscape Architects Fund.
(10) Contingent Fund of the Medical Board of California.
(11) Optometry Fund.
(12) Pharmacy Board Contingent Fund.
(13) Physical Therapy Fund.
(14) Private Investigator Fund.
(15) Private Security Services Fund.
(16) Professional Engineer’s, Land Surveyor’s, and Geologist’s Fund.
(17) Consumer Affairs Fund.
(18) Behavioral Sciences Fund.
(19) Licensed Midwifery Fund.
(20) Court Reporters’ Fund.
(21) Veterinary Medical Board Contingent Fund.
(22) Vocational Nursing and Psychiatric Technicians Fund.
(23) Electronic and Appliance Repair Fund.
(24) Dispensing Opticians Fund.
(25) Acupuncture Fund.
(26) Physician Assistant Fund.
(27) Board of Podiatric Medicine Fund.
(28) Psychology Fund.
(29) Respiratory Care Fund.
(30) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.
(31) Board of Registered Nursing Fund.
(32) Animal Health Technician Examining Committee Fund.
(33) State Dental Hygiene Fund.
(34) Structural Pest Control Fund.
(35) Structural Pest Control Eradication and Enforcement Fund.
(36) Structural Pest Control Research Fund.
(37) Household Movers Fund.
(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

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

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

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

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

(3) The State Bar of California may recommend to refuse to issue, reactivate, reinstate, or renew a license and may recommend
to suspend a license if a licensee’s name is included on a certified
list. The word “may” shall be substituted for the word “shall”
relating to the issuance of a temporary license, refusal to issue,
reactivate, reinstate, renew, or suspend a license in this section for
licenses under the jurisdiction of the California Supreme Court.
(4) The Department of Alcoholic Beverage Control may refuse
to issue, reactivate, reinstate, or renew a license, and may suspend
a license, if a licensee’s name is included on a certified list.
(b) For purposes of this section:
(1) “Certified list” means either the list provided by the State
Board of Equalization or the list provided by the Franchise Tax
Board of persons whose names appear on the lists of the 500 largest
tax delinquencies pursuant to Section 7063 or 19195 of the
Revenue and Taxation Code, as applicable.
(2) “License” includes a certificate, registration, or any other
authorization to engage in a profession or occupation issued by a
state governmental licensing entity. “License” includes a driver’s
license issued pursuant to Chapter 1 (commencing with Section
12500) of Division 6 of the Vehicle Code. “License” excludes a
vehicle registration issued pursuant to Division 3 (commencing
with Section 4000) of the Vehicle Code.
(3) “Licensee” means an individual authorized by a license to
drive a motor vehicle or authorized by a license, certificate,
registration, or other authorization to engage in a profession or
occupation issued by a state governmental licensing entity.
(4) “State governmental licensing entity” means any entity listed
in Section 101, 1000, or 19420, the office of the Attorney General,
the Department of Insurance, the Department of Motor Vehicles,
the State Bar of California, the Department of Real Estate, and
any other state agency, board, or commission that issues a license,
certificate, or registration authorizing an individual to engage in
a profession or occupation, including any certificate, business or
occupational license, or permit or license issued by the Department
of Motor Vehicles or the Department of the California Highway
Patrol. “State governmental licensing entity” shall not include the
Contractors State License Board.
(c) The State Board of Equalization and the Franchise Tax Board
shall each submit its respective certified list to every state
governmental licensing entity. The certified lists shall include the
name, social security number or taxpayer identification number,
and the last known address of the persons identified on the certified lists.

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

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

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

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

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

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

(f) (1) A state governmental licensing entity shall refuse to issue or shall suspend a license pursuant to this section no sooner than 90 days and no later than 120 days of the mailing of the preliminary notice described in paragraph (2) of subdivision (e), unless the state governmental licensing entity has received a release
pursuant to subdivision (h). The procedures in the administrative
adjudication provisions of the Administrative Procedure Act
(Chapter 4.5 (commencing with Section 11400) and Chapter 5
(commencing with Section 11500) of Part 1 of Division 3 of Title
2 of the Government Code) shall not apply to the denial or
suspension of, or refusal to renew, a license or the issuance of a
temporary license pursuant to this section.

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

(g) Notices shall be developed by each state governmental
licensing entity. For an applicant or licensee on the State Board
of Equalization’s certified list, the notice shall include the address
and telephone number of the State Board of Equalization, and shall
emphasize the necessity of obtaining a release from the State Board
of Equalization as a condition for the issuance, renewal, or
continued valid status of a license or licenses. For an applicant or
licensee on the Franchise Tax Board’s certified list, the notice shall
include the address and telephone number of the Franchise Tax
Board, and shall emphasize the necessity of obtaining a release
from the Franchise Tax Board as a condition for the issuance,
renewal, or continued valid status of a license or licenses.

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

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

(3) The notice shall also inform the applicant or licensee that if
an application is denied or a license is suspended pursuant to this
section, any moneys paid by the applicant or licensee shall not be
refunded by the state governmental licensing entity. The state governmental licensing entity shall also develop a form that the applicant or licensee shall use to request a release by the State Board of Equalization or the Franchise Tax Board. A copy of this form shall be included with every notice sent pursuant to this subdivision.

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

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

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

(3) The applicant or licensee is unable to pay the outstanding tax obligation due to a current financial hardship. “Financial hardship” means financial hardship as determined by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, where the applicant or licensee is unable to pay any part of the outstanding liability and the applicant or licensee is
unable to qualify for an installment payment arrangement as provided for by Section 6832 or Section 19008 of the Revenue and Taxation Code. In order to establish the existence of a financial hardship, the applicant or licensee shall submit any information, including information related to reasonable business and personal expenses, requested by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, for purposes of making that determination.

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

(j) The State Board of Equalization or the Franchise Tax Board shall create release forms for use pursuant to this section. When the applicant or licensee has complied with the tax obligation by payment of the unpaid taxes, or entry into an installment payment agreement, or establishing the existence of a current financial hardship as defined in paragraph (3) of subdivision (h), the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall mail a release form to the applicant or licensee and provide a release to the appropriate state governmental licensing entity. Any state governmental licensing entity that has received a release from the State Board of Equalization and the Franchise Tax Board pursuant to this subdivision shall process the release within five business days of its receipt. If the State Board of Equalization or the Franchise Tax Board determines subsequent to the issuance of a release that the licensee has not complied with
their installment payment agreement, the State Board of Equalization or the Franchise Tax Board, whichever is applicable, shall notify the state governmental licensing entity and the licensee in a format prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee is not in compliance and the release shall be rescinded. The State Board of Equalization and the Franchise Tax Board may, when it is economically feasible for the state governmental licensing entity to develop an automated process for complying with this subdivision, notify the state governmental licensing entity in a manner prescribed by the State Board of Equalization or the Franchise Tax Board, whichever is applicable, that the licensee has not complied with the installment payment agreement. Upon receipt of this notice, the state governmental licensing entity shall immediately notify the licensee on a form prescribed by the state governmental licensing entity that the licensee’s license will be suspended on a specific date, and this date shall be no longer than 30 days from the date the form is mailed. The licensee shall be further notified that the license will remain suspended until a new release is issued in accordance with this subdivision.

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

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

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

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

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

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

(q) (1) Neither the state governmental licensing entity, nor any
officer, employee, or agent, or former officer, employee, or agent
of a state governmental licensing entity, may disclose or use any
information obtained from the State Board of Equalization or the
Franchise Tax Board, pursuant to this section, except to inform
the public of the denial, refusal to renew, or suspension of a license
or the issuance of a temporary license pursuant to this section. The
release or other use of information received by a state governmental
licensing entity pursuant to this section, except as authorized by
this section, is punishable as a misdemeanor. This subdivision may
not be interpreted to prevent the State Bar of California from filing
a request with the Supreme Court of California to suspend a member of the bar pursuant to this section.

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

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

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

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

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

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

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

SEC. 10. Section 1000 of the Business and Professions Code is amended to read:

1000. (a) The law governing practitioners of chiropractic is found in an initiative act entitled “An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof,
and repealing all acts and parts of acts inconsistent herewith,”
adopted by the electors November 7, 1922.

(b) The State Board of Chiropractic Examiners is within the
Department of Consumer Affairs.

(c) Notwithstanding any other law, the powers and duties of the
State Board of Chiropractic Examiners, as set forth in this article
and under the act creating the board, shall be subject to review by
the appropriate policy committees of the Legislature. The review
shall be performed as if this chapter were scheduled to be repealed
as of January 1, 2023.

SEC. 11. Section 1209 of the Business and Professions Code
is amended to read:

1209. (a) As used in this chapter, “laboratory director” means
any person who is any of the following:
(1) A duly licensed physician and surgeon.
(2) Only for purposes of a clinical laboratory test or examination
classified as waived, is any of the following:
(A) A duly licensed clinical laboratory scientist.
(B) A duly licensed limited clinical laboratory scientist.
(C) A duly licensed naturopathic doctor.
(D) A duly licensed optometrist serving as the director of a
laboratory that only performs clinical laboratory tests authorized
in paragraph (10) of subdivision (d) of Section 3041.
(E) A duly licensed dentist.
(3) Licensed to direct a clinical laboratory under this chapter.
(b) (1) A person defined in paragraph (1) or (3) of subdivision
(a) who is identified as the CLIA laboratory director of a laboratory
that performs clinical laboratory tests classified as moderate or
high complexity shall also meet the laboratory director
qualifications under CLIA for the type and complexity of tests
being offered by the laboratory.
(2) As used in this subdivision, “CLIA laboratory director”
means the person identified as the laboratory director on the CLIA
certificate issued to the laboratory by the federal Centers for
Medicare and Medicaid Services (CMS).
(c) The laboratory director, if qualified under CLIA, may
perform the duties of the technical consultant, technical supervisor,
clinical consultant, general supervisor, and testing personnel, or
delegate these responsibilities to persons qualified under CLIA.
If the laboratory director reapportions performance of those
responsibilities or duties, they shall remain responsible for ensuring that all those duties and responsibilities are properly performed.

(d) (1) The laboratory director is responsible for the overall operation and administration of the clinical laboratory, including administering the technical and scientific operation of a clinical laboratory, the selection and supervision of procedures, the reporting of results, and active participation in its operations to the extent necessary to ensure compliance with this act and CLIA. They shall be responsible for the proper performance of all laboratory work of all subordinates and shall employ a sufficient number of laboratory personnel with the appropriate education and—either experience or training to provide—appropriate consultation, properly supervise and accurately perform tests, and report test results in accordance with the personnel qualifications, duties, and responsibilities described in CLIA and this chapter.

(2) Where a point-of-care laboratory testing device is utilized and provides results for more than one analyte, the testing personnel may perform and report the results of all tests ordered for each analyte for which they have been found by the laboratory director to be competent to perform and report.

(e) As part of the overall operation and administration, the laboratory director of a registered laboratory shall document the adequacy of the qualifications (educational background, training, and experience) of the personnel directing and supervising the laboratory and—performing the laboratory test procedures and examinations. In determining the adequacy of qualifications, the laboratory director shall comply with any regulations adopted by the department that specify the minimum qualifications for personnel, in addition to any CLIA requirements relative to the education or training of personnel.

(f) As part of the overall operation and administration, the laboratory director of a licensed laboratory shall do all of the following:

(1) Ensure that all personnel, prior to testing biological specimens, have the appropriate education and experience, receive the appropriate training for the type and complexity of the services offered, and have demonstrated that they can perform all testing operations reliably to provide and report accurate results. In determining the adequacy of qualifications, the laboratory director shall comply with any regulations adopted by the department that
specify the minimum qualifications for, and the type of procedures that may be performed by, personnel in addition to any CLIA requirements relative to the education or training of personnel. Any regulations adopted pursuant to this section that specify the type of procedure that may be performed by testing personnel shall be based on the skills, knowledge, and tasks required to perform the type of procedure in question.

(2) Ensure that policies and procedures are established for monitoring individuals who conduct preanalytical, analytical, and postanalytical phases of testing to ensure that they are competent and maintain their competency to process biological specimens; perform test procedures, and report test results promptly and proficiently, and, whenever necessary, identify needs for remedial training or continuing education to improve skills.

(3) Specify in writing the responsibilities and duties of each individual engaged in the performance of the preanalytic, analytic, and postanalytic phases of clinical laboratory tests or examinations, including which clinical laboratory tests or examinations the individual is authorized to perform, whether supervision is required for the individual to perform specimen processing, test performance, or results reporting, and whether consultant, supervisor, or director review is required prior to the individual reporting patient test results.

(g) The competency and performance of staff of a licensed laboratory shall be evaluated and documented by the laboratory director, or by a person who qualifies as a technical consultant or a technical supervisor under CLIA depending on the type and complexity of tests being offered by the laboratory.

(1) The procedures for evaluating the competency of the staff shall include, but are not limited to, all of the following:

(A) Direct observations of routine patient test performance, including patient preparation, if applicable, and specimen handling, processing, and testing.

(B) Monitoring the recording and reporting of test results.

(C) Review of intermediate test results or worksheets, quality control records, proficiency testing results, and preventive maintenance records.

(D) Direct observation of performance of instrument maintenance and function checks.
Assessment of test performance through testing previously analyzed specimens, internal blind testing samples, or external proficiency testing samples.

Assessment of problem solving skills.

Evaluation and documentation of staff competency and performance shall occur at least semiannually during the first year an individual tests biological specimens. Thereafter, evaluations shall be performed at least annually unless test methodology or instrumentation changes, in which case, prior to reporting patient test results, the individual’s performance shall be reevaluated to include the use of the new test methodology or instrumentation.

(h) The laboratory director of each clinical laboratory of an acute care hospital shall be a physician and surgeon who is a qualified pathologist, except as follows:

(1) If a qualified pathologist is not available, a physician and surgeon or a clinical laboratory bioanalyst qualified as a laboratory director under subdivision (a) may direct the laboratory. However, a qualified pathologist shall be available for consultation at suitable intervals to ensure high-quality service.

(2) If there are two or more clinical laboratories of an acute care hospital, those additional clinical laboratories that are limited to the performance of blood gas analysis, blood electrolyte analysis, or both, may be directed by a physician and surgeon qualified as a laboratory director under subdivision (a), irrespective of whether a pathologist is available.

As used in this subdivision, a qualified pathologist is a physician and surgeon certified or eligible for certification in clinical or anatomical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology.

(i) Subdivision (h) does not apply to any director of a clinical laboratory of an acute care hospital acting in that capacity on or before January 1, 1988.

(j) A laboratory director may serve as the director of up to the maximum number of laboratories stipulated by CLIA, as defined under Section 1202.5:

SEC. 12.

SEC. 11. Section 1632 of the Business and Professions Code is amended to read:

1632. (a) The board shall require each applicant to successfully complete the written examination of the National Board Dental
Examination of the Joint Commission on National Dental Examinations.

(b) The board shall require each applicant to successfully complete an examination in California law and ethics developed and administered by the board. The board shall provide a separate application for this examination. The board shall ensure that the law and ethics examination reflects current law and regulations, and ensure that the examinations are randomized. Applicants shall submit this application and required fee to the board in order to take this examination. In addition to the aforementioned application, the only other requirement for taking this examination shall be certification from the dean of the qualifying dental school or the dean’s delegate attended by the applicant that the applicant has graduated, or will graduate, or is expected to graduate. Applicants who submit completed applications and certification from the dean at least 15 days prior to a scheduled examination shall be scheduled to take the examination. Successful results of the examination shall, as established by board regulation, remain valid for two years from the date that the applicant is notified of having passed the examination.

(c) Except as otherwise provided in Section 1632.5 or 1632.56, the board shall require each applicant to have taken and received a passing score on one of the following:

1. (A) A portfolio examination of the applicant’s competence to enter the practice of dentistry. This examination shall be conducted while the applicant is enrolled in a dental school program at a board-approved school located in California. This examination shall utilize uniform standards of clinical experiences and competencies, as approved by the board pursuant to Section 1632.1. The applicant shall pass a final assessment of the submitted portfolio at the end of the applicant’s dental school program. Before any portfolio assessment may be submitted to the board, the applicant shall remit the required fee to the board to be deposited into the State Dentistry Fund, and a letter of good standing signed by the dean of the applicant’s dental school or the dean’s delegate stating that the applicant has graduated or will graduate with no pending ethical issues.

2. (B) The board shall provide a report on how many other states have recognized licensure by portfolio examination at the time of its sunset review pursuant to subdivision (d) of Section 1601.1.
The report shall be submitted in compliance with Section 9795 of the Government Code.

(2) Either one of the following examinations:

(A) A clinical and written examination administered by the Western Regional Examining Board within five years prior to the date of their application for a license under this section.

(B) The clinical and written examination developed by the American Board of Dental Examiners, Inc., within five years prior to the date of their application for a license under this section.

(d) Notwithstanding subdivision (b) of Section 1628, the board is authorized to do either of the following:

(1) Approve an application for examination from, and to examine an applicant who is enrolled in, but has not yet graduated from, a reputable dental school approved by the board.

(2) Accept the results of an examination described in paragraph (2) of subdivision (c) submitted by an applicant who was enrolled in, but had not graduated from, a reputable dental school approved by the board at the time the examination was administered.

In either case, the board shall require the dean of that school or the dean’s delegate to furnish satisfactory proof that the applicant will graduate within one year of the date the examination was administered or as provided in paragraph (1) of subdivision (c).

(e) The board may determine the testing format, as related to patients, for the examination provided pursuant to subparagraph (B) of paragraph (2) of subdivision (c).

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

SEC. 13. Section 1632 is added to the Business and Professions Code, to read:

1632. (a) The board shall require each applicant to successfully complete the written examination of the National Board Dental Examination of the Joint Commission on National Dental Examinations.

(b) The board shall require each applicant to successfully complete an examination in California law and ethics developed and administered by the board. The board shall provide a separate application for this examination. The board shall ensure that the law and ethics examination reflects current law and regulations, and ensure that the examinations are randomized. Applicants shall
submit this application and required fee to the board in order to
take this examination. In addition to the aforementioned
application, the only other requirement for taking this examination
shall be certification from the dean of the qualifying dental school
or the dean’s delegate attended by the applicant that the applicant
has graduated, or will graduate, or is expected to graduate.
Applicants who submit completed applications and certification
from the dean at least 15 days prior to a scheduled examination
shall be scheduled to take the examination. Successful results of
the examination shall, as established by board regulation, remain
valid for two years from the date that the applicant is notified of
having passed the examination.
(c) Except as otherwise provided in Section 1632.5, the board
shall require each applicant to have taken and received a passing
score on one of the following:
(1) (A) A portfolio examination of the applicant’s competence
to enter the practice of dentistry. This examination shall be
conducted while the applicant is enrolled in a dental school
program at a board-approved school located in California. This
examination shall utilize uniform standards of clinical experiences
and competencies, as approved by the board pursuant to Section
1632.1. The applicant shall pass a final assessment of the submitted
portfolio at the end of the applicant’s dental school program. Before
any portfolio assessment may be submitted to the board, the
applicant shall remit the required fee to the board to be deposited
into the State Dentistry Fund, and a letter of good standing signed
by the dean of the applicant’s dental school or the dean’s delegate
stating that the applicant has graduated or will graduate with no
pending ethical issues.
(B) The board shall provide a report on how many other states
have recognized licensure by portfolio examination at the time of
its sunset review pursuant to subdivision (d) of Section 1601.1.
The report shall be submitted in compliance with Section 9795 of
the Government Code.
(2) Either one of the following examinations:
(A) A clinical and written examination administered by the
Western Regional Examining Board within five years prior to the
date of their application for a license under this section.
(B) The clinical and written examination developed by the American Board of Dental Examiners, Inc., within five years prior to the date of their application for a license under this section.

(d) Notwithstanding subdivision (b) of Section 1628, the board is authorized to do either of the following:

(1) Approve an application for examination from, and to examine an applicant who is enrolled in, but has not yet graduated from, a reputable dental school approved by the board.

(2) Accept the results of an examination described in paragraph (2) of subdivision (c) submitted by an applicant who was enrolled in, but had not graduated from, a reputable dental school approved by the board at the time the examination was administered.

In either case, the board shall require the dean of that school or the dean’s delegate to furnish satisfactory proof that the applicant will graduate within one year of the date the examination was administered or as provided in paragraph (1) of subdivision (c).

(e) The board may determine the testing format, as related to patients, for the examination provided pursuant to subparagraph (B) of paragraph (2) of subdivision (c).

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

SEC. 13. Section 1632.56 is added to the Business and Professions Code, immediately following Section 1632.55, to read:

1632.56. (a) Notwithstanding Section 1630, an applicant receiving a passing score on an examination administered by the Western Regional Examining Board from January 1, 2015, to December 31, 2019, inclusive, shall satisfy the requirement of a passing score pursuant to subdivision (c) of Section 1632 for a license to practice dentistry in this state, so long as the passing score is used for initial licensure within five years prior to the date of their application for a license under Section 1632.

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

SEC. 14. Section 1913 of the Business and Professions Code is amended to read:

1913. Unless otherwise specified in this chapter, a registered dental hygienist may perform any procedure or provide any service within the scope of their practice in any setting under the appropriate level of supervision required by this article, if the
registered dental hygienist has completed the appropriate education and training required to perform the procedure or provide the service.

SEC. 16. Section 1917 of the Business and Professions Code is amended to read:

1917. The dental hygiene board shall grant initial licensure as a registered dental hygienist to a person who satisfies all of the following requirements:

(a) Completion of an educational program for registered dental hygienists, approved by the dental hygiene board, accredited by the Commission on Dental Accreditation, and conducted by a degree-granting, postsecondary institution.

(b) Within the preceding three years, satisfactory completion of the dental hygiene examination given by the Western Regional Examining Board or any other clinical or dental hygiene examination approved by the dental hygiene board.

(c) Satisfactory completion of the National Board Dental Hygiene Examination.

(d) Satisfactory completion of the examination in California law and ethics as prescribed by the dental hygiene board.

(e) Submission of a completed application form and all fees required by the dental hygiene board.

(f) Satisfactory completion of dental hygiene board-approved instruction in gingival soft-tissue curettage, nitrous oxide-oxygen analgesia, and local anesthesia.

SEC. 17. Section 1917.1 of the Business and Professions Code is amended to read:

1917.1. (a) The dental hygiene board may grant a license as a registered dental hygienist to an applicant who has not taken a clinical examination before the dental hygiene board, if the applicant submits all of the following to the dental hygiene board:

(1) A completed application form and all fees required by the dental hygiene board.

(2) Proof of a current license as a registered dental hygienist issued by another state that is not revoked, suspended, or otherwise restricted.

(3) Proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member
in an accredited dental hygiene education program for a minimum of 750 hours per year for at least five years immediately preceding the date of application under this section. The clinical practice requirement shall be deemed met if the applicant provides proof of at least three years of clinical practice and commits to completing the remaining two years of clinical practice by filing with the dental hygiene board a copy of a pending contract to practice dental hygiene in any of the following facilities:

(A) A primary care clinic licensed under subdivision (a) of Section 1204 of the Health and Safety Code.

(B) A primary care clinic exempt from licensure pursuant to subdivision (c) of Section 1206 of the Health and Safety Code.

(C) A clinic owned or operated by a public hospital or health system.

(D) A clinic owned and operated by a hospital that maintains the primary contract with a county government to fill the county’s role under Section 17000 of the Welfare and Institutions Code.

(4) Satisfactory performance on a California law and ethics examination and any examination that may be required by the dental hygiene board.

(5) Proof that the applicant has not been subject to disciplinary action by any state in which the applicant is or has been previously issued any professional or vocational license. If the applicant has been subject to disciplinary action, the dental hygiene board shall review that action to determine if it warrants refusal to issue a license to the applicant.

(6) Proof of graduation from a school of dental hygiene accredited by the Commission on Dental Accreditation.

(7) Proof of satisfactory completion of the National Board Dental Hygiene Examination and of a state clinical examination, regional clinical licensure examination, or any other clinical dental hygiene examination approved by the dental hygiene board.

(8) Proof that the applicant has not failed the state clinical examination, the examination given by the Western Regional Examining Board, or any other clinical dental hygiene examination approved by the dental hygiene board for licensure to practice dental hygiene under this chapter more than once or once within five years prior to the date of application for a license under this section.
(9) Documentation of completion of a minimum of 25 units of
continuing education earned in the two years preceding application,
including completion of any continuing education requirements
imposed by the dental hygiene board on registered dental hygienists
licensed in this state at the time of application.

(10) Any other information as specified by the dental hygiene
board to the extent that it is required of applicants for licensure by
examination under this article.

(b) The dental hygiene board may periodically request
verification of compliance with the requirements of paragraph (3)
of subdivision (a) and may revoke the license upon a finding that
the employment requirement or any other requirement of paragraph
(3) of subdivision (a) has not been met.

(c) The dental hygiene board shall provide in the application
packet to each out-of-state dental hygienist pursuant to this section
the following information:

(1) The location of dental manpower shortage areas in the state.
(2) Any nonprofit clinics, public hospitals, and accredited dental
hygiene education programs seeking to contract with licensees for
dental hygiene service delivery or training purposes.

SEC. 17. Section 1922 of the Business and Professions Code
is amended to read:

1922. The dental hygiene board shall license as a registered
dental hygienist in alternative practice a person who demonstrates
satisfactory performance on an examination in California law and
ethics required by the dental hygiene board and who completes an
application form and pays all application fees required by the dental
hygiene board and meets either of the following requirements:

(a) Holds a current California license as a registered dental
hygienist and meets the following requirements:
(1) Has been engaged in the practice of dental hygiene, as
defined in Section 1908, as a registered dental hygienist in any
setting, including, but not limited to, educational settings and public
health settings, for a minimum of 2,000 hours during the
immediately preceding 36 months.
(2) Has successfully completed a bachelor’s degree or its
equivalent, recognized as a minimum of 120 semester credit hours
or 180 quarter credit hours in postsecondary education, from a
college or institution of higher education that is accredited by a

SEC. 18.
national or regional accrediting agency recognized by the United States Department of Education, and a minimum of 150 hours of additional educational requirements, as prescribed by the dental hygiene board by regulation, that are consistent with good dental and dental hygiene practice, including, but not necessarily limited to, dental hygiene technique and theory including gerontology and medical emergencies, and business administration and practice management.

(b) Has received a letter of acceptance into the employment utilization phase of the Health Workforce Pilot Project No. 155 established by the Office of Statewide Health Planning and Development pursuant to Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code.

SEC. 19.
SEC. 18. Section 2065 of the Business and Professions Code is amended to read:

2065. (a) Unless otherwise provided by law, no postgraduate trainee, intern, resident, postdoctoral fellow, or instructor may engage in the practice of medicine, or receive compensation therefor, or offer to engage in the practice of medicine unless they hold a valid, unrevoked, and unsuspended physician’s and surgeon’s certificate issued by the board. However, a graduate of an approved medical school may engage in the practice of medicine whenever and wherever required as a part of a postgraduate training program under the following conditions:

(1) The medical school graduate has taken and passed the board-approved medical licensing examinations required to qualify the applicant to participate in an approved postgraduate training program.

(2) If the medical school graduate graduated from a foreign medical school approved by the board pursuant to Section 2084, the Educational Commission for Foreign Medical Graduates (ECFMG) has submitted an official ECFMG Certification Status Report directly to the board confirming the graduate is ECFMG certified.

(3) The medical school graduate is enrolled in a postgraduate training program approved by the board.

(4) The board-approved postgraduate training program has submitted the required board-approved form to the board.
documenting the medical school graduate is enrolled in an approved postgraduate training program.

(5) The medical school graduate obtains a physician’s and surgeon’s postgraduate training license in accordance with Section 2064.5.

(b) A medical school graduate enrolled in an approved first-year postgraduate training program in accordance with this section may engage in the practice of medicine whenever and wherever required as a part of the training program, and may receive compensation for that practice.

(c) A graduate who has completed the first year of postgraduate training may, in an approved residency or fellowship, engage in the practice of medicine whenever and wherever required as part of that residency or fellowship, and may receive compensation for that practice. The resident or fellow shall qualify for, take, and pass the next succeeding written examination for licensure. If the resident or fellow fails to receive a license to practice medicine under this chapter within 27 months from the commencement of the residency or fellowship, except as otherwise allowed under subdivision (g) or (h), or if the board denies their application for licensure, all privileges and exemptions under this section shall automatically cease.

(d) All approved postgraduate training the medical school graduate has successfully completed in the United States or Canada shall count toward the 39-month license exemption, except as otherwise allowed under subdivision (h).

(e) A medical school graduate from a medical school approved by the board shall have successfully completed a minimum of 36 months of approved postgraduate training, which includes successful progression through 24 months in the same program, to be eligible for a California physician’s and surgeon’s certificate.

(f) The program director for an approved postgraduate training program in California shall report to the board, on a form approved by the board, and provide any supporting documents as required by the board, the following actions within 30 days of the action:

(1) A postgraduate trainee is notified that they have received partial or no credit for a period of postgraduate training, and their postgraduate training period is extended.
(2) A postgraduate trainee takes a leave of absence or any break from their postgraduate training, and they are notified that their postgraduate training period is extended.

(3) A postgraduate trainee is terminated from the postgraduate training program.

(4) A postgraduate trainee resigns, dies, or otherwise leaves the postgraduate training program.

(5) A postgraduate trainee has completed a one-year contract approved by the postgraduate training program.

(g) Upon review of supporting documentation, the board, in its discretion, may grant an extension beyond 39 months to a postgraduate training licensee to successfully complete the 36 months of required approved postgraduate training.

(h) An applicant for a physician’s and surgeon’s license who has successfully completed 36 months of approved postgraduate training in another state or in Canada and who is accepted into an approved postgraduate training program in California shall obtain their physician’s and surgeon’s license within 90 days after beginning that postgraduate training program or all privileges and exemptions under this section shall automatically cease.

(i) This section shall become operative on January 1, 2020.

SEC. 20.

SEC. 19. Section 2113 of the Business and Professions Code is amended to read:

2113. (a) Any person who does not immediately qualify for a physician’s and surgeon’s certificate under this chapter and who is offered by the dean of an approved medical school in this state a full-time faculty position may, after application to and approval by the board, be granted a certificate of registration to engage in the practice of medicine only to the extent that the practice is incident to and a necessary part of their duties as approved by the board in connection with the faculty position. A certificate of registration does not authorize a registrant to admit patients to a nursing or a skilled or assisted living facility unless that facility is formally affiliated with the sponsoring medical school. A clinical fellowship shall not be submitted as a faculty service appointment.

(b) Application for a certificate of registration shall be made on a form prescribed by the board and shall be accompanied by a registration fee fixed by the board in an amount necessary to recover the actual application processing costs of the program. To
qualify for the certificate, an applicant shall submit all of the following:

(1) If the applicant is a graduate of a medical school other than in the United States or Canada, documentary evidence satisfactory to the board that they have been licensed to practice medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the board, or has been engaged in the practice of medicine in the United States for at least four years in approved facilities, or has completed a combination of that licensure and training.

(2) If the applicant is a graduate of a medical school in the United States or Canada, documentary evidence that the medical school is approved by the board.

(3) Written certification by the head of the department in which the applicant is to be appointed of all of the following:
   (A) The applicant will be under their direction.
   (B) The applicant will not be permitted to practice medicine unless incident to and a necessary part of their duties as approved by the board in subdivision (a).
   (C) The applicant will be accountable to the medical school’s department chair or division chief for the specialty in which the applicant will practice.
   (D) The applicant will be proctored in the same manner as other new faculty members, including, as appropriate, review by the medical staff of the school’s medical center.
   (E) The applicant will not be appointed to a supervisory position at the level of a medical school department chair or division chief.

(4) Demonstration by the dean of the medical school that the applicant has the requisite qualifications to assume the position to which they are to be appointed and that shall include a written statement of the recruitment procedures followed by the medical school before offering the faculty position to the applicant.

(c) A certificate of registration shall be issued only for a faculty position at one approved medical school, and no person shall be issued more than one certificate of registration for the same period of time.

(d) (1) A certificate of registration is valid for one year from its date of issuance and may be renewed twice.

   A request for renewal shall be submitted on a form prescribed by the board and shall be accompanied by a renewal fee fixed by
the board in an amount necessary to recover the actual application
processing costs of the program.

(2) The dean of the medical school may request renewal of the
registration by submitting a plan at the beginning of the third year
of the registrant’s appointment demonstrating the registrant’s
continued progress toward licensure and, if the registrant is a
graduate of a medical school other than in the United States or
Canada, that the registrant has been issued a certificate by the
Educational Commission for Foreign Medical Graduates. The
board may, in its discretion, extend the registration for a two-year
period to facilitate the registrant’s completion of the licensure
process.

(e) If the registrant is a graduate of a medical school other than
in the United States or Canada, they shall meet the requirements
of Section 2065 or 2135, as appropriate, in order to obtain a
physician’s and surgeon’s certificate. Notwithstanding any other
provision of law, the board may accept clinical practice in an
appointment pursuant to this section as qualifying time to meet
the postgraduate training requirements in Section 2065, and, in its
discretion, waive the examination and the Educational Commission
for Foreign Medical Graduates certification requirements specified
in paragraph (3) of subdivision (a) of Section 2065 in the event
the registrant applies for a physician’s and surgeon’s certificate.
As a condition to waiving any examination or the Educational
Commission for Foreign Medical Graduates certification
requirement, the board in its discretion, may require an applicant
to pass a clinical competency examination approved by the board.
The board shall not waive any examination for an applicant who
has not completed at least one year in the faculty position.

(f) Except to the extent authorized by this section, the registrant
shall not engage in the practice of medicine, bill individually for
medical services provided by the registrant, or receive
compensation therefor, unless they are issued a physician’s and
surgeon’s certificate.

(g) When providing clinical services, the registrant shall wear
a visible name tag containing the title “visiting professor” or
“visiting faculty member,” as appropriate, and the institution at
which the services are provided shall obtain a signed statement
from each patient to whom the registrant provides services
acknowledging that the patient understands that the services are
provided by a person who does not hold a physician’s and surgeon’s certificate but who is qualified to participate in a special program as a visiting professor or faculty member.

(h) The board shall notify both the registrant and the dean of the medical school of a complaint made about the registrant. The board may terminate a registration for any act that would be grounds for discipline if done by a licensee. The board shall provide both the registrant and the dean of the medical school with written notice of the termination and the basis for that termination. The registrant may, within 30 days after the date of the notice of termination, file a written appeal to the board. The appeal shall include any documentation the registrant wishes to present to the board.

(i) This section shall become operative on January 1, 2020.

SEC. 21. Section 2135.5 of the Business and Professions Code is amended to read:

2135.5. Upon review and recommendation, the board may determine that an applicant for a physician’s and surgeon’s certificate has satisfied the medical education requirements of Sections 2084 and 2135 and the examination requirements of Section 2170 if the applicant meets all of the following criteria:

(a) They hold an unlimited and unrestricted license as a physician and surgeon in another state and has held that license continuously for a minimum of four years prior to the date of application.

(b) They meet the postgraduate training requirements in Section 2096 and are certified by a specialty board that is a member board of the American Board of Medical Specialties.

(c) They are not subject to denial of licensure under Division 1.5 (commencing with Section 475) or Article 12 (commencing with Section 2220).

(d) They have not been the subject of a disciplinary action by a medical licensing authority or of an adverse judgment or settlement resulting from the practice of medicine that, as determined by the board, constitutes a pattern of negligence or incompetence.

(e) This section shall become operative on January 1, 2020.
SEC. 22.

SEC. 21. Section 2460 of the Business and Professions Code is amended to read:

2460. (a) There is created in the Department of Consumer Affairs the California Board of Podiatric Medicine. Commencing July 1, 2019, the California Board of Podiatric Medicine is renamed the Podiatric Medical Board of California. Any reference in any provision of law to the California Board of Podiatric Medicine shall, commencing July 1, 2019, be deemed to refer to the Podiatric Medical Board of California.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the California Board of Podiatric Medicine subject to review by the appropriate policy committees of the Legislature.

(c) The amendments made by Chapter 775 of the Statutes of 2017 relating to podiatrists shall not be construed to change any rights or privileges held by podiatrists prior to the enactment of that act.

SEC. 23.

SEC. 22. Section 2531 of the Business and Professions Code is amended to read:

2531. (a) There is in the Department of Consumer Affairs the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in which the enforcement and administration of this chapter are vested. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board shall consist of nine members, three of whom shall be public members.

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

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

SEC. 24.

SEC. 23. Section 2531.75 of the Business and Professions Code is amended to read:

2531.75. (a) The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.
SEC. 24. Section 2570.19 of the Business and Professions Code is amended to read:

2570.19. (a) There is hereby created a California Board of Occupational Therapy, hereafter referred to as the board. The board shall enforce and administer this chapter.

(b) The members of the board shall consist of the following:

1. Three occupational therapists who shall have practiced occupational therapy for five years.
2. One occupational therapy assistant who shall have assisted in the practice of occupational therapy for five years.
3. Three public members who shall not be licentiates of the board, of any other board under this division, or of any board referred to in Section 1000 or 3600.

(c) The Governor shall appoint the three occupational therapists and one occupational therapy assistant to be members of the board. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint a public member. Not more than one member of the board shall be appointed from the full-time faculty of any university, college, or other educational institution.

(d) All members shall be residents of California at the time of their appointment. The occupational therapist and occupational therapy assistant members shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five years preceding their appointments.

(e) The public members may not be or have ever been occupational therapists or occupational therapy assistants or in training to become occupational therapists or occupational therapy assistants. The public members may not be related to, or have a household member who is, an occupational therapist or an occupational therapy assistant, and may not have had, within two years of the appointment, a substantial financial interest in a person regulated by the board.

(f) The Governor shall appoint two board members for a term of one year, two board members for a term of two years, and one board member for a term of three years. Appointments made thereafter shall be for four-year terms, but no person shall be
appointed to serve more than two consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed by this section. Vacancies shall be filled by appointment for the unexpired term. The board shall annually elect one of its members as president.

(g) The board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board.

(h) Notice of each meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(i) Members of the board shall receive no compensation for their services, but shall be entitled to reasonable travel and other expenses incurred in the execution of their powers and duties in accordance with Section 103.

(j) The appointing power shall have the power to remove any member of the board from office for neglect of any duty imposed by state law, for incompetency, or for unprofessional or dishonorable conduct.

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

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

SEC. 26. Section 2602 of the Business and Professions Code is amended to read:

2602. (a) The Physical Therapy Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

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

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

SEC. 26. Section 2607.5 of the Business and Professions Code is amended to read:

2607.5. (a) The board may employ an executive officer exempt from the provisions of the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code) and may also employ investigators, legal counsel, physical therapist consultants, and other assistance as it may deem necessary to carry out this chapter. The board may fix the compensation to be paid for services and may incur other expenses as it may deem necessary. Investigators employed by the board shall be provided special training in investigating physical therapy practice activities.

(b) The Attorney General shall act as legal counsel for the board for any judicial and administrative proceedings and their services shall be a charge against it.

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

SEC. 28.

SEC. 27. Section 2841 of the Business and Professions Code is amended to read:

2841. (a) There is in the Department of Consumer Affairs a Board of Vocational Nursing and Psychiatric Technicians of the State of California, which consists of 11 members.

(b) Within the meaning of this chapter, “board,” or “the board,” refers to the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

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

SEC. 29.

SEC. 28. Section 2847.1 of the Business and Professions Code is amended to read:

2847.1. (a) The board shall select an executive officer who shall perform duties as are delegated by the board and who shall be responsible to it for the accomplishment of those duties. The executive officer shall not be a member of the board.

(b) With the approval of the Director of Finance, the board shall fix the salary of the executive officer.

(c) The executive officer shall be entitled to traveling and other necessary expenses in the performance of their duties. The
executive officer shall make a statement, certified before a duly authorized person, that the expenses have been actually incurred.

(d) Commencing January 1, 2018, the executive officer appointed by the board pursuant to subdivision (a) is abolished. Thereafter, until January 1, 2022, the executive officer shall be appointed as set forth in Section 2847.3. Commencing January 1, 2022, the executive officer shall, again, be appointed by the board as set forth in subdivision (a).

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

SEC. 30.

SEC. 29. Section 2847.3 of the Business and Professions Code is amended to read:

2847.3. (a) Commencing January 1, 2018, the executive officer position established pursuant to subdivision (a) of Section 2847.1 is temporarily abolished. Commencing January 1, 2018, the Governor shall appoint an executive officer who shall perform duties as are delegated by the board and who shall be responsible for the accomplishment of those duties. The executive officer shall exercise all powers, discharge all responsibilities, and administer and enforce all laws pursuant to this chapter and Chapter 10 (commencing with Section 4500) of Division 2 that are necessary to perform the duties delegated by the board.

(b) The executive officer shall serve at the pleasure of the Governor and the Governor shall fix the salary of the executive officer. The executive officer shall not be a member of the board.

(c) The executive officer shall be entitled to traveling and other necessary expenses in the performance of their duties.

(d) This section shall become operative on January 1, 2018, and shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 31.

SEC. 30. Section 2920 of the Business and Professions Code is amended to read:

2920. (a) The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.
Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 31.

Section 2933 of the Business and Professions Code is amended to read:

2933. (a) Except as provided by Section 159.5, the board shall employ and shall make available to the board within the limits of the funds received by the board all personnel necessary to carry out this chapter. The board may employ, exempt from the State Civil Service Act, an executive officer to the Board of Psychology. The board shall make all expenditures to carry out this chapter. The board may accept contributions to effectuate the purposes of this chapter.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 32.

Section 3504 of the Business and Professions Code is amended to read:

3504. There is established a Physician Assistant Board within the jurisdiction of the Medical Board of California. The board consists of nine members. This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 33.

Section 3512 of the Business and Professions Code is amended to read:

3512. (a) Except as provided in Sections 159.5 and 2020, the board shall employ within the limits of the Physician Assistant Fund all personnel necessary to carry out this chapter including an executive officer who shall be exempt from civil service. The Medical Board of California and board shall make all necessary expenditures to carry out this chapter from the funds established by Section 3520. The board may accept contributions to effect the purposes of this chapter.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.
SEC. 35.
SEC. 34. Section 3686 of the Business and Professions Code is amended to read:
3686. This chapter shall remain in effect only until January 1, 2023, and as of that date is repealed.
SEC. 36.
SEC. 35. Section 3710 of the Business and Professions Code is amended to read:
3710. (a) The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter.
(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.
SEC. 37.
SEC. 36. Section 3716 of the Business and Professions Code is amended to read:
3716. (a) The board may employ an executive officer exempt from civil service and, subject to the provisions of law relating to civil service, clerical assistants and, except as provided in Section 159.5, other employees as it may deem necessary to carry out its powers and duties.
(b) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.
SEC. 38.
SEC. 37. Section 4001 of the Business and Professions Code is amended to read:
4001. (a) There is in the Department of Consumer Affairs a California State Board of Pharmacy in which the administration and enforcement of this chapter is vested. The board consists of 13 members.
(b) The Governor shall appoint seven competent pharmacists who reside in different parts of the state to serve as members of the board. The Governor shall appoint four public members, and the Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member who shall not be a licensee of the board, any other board under this division, or any board referred to in Section 1000 or 3600.
(c) At least five of the seven pharmacist appointees to the board shall be pharmacists who are actively engaged in the practice of
pharmacy. Additionally, the membership of the board shall include at least one pharmacist representative from each of the following practice settings: an acute care hospital, an independent community pharmacy, a chain community pharmacy, and a long-term health care or skilled nursing facility. The pharmacist appointees shall also include a pharmacist who is a member of a labor union that represents pharmacists. For the purposes of this subdivision, a “chain community pharmacy” means a chain of 75 or more stores in California under the same ownership, and an “independent community pharmacy” means a pharmacy owned by a person or entity who owns no more than four pharmacies in California.

(d) Members of the board shall be appointed for a term of four years. No person shall serve as a member of the board for more than two consecutive terms. Each member shall hold office until the appointment and qualification of their successor or until one year shall have elapsed since the expiration of the term for which the member was appointed, whichever first occurs. Vacancies occurring shall be filled by appointment for the unexpired term.

(e) Each member of the board shall receive a per diem and expenses as provided in Section 103.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 39.
SEC. 38. Section 4003 of the Business and Professions Code is amended to read:

4003. (a) The board, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter. The executive officer may or may not be a member of the board as the board may determine.

(b) The executive officer shall receive the compensation as established by the board with the approval of the Director of Finance. The executive officer shall also be entitled to travel and other expenses necessary in the performance of their duties.

(c) The executive officer shall maintain and update in a timely fashion records containing the names, titles, qualifications, and places of business of all persons subject to this chapter.
(d) The executive officer shall give receipts for all money received by them and pay it to the department, taking its receipt therefor. Besides the duties required by this chapter, the executive officer shall perform other duties pertaining to the office as may be required of them by the board.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 40. SEC. 39. Section 4501 of the Business and Professions Code is amended to read:

4501. (a) “Board,” as used in this chapter, means the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 41. SEC. 40. Section 4503 of the Business and Professions Code is amended to read:

4503. (a) The board shall administer and enforce this chapter.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 42. SEC. 41. Section 4604 of the Business and Professions Code is amended to read:

4604. (a) In order to obtain certification as a massage therapist, an applicant shall submit a written application and provide the council with satisfactory evidence that the applicant meets all of the following requirements:

1. The applicant is 18 years of age or older.

2. The applicant has successfully completed the curricula in massage and related subjects totaling a minimum of 500 hours, or the credit unit equivalent, that incorporates appropriate school assessment of student knowledge and skills.

(A) Of the 500 hours, a minimum of 100 hours of instruction shall address anatomy and physiology, contraindications, health and hygiene, and business and ethics.

(B) All of the 500 hours shall be from approved schools. The council shall accept the 500 hours if, at the time all of the hours were completed, the school or schools were approved. The 500 hours may be completed at more than one approved school.
Notwithstanding any other law, pursuant to its policies and procedures for approval of schools, the council shall accept hours earned by an applicant for certification as a massage therapist if those hours were completed before July 1, 2016, and were earned from a school providing education in this state that was unapproved by the council after July 1, 2016, based solely on the fact that the National Certification Board for Therapeutic Massage and Bodywork took denial or disciplinary action against the school. For purposes of this section, “unapproved” means that the council determined that it will not accept hours from a school toward certification.

(3) The applicant has passed a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards and that is approved by the council. The successful completion of this examination may have been accomplished before the date the council is authorized by this chapter to begin issuing certificates. This paragraph shall be inoperative commencing on January 1, 2019, and shall become operative on January 1, 2022.

(4) The applicant has successfully passed a background investigation pursuant to Section 4606, and has not violated any of the provisions of this chapter.

(5) All fees required by the council have been paid.

(6) The council may issue a certificate to an applicant who meets the qualifications of this chapter if the applicant holds a current and valid registration, certification, or license from any other state whose licensure requirements meet or exceed those defined within this chapter. If an applicant has received education at a school that is not approved by the council, the council shall have the discretion to give credit for comparable academic work completed by an applicant in a program outside of California.

(b) A certificate issued pursuant to this chapter and any identification card issued by the council shall be surrendered to the council by any certificate holder whose certificate is suspended or revoked.

SEC. 43.

SEC. 42. Section 4621 of the Business and Professions Code is amended to read:

4621. (a) This chapter shall remain in effect only until January 1, 2022, and as of that date is repealed.
(b) Notwithstanding any other law, the powers and duties of the
council shall be subject to review by the appropriate policy
committees of the Legislature.

SEC. 44.

SEC. 43. Section 4800 of the Business and Professions Code
is amended to read:
4800. (a) There is in the Department of Consumer Affairs a
Veterinary Medical Board in which the administration of this
chapter is vested. The board consists of the following members:
(1) Four licensed veterinarians.
(2) One registered veterinary technician.
(3) Three public members.
(b) This section shall remain in effect only until January 1, 2022,
and as of that date is repealed.
(c) Notwithstanding any other law, the repeal of this section
renders the board subject to review by the appropriate policy
committees of the Legislature. However, the review of the board
shall be limited to those issues identified by the appropriate policy
committees of the Legislature and shall not involve the preparation
or submission of a sunset review document or evaluative
questionnaire.

SEC. 45.

SEC. 44. Section 4804.5 of the Business and Professions Code
is amended to read:
4804.5. The board may appoint a person exempt from civil
service who shall be designated as an executive officer and who
shall exercise the powers and perform the duties delegated by the
board and vested in them by this chapter.
This section shall remain in effect only until January 1, 2022,
and as of that date is repealed.

SEC. 46.

SEC. 45. Section 4990 of the Business and Professions Code
is amended to read:
4990. (a) There is in the Department of Consumer Affairs, a
Board of Behavioral Sciences that consists of the following
members:
(1) Two state licensed clinical social workers.
(2) One state licensed educational psychologist.
(3) Two state licensed marriage and family therapists.
(4) One state licensed professional clinical counselor.
(5) Seven public members.

(b) Each member, except the seven public members, shall have at least two years of experience in their profession.

(c) Each member shall reside in the State of California.

(d) The Governor shall appoint five of the public members and the six licensed members with the advice and consent of the Senate. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(e) Each member of the board shall be appointed for a term of four years. A member appointed by the Senate Committee on Rules or the Speaker of the Assembly shall hold office until the appointment and qualification of their successor or until one year from the expiration date of the term for which they were appointed, whichever first occurs. Pursuant to Section 1774 of the Government Code, a member appointed by the Governor shall hold office until the appointment and qualification of their successor or until 60 days from the expiration date of the term for which they were appointed, whichever first occurs.

(f) A vacancy on the board shall be filled by appointment for the unexpired term by the authority who appointed the member whose membership was vacated.

(g) Not later than the first of June of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.

(h) Each member of the board shall receive a per diem and reimbursement of expenses as provided in Section 103.

(i) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

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

SEC. 47. Section 4990.04 of the Business and Professions Code is amended to read:

4990.04. (a) The board shall appoint an executive officer. This position is designated as a confidential position and is exempt from civil service under subdivision (e) of Section 4 of Article VII of the California Constitution.

(b) The executive officer serves at the pleasure of the board.
(c) The executive officer shall exercise the powers and perform the duties delegated by the board and vested in them by this chapter.

(d) With the approval of the director, the board shall fix the salary of the executive officer.

(e) The chairperson and executive officer may call meetings of the board and any duly appointed committee at a specified time and place. For purposes of this section, “call meetings” means setting the agenda, time, date, or place for any meeting of the board or any committee.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 48.

SEC. 47. Section 5600.4 of the Business and Professions Code is amended to read:

5600.4. (a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to an architect who holds a license that is current and active or capable of being renewed pursuant to Section 5600.2 and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active architect’s license is required. An architect holding a retired license shall be permitted to use the title “architect retired” or “retired architect.”

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore their license to active status, the holder of a retired license shall comply with Section 5600.2 or 5600.3, as applicable.

SEC. 49. Section 5650.5 is added to the Business and Professions Code, to read:

5650.5. (a) Pursuant to Section 144, the board has the authority to obtain and review criminal offender record information. The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code to determine whether the applicant is subject to denial of license pursuant to Division 1.5 (commencing with Section 475) or Section 5660, 5675, or 5676.
(b) As a condition of application for a license, each applicant shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state- and federal-level criminal offender record information search conducted through the Department of Justice.

c) The board shall request from the Department of Justice subsequent arrest notification service, pursuant to subdivision (p) of Section 11105 of the Penal Code.

d) The applicant shall pay the reasonable regulatory costs for furnishing the fingerprints and conducting the searches.

e) The applicant shall certify, under penalty of perjury, when applying for a license whether the applicant’s fingerprints have been furnished to the Department of Justice in compliance with this section.

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

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

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

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

SEC. 48. Section 5810 of the Business and Professions Code is amended to read:

5810. (a) This chapter shall be subject to review by the appropriate policy committees of the Legislature.

(b) This chapter shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 49. Section 7000 of the Business and Professions Code is amended to read:
7000. This chapter constitutes, and may be cited as, the Contractors State License Law.

SEC. 50. Section 7000.5 of the Business and Professions Code is amended to read:

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

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

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

SEC. 51. Section 7000.6 of the Business and Professions Code is amended to read:

7000.6. Protection of the public shall be the highest priority for the Contractors State License Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

SEC. 52. Section 7011.4 of the Business and Professions Code is amended to read:

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

(b) Persons employed as enforcement representatives of the Contractors State License Board and designated by the Director of Consumer Affairs shall have the authority to issue a written notice to appear in court pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. An employee so designated is not a peace officer and is not entitled to safety member retirement benefits as a result of that designation. They do not have the power of arrest.

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

SEC. 53. Section 7011.5 of the Business and Professions Code
is amended to read:
7011.5. Persons employed as investigators of the Special
Investigations Unit of the Contractors State License Board and
designated by the Director of Consumer Affairs have the authority
of peace officers while engaged in exercising the powers granted
or performing the duties imposed upon them in investigating the
laws administered by the Contractors State License Board or
commencing directly or indirectly any criminal prosecution arising
from any investigation conducted under these laws. All persons
herein referred to shall be deemed to be acting within the scope
of employment with respect to all acts and matters in this section
set forth.

SEC. 54. Section 7011.8 of the Business and Professions Code
is amended to read:
7011.8. (a) Any person subject to licensure under this chapter
who reports to, or causes a complaint to be filed with, the
Contractors State License Board that a person licensed by that
entity has engaged in professional misconduct, knowing the report
or complaint to be false, may be issued a citation by the registrar.
(b) The board may notify the appropriate district attorney or
city attorney that a person subject to licensure under this chapter
has made or filed what the entity believes to be a false report or
complaint against a licensee.

SEC. 55. Section 7015 of the Business and Professions Code
is amended to read:
7015. The board shall adopt a seal for its own use. The seal
shall have the words “Contractors State License Board, State of
California, Department of Consumer Affairs,” and the care and
custody thereof shall be in the hands of the registrar.

SEC. 56. Section 7017.3 of the Business and Professions Code
is amended to read:
7017.3. The Contractors State License Board shall report
annually to the Legislature, not later than October 1 of each year,
the following statistical information for the prior fiscal year. The following data shall be reported on complaints filed with the board against licensed contractors, registered home improvement salespersons, and unlicensed persons acting as licensees or registrants:

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

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

(c) The number of complaints referred for field investigation categorized by the type of complaint, such as licensee or nonlicensee.

(d) The number of complaints closed after referral for field investigation categorized by the reason for the closure, such as settled, referred for mandatory arbitration, or referred for voluntary arbitration.

(e) For the board’s Intake/Mediation Center and the board’s Investigation Center closures, respectively, the total number of complaints closed prior to a field investigation per consumer services representative, and the total number of complaints closed after referral for a field investigation per enforcement representative. Additionally, the board shall report the total number of complaints closed by other board staff during the year.

(f) The number of complaints pending at the end of the fiscal year grouped in 90-day increments, and the percentage of total complaints pending, represented by the number of complaints in each grouping.

(g) The number of citations issued to licensees categorized by the type of citation such as order of correction only or order of correction and fine, and the number of citations issued to licensees that were vacated or withdrawn.

(h) The number of citations issued to nonlicensees and the number of these citations that were vacated or withdrawn.

(i) The number of complaints referred to a local prosecutor for criminal investigation or prosecution, the number of complaints referred to the Attorney General for the filing of an accusation,
and the number of complaints referred to both a local prosecutor
and the Attorney General, categorized by type of complaint, such
as licensee and nonlicensee.

(j) Actions taken by the board, including, but not limited to, the
following:
(1) The number of disciplinary actions categorized by type, such
as revocations or suspensions, categorized by whether the
disciplinary action resulted from an accusation, failure to comply
with a citation, or failure to comply with an arbitration award.
(2) The number of accusations dismissed or withdrawn.

(k) For subdivisions (g) and (j), the number of cases containing
violations of Sections 7121 and 7121.5, and paragraph (5) of
subdivision (a) of Section 7159.5, categorized by section.

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

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

(n) Case aging data, including data for each major stage of the
enforcement process, including the following:
(1) The average number of days from the filing of a complaint
to its closure by the board’s Intake/Mediation Center prior to the
referral for an investigation categorized by the type of complaint,
such as licensee or nonlicensee.
(2) The average number of days from the referral of a complaint
for an investigation to its closure by the Investigation Center
categorized by the type of complaint, such as licensee or
nonlicensee.
(3) The average number of days from the filing of a complaint
to the referral of the completed investigation to the Attorney
General.
(4) The average number of days from the referral of a completed
investigation to the Attorney General to the filing of an accusation
by the Attorney General.
(5) The average number of days from the filing of an accusation
to the first hearing date or date of a stipulated settlement.
(6) The average number of days from the receipt of the
Administrative Law Judge’s proposed decision to the registrar’s
final decision.
SEC. 57. Section 7028.7 of the Business and Professions Code is amended to read:

7028.7. (a) If upon inspection or investigation, either upon complaint or otherwise, the registrar has probable cause to believe that a person is acting in the capacity of or engaging in the business of a contractor or salesperson within this state without having a license or registration in good standing to so act or engage, and the person is not otherwise exempted from this chapter, the registrar shall issue a citation to that person.

(b) Within 72 hours of receiving notice that a public entity is intending to award, or has awarded, a contract to an unlicensed contractor, the registrar shall give written notice to the public entity that a citation may be issued if a contract is awarded to an unlicensed contractor. If after receiving the written notice from the registrar that the public entity has awarded or awards the contract to an unlicensed contractor, the registrar may issue a citation to the responsible officer or employee of the public entity as specified in Section 7028.15.

(c) Each citation shall be in writing and shall describe with particularity the basis of the citation. Notwithstanding Sections 125.9 and 148, each citation shall contain an order of abatement and an assessment of a civil penalty in an amount not less than two hundred dollars ($200) nor more than fifteen thousand dollars ($15,000).

(d) With the approval of the Contractors State License Board, the registrar shall prescribe procedures for the issuance of a citation under this section. The board shall adopt regulations covering the assessment of a civil penalty that shall give due consideration to the gravity of the violation, and any history of previous violations.

(e) The sanctions authorized under this section shall be separate from, and in addition to, all other remedies either civil or criminal.

SEC. 58. Section 7030 of the Business and Professions Code is amended to read:

7030. (a) Except for contractors writing home improvement contracts pursuant to Section 7151.2 and contractors writing service and repair contracts pursuant to Section 7159.10, every person licensed pursuant to this chapter shall include the following
statement in at least 10-point type on all written contracts with
respect to which the person is a prime contractor:

“Contractors are required by law to be licensed and regulated
by the Contractors State License Board which has jurisdiction to
investigate complaints against contractors if a complaint regarding
a patent act or omission is filed within four years of the date of the
alleged violation. A complaint regarding a latent act or omission
pertaining to structural defects must be filed within 10 years of
the date of the alleged violation. Any questions concerning a
contractor may be referred to the Registrar, Contractors State
License Board, P.O. Box 26000, Sacramento, CA 95826.”

(b) Every person licensed pursuant to this chapter shall include
the following statement in at least 12-point type in all home
improvement contracts written pursuant to Section 7151.2 and
service and repair contracts written pursuant to Section 7159.10:

“Information about the Contractors State License Board (CSLB):
CSLB is the state consumer protection agency that licenses and
regulates construction contractors.
Contact CSLB for information about the licensed contractor you
are considering, including information about disclosable
complaints, disciplinary actions and civil judgments that are
reported to CSLB.
Use only licensed contractors. If you file a complaint against a
licensed contractor within the legal deadline (usually four years),
CSLB has authority to investigate the complaint. If you use an
unlicensed contractor, CSLB may not be able to help you resolve
your complaint. Your only remedy may be in civil court, and you
may be liable for damages arising out of any injuries to the
unlicensed contractor or the unlicensed contractor’s employees.
For more information:
Visit CSLB’s internet website at www.cslb.ca.gov
Call CSLB at 800-321-CSLB (2752)
Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”

(c) Failure to comply with the notice requirements set forth in
subdivision (a) or (b) of this section is cause for disciplinary action.
SEC. 59. Section 7031 of the Business and Professions Code is amended to read:

7031. (a) Except as provided in subdivision (e), no person engaged in the business or acting in the capacity of a contractor, may bring or maintain any action, or recover in law or equity in any action, in any court of this state for the collection of compensation for the performance of any act or contract where a license is required by this chapter without alleging that they were a duly licensed contractor at all times during the performance of that act or contract regardless of the merits of the cause of action brought by the person, except that this prohibition shall not apply to contractors who are each individually licensed under this chapter but who fail to comply with Section 7029.

(b) Except as provided in subdivision (e), a person who utilizes the services of an unlicensed contractor may bring an action in any court of competent jurisdiction in this state to recover all compensation paid to the unlicensed contractor for performance of any act or contract.

(c) A security interest taken to secure any payment for the performance of any act or contract for which a license is required by this chapter is unenforceable if the person performing the act or contract was not a duly licensed contractor at all times during the performance of the act or contract.

(d) If licensure or proper licensure is controverted, then proof of licensure pursuant to this section shall be made by production of a verified certificate of licensure from the Contractors State License Board which establishes that the individual or entity bringing the action was duly licensed in the proper classification of contractors at all times during the performance of any act or contract covered by the action. Nothing in this subdivision shall require any person or entity controverting licensure or proper licensure to produce a verified certificate. When licensure or proper licensure is controverted, the burden of proof to establish licensure or proper licensure shall be on the licensee.

(e) The judicial doctrine of substantial compliance shall not apply under this section where the person who engaged in the business or acted in the capacity of a contractor has never been a duly licensed contractor in this state. However, notwithstanding subdivision (b) of Section 143, the court may determine that there
has been substantial compliance with licensure requirements under this section if it is shown at an evidentiary hearing that the person who engaged in the business or acted in the capacity of a contractor (1) had been duly licensed as a contractor in this state prior to the performance of the act or contract, (2) acted reasonably and in good faith to maintain proper licensure, and (3) acted promptly and in good faith to remedy the failure to comply with the licensure requirements upon learning of the failure.

(f) The exceptions to the prohibition against the application of the judicial doctrine of substantial compliance found in subdivision (e) shall apply to all contracts entered into on or after January 1, 1992, and to all actions or arbitrations arising therefrom, except that the amendments to subdivisions (e) and (f) enacted during the 1994 portion of the 1993–94 Regular Session of the Legislature shall not apply to either of the following:

(1) Any legal action or arbitration commenced prior to January 1, 1995, regardless of the date on which the parties entered into the contract.

(2) Any legal action or arbitration commenced on or after January 1, 1995, if the legal action or arbitration was commenced prior to January 1, 1995, and was subsequently dismissed.

SEC. 62.

SEC. 60. Section 7058.7 of the Business and Professions Code is amended to read:

7058.7. (a) No contractor may engage in a removal or remedial action, as defined in subdivision (d), unless the qualifier for the license has passed an approved hazardous substance certification examination.

(b) (1) The Contractors State License Board, the Division of Occupational Safety and Health of the Department of Industrial Relations, and the Department of Toxic Substances Control shall jointly select an advisory committee, which shall be composed of two representatives of hazardous substance removal workers in California, two general engineering contractors in California, and two representatives of insurance companies in California who shall be selected by the Insurance Commissioner.

(2) The Contractors State License Board shall develop a written test for the certification of contractors engaged in hazardous substance removal or remedial action, in consultation with the Division of Occupational Safety and Health, the State Water
Resources Control Board, the Department of Toxic Substances Control, and the advisory committee.

(c) The Contractors State License Board may require additional updated approved hazardous substance certification examinations of licensees currently certified based on new public or occupational health and safety information. The Contractors State License Board, in consultation with the Department of Toxic Substances Control and the State Water Resources Control Board, shall approve other initial and updated hazardous substance certification examinations and determine whether to require an updated certification examination of all current certificate holders.

(d) For purposes of this section “removal or remedial action” has the same meaning as found in Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code, if the action requires the contractor to dig into the surface of the earth and remove the dug material and the action is at a site listed pursuant to Section 25356 of the Health and Safety Code or any other site listed as a hazardous substance release site by the Department of Toxic Substances Control or a site listed on the National Priorities List compiled pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.). “Removal or remedial action” does not include asbestos-related work, as defined in Section 6501.8 of the Labor Code, or work related to a hazardous substance spill on a highway.

(e) (1) A contractor may not install or remove an underground storage tank, unless the contractor has passed the hazardous substance certification examination developed pursuant to this section.

(2) A contractor who is not certified may bid on or contract for the installation or removal of an underground tank, if the work is performed by a contractor who is certified pursuant to this section.

(3) For purposes of this subdivision, “underground storage tank” has the same meaning as defined in subdivision (y) of Section 25281 of the Health and Safety Code.

SEC. 61. Section 7071.4 of the Business and Professions Code is amended to read:

7071.4. (a) Each person licensed under the provisions of this chapter and subject to any of the bonding provisions of this article
shall maintain the requisite bond as executed by an admitted surety insurer or as deposited with the registrar pursuant to paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure in the appropriate amount. Notwithstanding Article 7 (commencing with Section 995.710) of Chapter 2 of Title 14 of Part 2 of the Code of Civil Procedure, no other method of deposit, including, but not limited to, a certificate of deposit, shall satisfy a bond requirement under this article.

(b) All existing alternatives in lieu of a bond currently filed with the registrar shall be replaced for a surety bond or the deposit prescribed by paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure by January 1, 2020.

(c) (1) If the board is notified, in writing, of a civil action against the deposit authorized under this section, the deposit or any portion thereof shall not be released for any purpose, except as determined by the court.

(2) If any deposit authorized under this section is insufficient to pay, in full, all claims that have been adjudicated under any action filed in accordance with this section, the amount of the deposit shall be distributed to all claimants in proportion to the amount of their respective claims.

(d) Notwithstanding subdivision (a), this section shall not apply to the bond equivalents described in Section 7159.5 of this chapter.

(e) (1) This section shall be operative on and after January 1, 2019, upon which date the registrar shall thereafter no longer accept alternatives in lieu of a bond, other than as provided in this section.

(2) Notwithstanding any other law, in order to comply with the bonding provisions of this article, a person shall only be required to provide information consistent with the requirements for an applicant under Section 30.

(f) All alternatives in lieu of a bond filed with the registrar before January 1, 2019, and any lawful money or cashier’s check deposited pursuant to paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure after January 1, 2019, shall be subject to the following limitations periods:

(1) Any action, other than an action to recover wages or fringe benefits, against a deposit given in lieu of a contractor’s bond or bond of a qualifying individual filed by an active licensee shall be brought within three years after the expiration of the license period during which the act or omission occurred, or within three years
of the date the license of the active licensee was inactivated, canceled, or revoked by the board, whichever occurs first.

(2) Any action, other than an action to recover wages or fringe benefits, against a deposit given in lieu of a disciplinary bond filed by an active licensee pursuant to Section 7071.8 shall be brought within three years after the expiration of the license period during which the act or omission occurred, or within three years of the date the license of the active licensee was inactivated, canceled, or revoked by the board, or within three years after the last date for which a deposit given in lieu of a disciplinary bond filed pursuant to Section 7071.8 was required, whichever date is first.

(3) A claim to recover wages or fringe benefits shall be brought within six months from the date that the wage or fringe benefit delinquencies were discovered, but in no event shall a civil action thereon be brought later than two years from the date the wage or fringe benefit contributions were due.

(g) In any case in which a claim is filed against an alternative given in lieu of a bond filed with the registrar before January 1, 2019, or deposited with the registrar pursuant to subdivision (a), by any employee or by an employee organization on behalf of an employee, concerning wages or fringe benefits based upon the employee’s employment, claims for the nonpayment shall be filed with the Labor Commissioner. The Labor Commissioner shall, pursuant to the authority vested by Section 96.5 of the Labor Code, conduct hearings to determine whether or not the wages or fringe benefits should be paid to the complainant. Upon a finding by the commissioner that the wages or fringe benefits should be paid to the complainant, the commissioner shall notify the registrar of the findings. The registrar shall not make payment from the deposit on the basis of findings by the commissioner for a period of 10 days following determination of the findings. If, within the period, the complainant or the contractor files written notice with the registrar and the commissioner of an intention to seek judicial review of the findings pursuant to Section 11523 of the Government Code, the registrar shall not make payment if an action is actually filed, except as determined by the court. If, thereafter, no action is filed within 60 days following determination of findings by the commissioner, the registrar shall make payment from the deposit to the complainant.
(h) Legal fees may not be charged by the board against any alternative given in lieu of a bond filed with the registrar before January 1, 2019, or deposited with the registrar pursuant to subdivision (a).

SEC. 64.
SEC. 62. Section 7080.5 of the Business and Professions Code is amended to read:

7080.5. When an application has been accepted by the registrar, the name and address of the applicant, every classification for which the applicant has applied, and the names and titles of all personnel who have signed the application shall be publicly posted by the registrar, on the day following acceptance, in the office of the Contractors State License Board in Sacramento.

SEC. 65.
SEC. 63. Section 7085.5 of the Business and Professions Code is amended to read:

7085.5. Arbitrations of disputes arising out of cases filed with or by the board shall be conducted in accordance with the following rules:

(a) All “agreements to arbitrate” shall include the names, addresses, and telephone numbers of the parties to the dispute, the issue in dispute, and the amount in dollars or any other remedy sought. The appropriate fee shall be paid by the board from the Contractors License Fund.

(b) (1) The board or appointed arbitration association shall appoint an arbitrator in the following manner: immediately after the filing of the agreement to arbitrate, the board or appointed arbitration association shall submit simultaneously to each party to the dispute, an identical list of names of persons chosen from the panel. Each party to the dispute shall have seven days from the mailing date in which to cross off any names to which it objects, number the remaining names to indicate the order of preference, and return the list to the board or appointed arbitration association. If a party does not return the list within the time specified, all persons named in the list are acceptable. From among the persons who have been approved on both lists, and in accordance with the designated order of mutual preference, the board or appointed arbitration association shall appoint an arbitrator to serve. If the parties fail to agree on any of the parties named, if acceptable arbitrators are unable to act, or if, for any other reason, the
appointment cannot be made from the submitted lists, the board or appointed arbitration association shall have the power to make the appointment from among other members of the panel without the submission of any additional lists. Each dispute shall be heard and determined by one arbitrator unless the board or appointed arbitration association, in its discretion, directs that a greater number of arbitrators be appointed.

(2) In all cases in which a complaint has been referred to arbitration pursuant to subdivision (b) of Section 7085, the board or the appointed arbitration association shall have the power to appoint an arbitrator to hear the matter.

(3) The board shall adopt regulations setting minimum qualification standards for listed arbitrators based upon relevant training, experience, and performance.

(c) No person shall serve as an arbitrator in any arbitration in which that person has any financial or personal interest in the result of the arbitration. Prior to accepting an appointment, the prospective arbitrator shall disclose any circumstances likely to prevent a prompt hearing or to create a presumption of bias. Upon receipt of that information, the board or appointed arbitration association shall immediately replace the arbitrator or communicate the information to the parties for their comments. Thereafter, the board or appointed arbitration association shall determine whether the arbitrator should be disqualified and shall inform the parties of its decision, which shall be conclusive.

(d) The board or appointed arbitration association may appoint another arbitrator if a vacancy occurs, or if an appointed arbitrator is unable to serve in a timely manner.

(e) (1) The board or appointed arbitration association shall provide the parties with a list of the times and dates, and locations of the hearing to be held. The parties shall notify the arbitrator, within seven calendar days of the mailing of the list, of the times and dates convenient to each party. If the parties fail to respond to the arbitrator within the seven-day period, the arbitrator shall fix the time, place, and location of the hearing. An arbitrator may, at the arbitrator’s sole discretion, make an inspection of the construction site which is the subject of the arbitration. The arbitrator shall notify the parties of the time and date set for the inspection. Any party who so desires may be present at the inspection.
The board or appointed arbitration association shall fix the time, place, and location of the hearing for all cases referred to arbitration pursuant to subdivision (b) of Section 7085. An arbitrator may, at the arbitrator’s sole discretion, make an inspection of the construction site which is the subject of the arbitration. The arbitrator shall notify the parties of the time and date set for the inspection. Any party who desires may be present at the inspection.

(f) Any person having a direct interest in the arbitration is entitled to attend the hearing. The arbitrator shall otherwise have the power to require the exclusion of any witness, other than a party or other essential person, during the testimony of any other witness. It shall be discretionary with the arbitrator to determine the propriety of the attendance of any other person.

(g) Hearings shall be adjourned by the arbitrator only for good cause.

(h) A record is not required to be taken of the proceedings. However, any party to the proceeding may have a record made at its own expense. The parties may make appropriate notes of the proceedings.

(i) The hearing shall be conducted by the arbitrator in any manner which will permit full and expeditious presentation of the case by both parties. Consistent with the expedited nature of arbitration, the arbitrator shall establish the extent of, and schedule for, the production of relevant documents and other information, the identification of any witnesses to be called, and a schedule for any hearings to elicit facts solely within the knowledge of one party. The complaining party shall present its claims, proofs, and witnesses, who shall submit to questions or other examination. The defending party shall then present its defenses, proofs, and witnesses, who shall submit to questions or other examination. The arbitrator has discretion to vary this procedure but shall afford full and equal opportunity to the parties for the presentation of any material or relevant proofs.

(j) The arbitration may proceed in the absence of any party who, after due notice, fails to be present. The arbitrator shall require the attending party to submit supporting evidence in order to make an award. An award for the attending party shall not be based solely on the fact that the other party has failed to appear at the arbitration hearing.
(k) The arbitrator shall be the sole judge of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be required.

(l) The arbitrator may receive and consider documentary evidence. Documents to be considered by the arbitrator may be submitted prior to the hearing. However, a copy shall be simultaneously transmitted to all other parties and to the board or appointed arbitration association for transmittal to the arbitrator or board appointed arbitrator.

(m) The arbitrator shall specifically inquire of the parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the arbitrator shall declare the hearing closed and minutes thereof shall be recorded. If briefs are to be filed, the hearing shall be declared closed as of the final date set by the arbitrator for the receipt of briefs. If documents are to be filed as requested by the arbitrator and the date set for their receipt is later than that set for the receipt of briefs, the later date shall be the date of closing the hearings. The time limit within which the arbitrator is required to make the award shall commence to run, in the absence of other agreements by the parties, upon the closing of the hearings.

(n) The hearing may be reopened on the arbitrator’s own motion.

(o) Any party who proceeds with the arbitration after knowledge that any provision or requirement of these rules has not been complied with, and who fails to state their objections to the arbitrator in writing, within 10 calendar days of close of hearing, shall be deemed to have waived their right to object.

(p) 1) Except as provided in paragraph (2), any papers or process necessary or proper for the initiation or continuation of an arbitration under these rules and for any court action in connection therewith, or for the entry of judgment on an award made thereunder, may be served upon any party (A) by regular mail addressed to that party or their attorney at the party’s last known address, or (B) by personal service.

2) Notwithstanding paragraph (1), in all cases referred to arbitration pursuant to subdivision (b) of Section 7085 in which the contractor fails or refuses to return an executed copy of the notice to arbitrate within the time specified, any papers or process specified in paragraph (1) to be sent to the contractor, including
the notice of hearing, shall be mailed by certified mail to the contractor’s address of record.

(q) The award shall be made promptly by the arbitrator, and unless otherwise agreed by the parties, no later than 30 calendar days from the date of closing the hearing, closing a reopened hearing, or if oral hearing has been waived, from the date of transmitting the final statements and proofs to the arbitrator.

The arbitrator may for good cause extend any period of time established by these rules, except the time for making the award. The arbitrator shall notify the parties of any extension and the reason therefor.

(r) (1) The arbitrator may grant any remedy or relief that the arbitrator deems just and equitable and within the scope of the board’s referral and the requirements of the board. The arbitrator, in their sole discretion, may award costs or expenses.

(2) The amendments made in paragraph (1) during the 2003–04 Regular Session shall not be interpreted to prevent an arbitrator from awarding a complainant all direct costs and expenses for the completion or repair of the project.

(s) The award shall become final 30 calendar days from the date the arbitration award is issued. The arbitrator, upon written application of a party to the arbitration, may correct the award upon the following grounds:

(1) There was an evident miscalculation of figures or an evident mistake in the description of any person, things, or property referred to in the award.

(2) There is any other clerical error in the award, not affecting the merits of the controversy.

An application for correction of the award shall be made within 10 calendar days of the date of service of the award by serving a copy of the application on the arbitrator, and all other parties to the arbitration. Any party to the arbitration may make a written objection to the application for correction by serving a copy of the written objection on the arbitrator, the board, and all other parties to the arbitration, within 10 calendar days of the date of service of the application for correction.

The arbitrator shall either deny the application or correct the award within 30 calendar days of the date of service of the original award by mailing a copy of the denial or correction to all parties to the arbitration. Any appeal from the denial or correction shall
be filed with a court of competent jurisdiction and a true copy thereof shall be filed with the arbitrator or appointed arbitration association within 30 calendar days after the award has become final. The award shall be in writing, and shall be signed by the arbitrator or a majority of them. If no appeal is filed within the 30-calendar day period, it shall become a final order of the registrar.

(i) Service of the award by certified mail shall be effective if a certified letter containing the award, or a true copy thereof, is mailed by the arbitrator or arbitration association to each party or to a party’s attorney of record at their last known address, address of record, or by personally serving any party. Service may be proved in the manner authorized in civil actions.

(u) The board shall pay the expenses of one expert witness appointed by the board when the services of an expert witness are requested by either party involved in arbitration pursuant to this article and the case involves workmanship issues that are itemized in the complaint and have not been repaired or replaced. Parties who choose to present the findings of another expert witness as evidence shall pay for those services. Payment for expert witnesses appointed by the board shall be limited to the expert witness costs for inspection of the problem at the construction site, preparation of the expert witness’ report, and expert witness fees for appearing or testifying at a hearing. All requests for payment to an expert witness shall be submitted on a form that has been approved by the registrar. All requests for payment to an expert witness shall be reviewed and approved by the board prior to payment. The registrar shall advise the parties that names of industry experts may be obtained by requesting this information from the registrar.

(v) The arbitrator shall interpret and apply these rules insofar as they relate to their powers and duties.

(w) The following shall apply as to court procedure and exclusion of liability:

(1) The board, the appointed arbitration association, or any arbitrator in a proceeding under these rules is not a necessary party in judicial proceedings relating to the arbitration.

(2) Parties to these rules shall be deemed to have consented that judgment upon the arbitration award may be entered in any federal or state court having jurisdiction thereof.
(3) The board, the appointed arbitration association, or any arbitrator is not liable to any party for any act or omission in connection with any arbitration conducted under these rules.

SEC. 64. Section 7099.2 of the Business and Professions Code is amended to read:

7099.2. (a) The board shall promulgate regulations covering the assessment of civil penalties under this article that give due consideration to the appropriateness of the penalty with respect to the following factors:

(1) The gravity of the violation.
(2) The good faith of the licensee or applicant for licensure being charged.
(3) The history of previous violations.

(b) Except as otherwise provided by this chapter, no civil penalty shall be assessed in an amount greater than five thousand dollars ($5,000). Notwithstanding Section 125.9, a civil penalty not to exceed fifteen thousand dollars ($15,000) may be assessed for a violation of Section 7114 or 7118.

SEC. 65. Section 7099.9 is added to the Business and Professions Code, to read:

7099.9. (a) If, upon investigation, the registrar has probable cause to believe that a licensee, registrant, or applicant has committed acts or omissions that are grounds for denial, suspension, or revocation of a license or registration, the registrar, or their designee, may issue a letter of admonishment to an applicant, licensee, or registrant in lieu of issuing a citation. Nothing in this article shall in any way limit the registrar’s discretionary authority or ability to issue a letter of admonishment as prescribed by this subdivision.

(b) The letter of admonishment shall be in writing and shall describe in detail the nature and facts of the violation, including a reference to the statutes or regulations violated. The letter of admonishment shall inform the licensee, registrant, or applicant that within 30 days of service of the letter of admonishment the licensee, registrant, or applicant may do either of the following:

(1) Submit a written request for an office conference to the registrar to contest the letter of admonishment. Upon a timely request, the registrar, or their designee, shall hold an office
conference with the licensee, registrant, or applicant and, if applicable, their legal counsel or authorized representative.

(A) No individual other than the legal counsel or authorized representative of the licensee, registrant, or applicant may accompany the licensee, registrant, or applicant to the office conference.

(B) Prior to or at the office conference, the licensee, registrant, or applicant may submit to the registrar declarations and documents pertinent to the subject matter of the letter of admonishment.

(C) The office conference is intended to be informal and shall not be subject to the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) or Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

(D) After the office conference, the registrar, or their designee, may affirm, modify, or withdraw the letter of admonishment. Within 14 calendar days from the date of the office conference, the registrar, or their designee, shall personally serve or send the written decision by certified mail to the licensee’s, registrant’s, or applicant’s address of record. This decision shall be deemed the final administrative decision concerning the letter of admonishment.

(E) Judicial review of the decision may be had by filing a petition for a writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 30 days after the date the decision was personally served or sent by certified mail. The judicial review shall extend to the question of whether or not there was a prejudicial abuse of discretion in the issuance of the letter of admonishment or in the decision after the office conference.

(2) Comply with the letter of admonishment and, if required, submit a written corrective action plan to the registrar documenting compliance. If an office conference is not requested pursuant to this section, compliance with the letter of admonishment shall not constitute an admission of the violation noted in the letter of admonishment.

(c) The letter of admonishment shall be served upon the licensee, registrant, or applicant personally or by certified mail at their address of record with the board. If the licensee, registrant, or
applicant is served by certified mail, service shall be effective upon
deposit in the United States mail.
(d) The licensee, registrant, or applicant shall maintain and have
readily available a copy of the letter of admonishment and
corrective action plan, if any, for at least one year from the date
of issuance of the letter of admonishment.
(e) Nothing in this subdivision shall in any way limit the board’s
authority or ability to do either of the following:
(1) Issue a citation pursuant to Section 125.9, 148, or 7099.
(2) Institute disciplinary proceedings pursuant to this article.
(f) The issuance of a letter of admonishment shall not be
construed as a disciplinary action or discipline for purposes of
licensure or the reporting of discipline for licensure.
(g) The board shall not issue a letter of admonishment when
any one of the following factors is present:
(1) The licensee, registrant, or applicant was unlicensed at the
time of the violation.
(2) Multiple violations have been established.
(3) The licensee, registrant, or applicant has a history of the
same or similar violations.
(4) The violation resulted in financial harm to another.
(5) The victim is an elder or dependent adult as defined in
Section 368 of the Penal Code.
(6) The violation is related to the repair of damage caused by a
natural disaster.
(h) The board may adopt regulations to further define the
circumstances under which a letter of admonishment may be issued.

SEC. 66. Section 7123.5 of the Business and Professions Code
is amended to read:
7123.5. If a contractor is convicted of violating Section 396 of
the Penal Code or any substantially similar local ordinance in
connection with the sale, or offer for sale, of repair or
reconstruction services, as defined in Section 396 of the Penal
Code, the Contractors State License Board shall take disciplinary
action against the contractor, which shall include a suspension of
at least six months or the permanent revocation of the contractor’s
license.
SEC. 69.
SEC. 67. Section 7135 of the Business and Professions Code is amended to read:
7135. (a) The fees and civil penalties received under this chapter shall be deposited in the Contractors License Fund. All moneys in the fund are hereby appropriated for the purposes of this chapter.
(b) It is the intent of the Legislature that the board shall use moneys appropriated from the fund to improve its administrative and investigative oversight activities and capacity.

SEC. 70.
SEC. 68. Section 7136 of the Business and Professions Code is amended to read:
7136. The director shall designate a sum not to exceed 10 percent of the total income of the Contractors State License Board for each fiscal year to be transferred to the Consumer Affairs Fund as the board’s share of the cost of administration of the department.

SEC. 71.
SEC. 69. Section 7137 of the Business and Professions Code is amended to read:
7137. The board may set fees by regulation. These fees shall be set according to the following schedule:
(a) (1) The application fee for an original license in a single classification shall be three hundred thirty dollars ($330) and may be increased to not more than three hundred seventy-five dollars ($375).
(2) The application fee for each additional classification applied for in connection with an original license shall not be more than eighty-five dollars ($85).
(3) The application fee for each additional classification pursuant to Section 7059 shall be one hundred fifty dollars ($150) and may be increased to not more than one hundred seventy-five dollars ($175).
(4) The application fee to replace a responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee pursuant to Section 7068.2 shall be one hundred fifty dollars ($150) and may be increased to not more than one hundred seventy-five dollars ($175).
(5) The application fee to add personnel, other than a qualifying individual, to an existing license shall be one hundred dollars
($100) and may be increased to not more than one hundred fifteen dollars ($115).

(b) The fee for rescheduling an examination for an applicant who has applied for an original license, additional classification, a change of responsible managing officer, responsible managing manager, responsible managing member, or responsible managing employee, or for an asbestos certification or hazardous substance removal certification, shall not be more than seventy dollars ($70).

(c) The fee for scheduling or rescheduling an examination for a licensee who is required to take the examination as a condition of probation shall not be more than seventy dollars ($70).

(d) The initial license fee for an active or inactive license shall be two hundred dollars ($200) and may be increased to not more than two hundred twenty-five dollars ($225).

(e) (1) The renewal fee for an active license shall be four hundred dollars ($400) and may be increased to not more than four hundred fifty dollars ($450).

(2) The renewal fee for an inactive license shall be two hundred dollars ($200) and may be increased to not more than two hundred twenty-five dollars ($225).

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

(g) The registration fee for a home improvement salesperson shall be eighty-three dollars ($83) and may be increased to not more than ninety-five dollars ($95).

(h) The renewal fee for a home improvement salesperson registration shall be eighty-three dollars ($83) and may be increased to not more than ninety-five dollars ($95).

(i) The application fee for an asbestos certification examination shall be eighty-three dollars ($83) and may be increased to not more than ninety-five dollars ($95).

(j) The application fee for a hazardous substance removal or remedial action certification examination shall be eighty-three dollars ($83) and may be increased to not more than ninety-five dollars ($95).

(k) In addition to any other fees charged to C-10 contractors, the board shall charge a fee of twenty dollars ($20), to be assessed with the renewal fee for an active license, which shall be used by the board to enforce provisions of the Labor Code related to electrician certification.
The service fee to deposit with the registrar lawful money or cashier’s check pursuant to paragraph (1) of subdivision (a) of Section 995.710 of the Code of Civil Procedure for purposes of compliance with any provision of Article 5 (commencing with Section 7065) shall be one hundred dollars ($100), which shall be used by the board only to process each deposit filed with the registrar, to cover the reasonable costs to the registrar for holding money or cashier’s checks in trust in interest bearing deposit or share accounts, and to offset the costs of processing payment of lawful claims against a deposit in a civil action.

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

SEC. 72. Section 7137.5 of the Business and Professions Code is amended to read:

7137.5. The sum of ten thousand dollars ($10,000) shall be transferred from the Contractors License Fund to the Controller for the exclusive use of the California Uniform Construction Cost Accounting Commission. The commission shall prepare a recommendation to the Legislature for a local public agency source to fund the commission beginning July 1, 1991, which will provide revenue supported by the contract activities represented by the commission’s authority. Upon adoption of this funding program, the commission shall reimburse the Contractors License Fund in the amount of ten thousand dollars ($10,000).

SEC. 73. Section 7138 of the Business and Professions Code is amended to read:

7138. Notwithstanding any other provision of law, a fee paid in connection with a service or application covered by Section 7137 shall accrue to the Contractors License Fund as an earned fee and shall not be refunded.

SEC. 74. Section 7139.1 of the Business and Professions Code is amended to read:
7139.1. The Legislature hereby finds and declares all of the following:
(a) There is a demand and increasing need for construction management education programs and resources within the postsecondary education system that prepare graduates for the management of construction operations and companies regulated by the Contractors State License Law and enforced by the Contractors State License Board.
(b) Although construction management programs do exist within the state university system, these programs are woefully underfunded and insufficiently funded to provide training on state-of-the-art management information systems for either graduates or extension programs for continuing education of licensed contractors. Construction industry associations have provided some assistance through direct grants and scholarships, but the industrywide service of these programs and the need for additional assistance mandates broad based industrywide support.
(c) It is the intent of the Legislature that by enabling contractors to designate a portion of their licensure fee and providing a format for contractors to contribute funds to construction management education, this article will receive broad based industry support. In addition, this article allows the contractor to demonstrate the importance of construction management education. This assistance will enable greater development of construction management curricula and will improve the overall quality of construction by providing construction management training to California licensed contractors and their current and future management personnel.

SEC. 73. Section 7139.2 of the Business and Professions Code is amended to read:
(a) There is hereby created the Construction Management Education Account (CMEA) as a separate account in the Contractors License Fund for the purposes of construction management education. Funds in the account shall be available for the purposes of this article upon appropriation by the Legislature.
(b) The Contractors State License Board shall allow a contractor to make a contribution to the Construction Management Education Account at the time of the contractor license fee payment. The license fee form shall clearly display this alternative on its face.
and shall clearly inform the licensee that this provision is a
contribution to the Construction Management Education Account
and is in addition to the fees.

(c) The board may accept grants from federal, state, or local
public agencies, or from private foundations or individuals, in
order to assist it in carrying out its duties, functions, and powers
under this article. Grant moneys shall be deposited into the
Construction Management Education Account.

SEC. 74. Section 7141.5 of the Business and Professions Code
is amended to read:

7141.5. The registrar shall grant the retroactive renewal of a
license if, within 90 days of the expiration of the license, the
otherwise eligible licensee submits a completed application for
renewal on a form prescribed by the registrar, and pays the
appropriate renewal fee and delinquency fee prescribed by this
chapter. For the purposes of this section, an application shall be
deemed submitted if it is delivered to the board’s headquarters or
postmarked within 90 days of the expiration of the license.

SEC. 75. Section 7145.5 of the Business and Professions Code
is amended to read:

7145.5. (a) The registrar may refuse to issue, reinstate,
reactivate, or renew a license or may suspend a license for the
failure of a licensee to resolve all outstanding final liabilities, which
include taxes, additions to tax, penalties, interest, and any fees that
may be assessed by the board, the Department of Industrial
Relations, the Employment Development Department, the
Franchise Tax Board, or the State Board of Equalization.

(1) Until the debts covered by this section are satisfied, the
qualifying person and any other personnel of record named on a
license that has been suspended under this section shall be
prohibited from serving in any capacity that is subject to licensure
under this chapter, but shall be permitted to act in the capacity of
a nonsupervising bona fide employee.

(2) The license of any other renewable licensed entity with any
of the same personnel of record that have been assessed an
outstanding liability covered by this section shall be suspended
until the debt has been satisfied or until the same personnel of
record disassociate themselves from the renewable licensed entity.
(b) The refusal to issue a license or the suspension of a license as provided by this section shall be applicable only if the registrar has mailed a notice preliminary to the refusal or suspension that indicates that the license will be refused or suspended by a date certain. This preliminary notice shall be mailed to the licensee at least 60 days before the date certain.

c) In the case of outstanding final liabilities assessed by the Franchise Tax Board, this section shall be operative within 60 days after the Contractors State License Board has provided the Franchise Tax Board with the information required under Section 30, relating to licensing information that includes the federal employer identification number, individual taxpayer identification number, or social security number.

d) All versions of the application for a contractor’s license shall include, as part of the application, an authorization by the applicant, in the form and manner mutually agreeable to the Franchise Tax Board and the board, for the Franchise Tax Board to disclose the tax information that is required for the registrar to administer this section. The Franchise Tax Board may from time to time audit these authorizations.

e) In the case of outstanding final liabilities assessed by the State Board of Equalization, this section shall not apply to any outstanding final liability if the licensee has entered into an installment payment agreement for that liability with the State Board of Equalization and is in compliance with the terms of that agreement.

SEC. 76. Section 7159 of the Business and Professions Code is amended to read:

7159. (a) (1) This section identifies the projects for which a home improvement contract is required, outlines the contract requirements, and lists the items that shall be included in the contract, or may be provided as an attachment.

(2) This section does not apply to service and repair contracts that are subject to Section 7159.10, if the contract for the applicable services complies with Sections 7159.10 to 7159.14, inclusive.

(3) This section does not apply to the sale, installation, and servicing of a fire alarm sold in conjunction with an alarm system, as defined in Section 7590.1, if all costs attributable to making the fire alarm system operable, including sale and installation costs,
do not exceed five hundred dollars ($500), and the licensee complies with the requirements set forth in Section 7159.9.

(4) This section does not apply to any costs associated with monitoring a burglar or fire alarm system.

(5) Failure by the licensee, their agent or salesperson, or by a person subject to be licensed under this chapter, to provide the specified information, notices, and disclosures in the contract, or to otherwise fail to comply with any provision of this section, is cause for discipline.

(b) For purposes of this section, “home improvement contract” means an agreement, whether oral or written, or contained in one or more documents, between a contractor and an owner or between a contractor and a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, if the work is to be performed in, to, or upon the residence or dwelling unit of the tenant, for the performance of a home improvement, as defined in Section 7151, and includes all labor, services, and materials to be furnished and performed thereunder, if the aggregate contract price specified in one or more improvement contracts, including all labor, services, and materials to be furnished by the contractor, exceeds five hundred dollars ($500). “Home improvement contract” also means an agreement, whether oral or written, or contained in one or more documents, between a salesperson, whether or not they are a home improvement salesperson, and an owner or a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, which provides for the sale, installation, or furnishing of home improvement goods or services.

(c) In addition to the specific requirements listed under this section, every home improvement contract and any person subject to licensure under this chapter or their agent or salesperson shall comply with all of the following:

(1) The writing shall be legible.

(2) Any printed form shall be readable. Unless a larger typeface is specified in this article, text in any printed form shall be in at least 10-point typeface and the headings shall be in at least 10-point boldface type.

(3) (A) Before any work is started, the contractor shall give the buyer a copy of the contract signed and dated by both the contractor and the buyer. The buyer’s receipt of the copy of the contract
initiates the buyer’s rights to cancel the contract pursuant to Sections 1689.5 to 1689.14, inclusive, of the Civil Code.

(B) The contract shall contain on the first page, in a typeface no smaller than that generally used in the body of the document, both of the following:

1. The date the buyer signed the contract.
2. The name and address of the contractor to which the applicable “Notice of Cancellation” is to be mailed, immediately preceded by a statement advising the buyer that the “Notice of Cancellation” may be sent to the contractor at the address noted on the contract.

(4) The contract shall include a statement that, upon satisfactory payment being made for any portion of the work performed, the contractor, prior to any further payment being made, shall furnish to the person contracting for the home improvement or swimming pool work a full and unconditional release from any potential lien claimant claim or mechanics lien authorized pursuant to Sections 8400 and 8404 of the Civil Code for that portion of the work for which payment has been made.

(5) A change-order form for changes or extra work shall be incorporated into the contract and shall become part of the contract only if it is in writing and signed by the parties prior to the commencement of any work covered by a change order.

(6) The contract shall contain, in close proximity to the signatures of the owner and contractor, a notice stating that the owner or tenant has the right to require the contractor to have a performance and payment bond.

(7) If the contract provides for a contractor to furnish joint control, the contractor shall not have any financial or other interest in the joint control.

(8) The provisions of this section are not exclusive and do not relieve the contractor from compliance with any other applicable provision of law.

(d) A home improvement contract and any changes to the contract shall be in writing and signed by the parties to the contract prior to the commencement of work covered by the contract or an applicable change order and, except as provided in paragraph (8) of subdivision (a) of Section 7159.5, shall include or comply with all of the following:
(1) The name, business address, and license number of the contractor.

(2) If applicable, the name and registration number of the home improvement salesperson that solicited or negotiated the contract.

(3) The following heading on the contract form that identifies the type of contract in at least 10-point boldface type: “Home Improvement.”

(4) The following statement in at least 12-point boldface type: “You are entitled to a completely filled in copy of this agreement, signed by both you and the contractor, before any work may be started.”


(6) If a finance charge will be charged, the heading: “Finance Charge,” followed by the amount in dollars and cents. The finance charge is to be set out separately from the contract amount.

(7) The heading: “Description of the Project and Description of the Significant Materials to be Used and Equipment to be Installed,” followed by a description of the project and a description of the significant materials to be used and equipment to be installed. For swimming pools, the project description required under this paragraph also shall include a plan and scale drawing showing the shape, size, dimensions, and the construction and equipment specifications.

(8) If a downpayment will be charged, the details of the downpayment shall be expressed in substantially the following form, and shall include the text of the notice as specified in subparagraph (C):

(A) The heading: “Downpayment.”

(B) A space where the actual downpayment appears.

(C) The following statement in at least 12-point boldface type:

“THE DOWNPAYMENT MAY NOT EXCEED $1,000 OR 10 PERCENT OF THE CONTRACT PRICE, WHICHEVER IS LESS.”

(9) If payments, other than the downpayment, are to be made before the project is completed, the details of these payments, known as progress payments, shall be expressed in substantially
the following form, and shall include the text of the statement as specified in subparagraph (C):

(A) A schedule of progress payments shall be preceded by the heading: “Schedule of Progress Payments.”

(B) Each progress payment shall be stated in dollars and cents and specifically reference the amount of work or services to be performed and materials and equipment to be supplied.

(C) The section of the contract reserved for the progress payments shall include the following statement in at least 12-point boldface type:

“The schedule of progress payments must specifically describe each phase of work, including the type and amount of work or services scheduled to be supplied in each phase, along with the amount of each proposed progress payment. IT IS AGAINST THE LAW FOR A CONTRACTOR TO COLLECT PAYMENT FOR WORK NOT YET COMPLETED, OR FOR MATERIALS NOT YET DELIVERED. HOWEVER, A CONTRACTOR MAY REQUIRE A DOWNPAYMENT.”

(10) The contract shall address the commencement of work to be performed in substantially the following form:

(A) A statement that describes what constitutes substantial commencement of work under the contract.

(B) The heading: “Approximate Start Date.”

(C) The approximate date on which work will be commenced.

(11) The estimated completion date of the work shall be referenced in the contract in substantially the following form:

(A) The heading: “Approximate Completion Date.”

(B) The approximate date of completion.

(12) If applicable, the heading: “List of Documents to be Incorporated into the Contract,” followed by the list of documents incorporated into the contract.

(13) The heading: “Note About Extra Work and Change Orders,” followed by the following statement:

“Extra Work and Change Orders become part of the contract once the order is prepared in writing and signed by the parties prior to the commencement of work covered by the new change order. The order must describe the scope of the extra work or change,
the cost to be added or subtracted from the contract, and the effect
the order will have on the schedule of progress payments.”

(e) Except as provided in paragraph (8) of subdivision (a) of
Section 7159.5, all of the following notices shall be provided to
the owner as part of the contract form as specified or, if otherwise
authorized under this subdivision, may be provided as an
attachment to the contract:

(1) A notice concerning commercial general liability insurance.
This notice may be provided as an attachment to the contract if
the contract includes the following statement: “A notice concerning
commercial general liability insurance is attached to this contract.”
The notice shall include the heading “Commercial General Liability
Insurance (CGL),” followed by whichever of the following
statements is both relevant and correct:

(A) “(The name on the license or ‘This contractor’) does not
carry commercial general liability insurance.”
(B) “(The name on the license or ‘This contractor’) carries
commercial general liability insurance written by (the insurance
company). You may call (the insurance company) at _________
to check the contractor’s insurance coverage.”
(C) “(The name on the license or ‘This contractor’) is
self-insured.”
(D) “(The name on the license or ‘This contractor’) is a limited
liability company that carries liability insurance or maintains other
security as required by law. You may call (the insurance company
or trust company or bank) at ___ to check on the contractor’s
insurance coverage or security.”

(2) A notice concerning workers’ compensation insurance. This
notice may be provided as an attachment to the contract if the
contract includes the statement: “A notice concerning workers’
compensation insurance is attached to this contract.” The notice
shall include the heading “Workers’ Compensation Insurance”
followed by whichever of the following statements is correct:

(A) “(The name on the license or ‘This contractor’) has no
employees and is exempt from workers’ compensation
requirements.”
(B) “(The name on the license or ‘This contractor’) carries
workers’ compensation insurance for all employees.”
A notice that provides the buyer with the following information about the performance of extra or change-order work:

(A) A statement that the buyer may not require a contractor to perform extra or change-order work without providing written authorization prior to the commencement of work covered by the new change order.

(B) A statement informing the buyer that extra work or a change order is not enforceable against a buyer unless the change order also identifies all of the following in writing prior to the commencement of work covered by the new change order:

(i) The scope of work encompassed by the order.

(ii) The amount to be added or subtracted from the contract.

(iii) The effect the order will make in the progress payments or the completion date.

(C) A statement informing the buyer that the contractor’s failure to comply with the requirements of this paragraph does not preclude the recovery of compensation for work performed based upon legal or equitable remedies designed to prevent unjust enrichment.

(4) A notice with the heading “Mechanics Lien Warning” written as follows:

“MECHANICS LIEN WARNING:

Anyone who helps improve your property, but who is not paid, may record what is called a mechanics lien on your property. A mechanics lien is a claim, like a mortgage or home equity loan, made against your property and recorded with the county recorder. Even if you pay your contractor in full, unpaid subcontractors, suppliers, and laborers who helped to improve your property may record mechanics liens and sue you in court to foreclose the lien. If a court finds the lien is valid, you could be forced to pay twice or have a court officer sell your home to pay the lien. Liens can also affect your credit.

To preserve their right to record a lien, each subcontractor and material supplier must provide you with a document called a ‘Preliminary Notice.’ This notice is not a lien. The purpose of the notice is to let you know that the person who sends you the notice has the right to record a lien on your property if they are not paid.
BE CAREFUL. The Preliminary Notice can be sent up to 20 days after the subcontractor starts work or the supplier provides material. This can be a big problem if you pay your contractor before you have received the Preliminary Notices.

You will not get Preliminary Notices from your prime contractor or from laborers who work on your project. The law assumes that you already know they are improving your property.

PROTECT YOURSELF FROM LIENS. You can protect yourself from liens by getting a list from your contractor of all the subcontractors and material suppliers that work on your project. Find out from your contractor when these subcontractors started work and when these suppliers delivered goods or materials. Then wait 20 days, paying attention to the Preliminary Notices you receive.

PAY WITH JOINT CHECKS. One way to protect yourself is to pay with a joint check. When your contractor tells you it is time to pay for the work of a subcontractor or supplier who has provided you with a Preliminary Notice, write a joint check payable to both the contractor and the subcontractor or material supplier.

For other ways to prevent liens, visit CSLB’s internet website at www.cslb.ca.gov or call CSLB at 800-321-CSLB (2752).

REMEMBER, IF YOU DO NOTHING, YOU RISK HAVING A LIEN PLACED ON YOUR HOME. This can mean that you may have to pay twice, or face the forced sale of your home to pay what you owe.”

(5) The following notice shall be provided in at least 12-point typeface:

“Information about the Contractors State License Board (CSLB): CSLB is the state consumer protection agency that licenses and regulates construction contractors. Contact CSLB for information about the licensed contractor you are considering, including information about disclosable complaints, disciplinary actions, and civil judgments that are reported to CSLB.

Use only licensed contractors. If you file a complaint against a licensed contractor within the legal deadline (usually four years), CSLB has authority to investigate the complaint. If you use an unlicensed contractor, CSLB may not be able to help you resolve
your complaint. Your only remedy may be in civil court, and you may be liable for damages arising out of any injuries to the unlicensed contractor or the unlicensed contractor’s employees.

For more information:
Visit CSLB’s internet website at www.cslb.ca.gov
Call CSLB at 800-321-CSLB (2752)
Write CSLB at P.O. Box 26000, Sacramento, CA 95826.”

(6) (A) The notice set forth in subparagraph (B) and entitled “Three-Day Right to Cancel,” shall be provided to the buyer unless the contract is:
   (i) Negotiated at the contractor’s place of business.
   (ii) Subject to the “Seven-Day Right to Cancel,” as set forth in paragraph (7).
   (iii) Subject to licensure under the Alarm Company Act (Chapter 11.6 (commencing with Section 7590)), provided the alarm company licensee complies with Sections 1689.5, 1689.6, and 1689.7 of the Civil Code, as applicable.

(B) “Three-Day Right to Cancel
You, the buyer, have the right to cancel this contract within three business days. You may cancel by emailing, mailing, faxing, or delivering a written notice to the contractor at the contractor’s place of business by midnight of the third business day after you received a signed and dated copy of the contract that includes this notice. Include your name, your address, and the date you received the signed copy of the contract and this notice.

If you cancel, the contractor must return to you anything you paid within 10 days of receiving the notice of cancellation. For your part, you must make available to the contractor at your residence, in substantially as good condition as you received them, goods delivered to you under this contract or sale. Or, you may, if you wish, comply with the contractor’s instructions on how to return the goods at the contractor’s expense and risk. If you do not make the goods available to the contractor and the contractor does not pick them up within 20 days of the date of your notice of cancellation, you may keep them without any further obligation.

If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then
you remain liable for performance of all obligations under the contract.”

(C) The “Three-Day Right to Cancel” notice required by this paragraph shall comply with all of the following:

(i) The text of the notice is at least 12-point boldface type.

(ii) The notice is in immediate proximity to a space reserved for the owner’s signature.

(iii) The owner acknowledges receipt of the notice by signing and dating the notice form in the signature space.

(iv) The notice is written in the same language, e.g., Spanish, as that principally used in any oral sales presentation.

(v) The notice may be attached to the contract if the contract includes, in at least 12-point boldface type, a checkbox with the following statement: “The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Three-Day Right to Cancel.’”

(vi) The notice shall be accompanied by a completed form in duplicate, captioned “Notice of Cancellation,” which also shall be attached to the agreement or offer to purchase and be easily detachable, and which shall contain the following statement written in the same language, e.g., Spanish, as used in the contract:

“Notice of Cancellation”

/enter date of transaction/

______________________________

(Date)

“You may cancel this transaction, without any penalty or obligation, within three business days from the above date. If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled. If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may,
if you wish, comply with the instructions of the seller regarding
the return shipment of the goods at the seller’s expense and risk.
If you do make the goods available to the seller and the seller
does not pick them up within 20 days of the date of your notice of
cancellation, you may retain or dispose of the goods without any
further obligation. If you fail to make the goods available to the
seller, or if you agree to return the goods to the seller and fail to
do so, then you remain liable for performance of all obligations
under the contract.”

To cancel this transaction, mail or deliver a signed and dated copy of this
cancellation notice, or any other written notice, or send a telegram
to __________________________________________________________,
/name of seller/
at __________________________________________________________
/address of seller’s place of business/
not later than midnight of _______________________________________.
(Date)
I hereby cancel this transaction. ___________________________________
(Date)
____________________________________
(Buyer’s signature)

(7) (A) The following notice entitled “Seven-Day Right to
Cancel” shall be provided to the buyer for any contract that is
written for the repair or restoration of residential premises damaged
by any sudden or catastrophic event for which a state of emergency
has been declared by the President of the United States or the
Governor, or for which a local emergency has been declared by
the executive officer or governing body of any city, county, or city
and county:

“Seven-Day Right to Cancel
You, the buyer, have the right to cancel this contract within seven
business days. You may cancel by emailing, mailing, faxing, or
delivering a written notice to the contractor at the contractor’s
place of business by midnight of the seventh business day after
you received a signed and dated copy of the contract that includes
this notice. Include your name, your address, and the date you
received the signed copy of the contract and this notice.
If you cancel, the contractor must return to you anything you paid within 10 days of receiving the notice of cancellation. For your part, you must make available to the contractor at your residence, in substantially as good condition as you received them, goods delivered to you under this contract or sale. Or, you may, if you wish, comply with the contractor’s instructions on how to return the goods at the contractor’s expense and risk. If you do make the goods available to the contractor and the contractor does not pick them up within 20 days of the date of your notice of cancellation, you may keep them without any further obligation. If you fail to make the goods available to the contractor, or if you agree to return the goods to the contractor and fail to do so, then you remain liable for performance of all obligations under the contract.”

(B) The “Seven-Day Right to Cancel” notice required by this subdivision shall comply with all of the following:

(i) The text of the notice is at least 12-point boldface type.

(ii) The notice is in immediate proximity to a space reserved for the owner’s signature.

(iii) The owner acknowledges receipt of the notice by signing and dating the notice form in the signature space.

(iv) The notice is written in the same language, e.g., Spanish, as that principally used in any oral sales presentation.

(v) The notice may be attached to the contract if the contract includes, in at least 12-point boldface type, a checkbox with the following statement: “The law requires that the contractor give you a notice explaining your right to cancel. Initial the checkbox if the contractor has given you a ‘Notice of the Seven-Day Right to Cancel.’”

(vi) The notice shall be accompanied by a completed form in duplicate, captioned “Notice of Cancellation,” which shall also be attached to the agreement or offer to purchase and be easily detachable, and which shall contain the following statement written in the same language, e.g., Spanish, as used in the contract:

“Notice of Cancellation”

/enter date of transaction/

______________________________

(Date)
“You may cancel this transaction, without any penalty or obligation, within seven business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller’s expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.”

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram to ________________________________,

/name of seller/
at ________________________________

/address of seller’s place of business/
not later than midnight of ________________________________.

(Date)

I hereby cancel this transaction. ________________________________

(Date)

______________________________

(Buyer’s signature)

SEC. 79.

SEC. 77. Section 7170 of the Business and Professions Code is amended to read:

7170. (a) The Contractors State License Board shall receive and review complaints and consumer questions regarding solar energy systems companies and solar contractors. The board shall
also receive complaints received from state agencies regarding solar energy systems companies and solar contractors.

(b) Beginning on July 1, 2019, the board annually shall compile a report documenting consumer complaints relating to solar contractors. The report shall be made available publicly on the board’s and the Public Utilities Commission’s internet websites. The report shall contain all of the following:

(1) The number and types of complaints.
(2) The ZIP Code where the consumer complaint originated.
(3) The disposition of all complaints received against a solar contractor.

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

SEC. 80.
SEC. 78. Section 7303 of the Business and Professions Code is amended to read:

7303. (a) Notwithstanding Article 8 (commencing with Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, there is in the Department of Consumer Affairs the State Board of Barbering and Cosmetology in which the administration of this chapter is vested.

(b) The board shall consist of nine members. Five members shall be public members, and four members shall represent the professions. The Governor shall appoint three of the public members and the four professional members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one public member. Members of the board shall be appointed for a term of four years, except that of the members appointed by the Governor, two of the public members and two of the professions members shall be appointed for an initial term of two years. No board member may serve longer than two consecutive terms.

(c) The board may appoint an executive officer who is exempt from civil service. The executive officer shall exercise the powers
and perform the duties delegated by the board and vested in the
executive officer by this chapter. The appointment of the executive
officer is subject to the approval of the director. In the event that
a newly authorized board replaces an existing or previous bureau,
the director may appoint an interim executive officer for the board
who shall serve temporarily until the new board appoints a
permanent executive officer.
(d) The executive officer shall provide examiners, inspectors,
and other personnel necessary to carry out the provisions of this
chapter.
(e) This section shall remain in effect only until January 1, 2022,
and as of that date is repealed. Notwithstanding any other law, the
repeal of this section renders the board subject to review by the
appropriate policy committees of the Legislature.
SEC. 81.
SEC. 79. Section 7512.3 of the Business and Professions Code,
as amended by Section 1 of Chapter 569 of the Statutes of 2017,
is amended to read:
7512.3. (a) As used in this chapter, “person” includes any
individual, firm, company, limited liability company, association,
organization, partnership, and corporation.
(b) This section shall remain in effect only until January 1, 2024,
and as of that date is repealed.
SEC. 82.
SEC. 80. Section 7512.3 of the Business and Professions Code,
as amended by Section 2 of Chapter 569 of the Statutes of 2017,
is amended to read:
7512.3. (a) As used in this chapter, “person” includes any
individual, firm, company, association, organization, partnership,
and corporation.
(b) This section shall become operative on January 1, 2024.
SEC. 83.
SEC. 81. Section 7512.14 of the Business and Professions Code
is amended to read:
7512.14. (a) As used in this chapter, “member” means an
individual who is a member of a limited liability company as
specified in Section 17704.01 of the Corporations Code.
(b) This section shall remain in effect only until January 1, 2024,
and as of that date is repealed.
SEC. 84.

SEC. 82. Section 7512.15 of the Business and Professions Code is amended to read:

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

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

SEC. 85.

SEC. 83. Section 7520.3 of the Business and Professions Code is amended to read:

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

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

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

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

(c) Prior to the issuance, reinstatement, or reactivation of a limited liability company license as provided under this chapter, the applicant or licensee shall, in the manner prescribed by the bureau, submit the information and documentation required by
this section and requested by the bureau, demonstrating compliance
with the financial security requirements specified by this section.
(d) For any insurance policy secured by a licensee in satisfaction
of this section, a Certificate of Liability Insurance, signed by an
authorized agent or employee of the insurer, shall be submitted
electronically or otherwise to the bureau. The insurer issuing the
certificate shall report to the bureau the following information for
any policy required under this section: name, license number,
policy number, dates that coverage is scheduled to commence and
lapse, and cancellation date if applicable. The insurer shall list the
bureau as the certificate holder for the purposes of receiving
notifications related to the policy’s status.
(e) (1) If a licensee fails to maintain sufficient insurance as
required by this section, or fails to provide proof of the required
insurance upon request by the bureau, the license is subject to
suspension and shall be automatically suspended pursuant to this
subdivision until the date that the licensee provides proof to the
bureau of compliance with the insurance coverage requirement.
(2) Prior to an automatic suspension, the bureau shall notify the
licensee, in writing, that it has 30 days to provide proof to the
bureau of having the required insurance or the license shall be
automatically suspended.
(3) If the licensee fails to provide proof of insurance coverage
within this period, the bureau may automatically suspend the
license.
(f) If the license of a limited liability company is suspended
pursuant to subdivision (e), each member of the limited liability
company shall be personally liable up to one million dollars
($1,000,000) each for damages resulting to third parties in
connection with the company’s performance, during the period of
suspension, of any act or contract when a license is required by
this chapter.
(g) On and after July 1, 2018, a licensee organized as a limited
liability company shall report a paid or pending claim against its
liability insurance to the bureau, which shall post a notice of the
claim on the Department of Consumer Affairs BreEZe License
Verification Internet Web page.
(h) This section shall remain in effect only until January 1, 2024,
and as of that date is repealed.
SEC. 84.

SEC. 86. Section 7525.1 of the Business and Professions Code, as amended by Section 11 of Chapter 569 of the Statutes of 2017, is amended to read:

7525.1. An application shall be verified and shall include:

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

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

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

(d) A verified statement of their experience qualifications.

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

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

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

(g) If the applicants for a license are copartners, the application shall state the true names and addresses of all partners and the name of the partner to be actively in charge of the business for
which the license is sought and list all other names known as or
used during the past 10 years. If a qualified manager other than a partner is to be actively in charge of the business, then the application shall be subscribed, verified, and signed by all of the partners under penalty of perjury. If any other person is to be actively in charge of the business, the application shall also be subscribed, verified, and signed by that person, under penalty of perjury, under penalty of perjury by all of the partners and the qualified manager, or by all of the partners or the qualified manager.

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

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

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

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

(l) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.
SEC. 87.
SEC. 85. Section 7525.1 of the Business and Professions Code, as amended by Section 12 of Chapter 569 of the Statutes of 2017, is amended to read:

7525.1. An application shall be verified and shall include:
(a) The full name and business address of the applicant.
(b) The name under which the applicant intends to do business.
(c) A statement as to the general nature of the business in which the applicant intends to engage.
(d) A verified statement of their experience qualifications.
(e) (1) If the applicant is an individual, a qualified manager, a partner of a partnership, or an officer of a corporation designated in subdivision (h), one personal identification form provided by the bureau upon which shall appear a photograph taken within one year immediately preceding the date of the filing of the application together with two legible sets of fingerprints, one set of which shall be forwarded to the Federal Bureau of Investigation for purposes of a background check, on a form approved by the Department of Justice, and a personal description of each person, respectively. The identification form shall include residence addresses and employment history for the previous five years and be signed under penalty of perjury.
(f) (2) The bureau may impose a fee not to exceed three dollars ($3) for processing classifiable fingerprint cards submitted by applicants, excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.
(f) In addition, if the applicant for a license is an individual, the application shall list all other names known as or used during the past 10 years and shall state that the applicant is to be personally and actively in charge of the business for which the license is sought. If any other qualified manager is to be actively in charge of the business, the application shall be subscribed, verified, and signed by the applicant, under penalty of perjury. If any other person is to be actively in charge of the business, the application shall also be subscribed, verified, and signed by that person under penalty of perjury.
(g) If the applicants for a license are copartners, the application shall state the true names and addresses of all partners and the name of the partner to be actively in charge of the business for which the license is sought and list all other names known as or
used during the past 10 years. If a qualified manager other than a partner is to be actively in charge of the business, then the application shall be subscribed, verified, and signed by all of the partners under penalty of perjury. If any other person is to be actively in charge of the business, the application shall also be subscribed, verified, and signed under penalty of perjury by that person, by all of the partners and the qualified manager, or by all of the partners or the qualified manager.

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

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

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

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

SEC. 86. Section 7529 of the Business and Professions Code, as amended by Section 2 of Chapter 326 of the Statutes of 2019, is amended to read:

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

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

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

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

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

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

SEC. 87. Section 7529 of the Business and Professions Code, as amended by Section 3 of Chapter 326 of the Statutes of 2019, is amended to read:

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

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

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

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

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

SEC. 88. Section 7533.5 of the Business and Professions Code, as amended by Section 21 of Chapter 569 of the Statutes of 2017, is amended to read:

7533.5. (a) A licensee shall notify the bureau within 30 days of any change in its corporate officers required to be named pursuant to subdivision (h) of Section 7525.1 or members or managers required to be named pursuant to subdivision (i) of Section 7525.1, and of any addition of a new partner.
Applications, on forms prescribed by the director, shall be submitted by all new officers, members or managers, and partners. The director may suspend or revoke a license issued under this chapter if the director determines that the new officer, member or manager, or partner of a licensee has committed any of the acts constituting grounds to deny an application for a license or to take disciplinary action against a licensee pursuant to Section 7538 or 7538.5, respectively.

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

SEC. 91.

SEC. 89. Section 7533.5 of the Business and Professions Code, as amended by Section 22 of Chapter 569 of the Statutes of 2017, is amended to read:

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

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

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

SEC. 92.

SEC. 90. Section 7538 of the Business and Professions Code, as amended by Section 25 of Chapter 569 of the Statutes of 2017, is amended to read:

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

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

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

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

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

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

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

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

SEC. 91. Section 7538 of the Business and Professions Code, as amended by Section 26 of Chapter 569 of the Statutes of 2017, is amended to read:

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

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

(2) Committed any act constituting dishonesty or fraud.

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

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

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

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

(7) Knowingly made any false statement in their application.
(b) This section shall become operative on January 1, 2024.

SEC. 94.

SEC. 92. Section 7538.5 of the Business and Professions Code, as amended by Section 27 of Chapter 569 of the Statutes of 2017, is amended to read:

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

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

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

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

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

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

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

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

SEC. 95.

SEC. 93. Section 7538.5 of the Business and Professions Code, as amended by Section 8 of Chapter 92 of the Statutes of 2018, is amended to read:

7538.5. (a) The director may refuse to issue any license provided for in this chapter to any of the following:
(1) An individual who has had any license revoked, has a license currently under suspension, or failed to renew their license while under suspension.

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

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

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

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

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

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

SEC. 94. Section 7539 of the Business and Professions Code, as amended by Section 29 of Chapter 569 of the Statutes of 2017, is amended to read:

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

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

(c) A written report shall not be submitted to a client except by the licensee, qualified manager, or a person authorized by one or
either of them, and the person submitting the report shall exercise
diligence in ascertaining whether or not the facts and information
in the report are true and correct.
(d) A licensee, or officer, director, partner, manager, member,
qualified manager, or employee of a licensee shall not use a badge
in connection with the official activities of the licensee’s business.
(e) A licensee, or officer, director, partner, manager, member,
qualified manager, or employee of a licensee, shall not use a title,
or wear a uniform, or use an insignia, or use an identification card,
or make any statement with the intent to give an impression that
they are connected in any way with the federal government, a state
government, or any political subdivision of a state government.
(f) A licensee, or officer, partner, manager, member, qualified
manager, or employee of a licensee shall not use any identification
to indicate that they are licensed as a private investigator other
than the official identification card issued by the bureau or the
business card regularly used by the business. However, a licensee
may issue an employer identification card.
(g) A licensee, or officer, director, partner, manager, member,
qualified manager, or employee of a licensee, shall not enter any
private building or portion thereof, except premises commonly
accessible to the public, without the consent of the owner or of the
person in legal possession thereof.
(h) A licensee shall not permit an employee or agent in their
own name to advertise, engage clients, furnish reports or present
bills to clients, or in any manner conduct business for which a
license is required under this chapter. All business of the licensee
shall be conducted in the name of and under the control of the
licensee.
(i) A licensee, or officer, director, partner, manager, member,
qualified manager, or employee of a licensee shall not knowingly
and directly solicit employment from any person who has directly
sustained bodily injury or from that person’s spouse or other family
member to obtain authorization on behalf of the injured person as
an investigator to investigate the accident or act that resulted in
injury or death to that person or damage to the property of that
person. Nothing in this subdivision shall prohibit the soliciting of
employment from that injured person’s attorney, insurance
company, self-insured administrator, insurance adjuster, employer,
or any other person having an indirect interest in the investigation
of the injury. This subdivision shall not apply to any business agent
or attorney employed by a labor organization. A licensee, or officer,
director, partner, manager, member, or qualified manager of a
licensee shall not pay or compensate any of their employees or
agents on the basis of a bonus, bounty, or quota system whereby
a premium is placed on the number of employer or client rule
violations or infractions purportedly discovered as a result of any
investigation made by a licensee.

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

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

SEC. 97.

SEC. 95. Section 7539 of the Business and Professions Code,
as amended by Section 9 of Chapter 92 of the Statutes of 2018, is
amended to read:

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

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

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

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

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

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

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

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

(i) A licensee, or officer, director, partner, qualified manager,
or employee of a licensee, shall not knowingly and directly solicit
employment from any person who has directly sustained bodily
injury or from that person’s spouse or other family member to
obtain authorization on behalf of the injured person as an
investigator to investigate the accident or act that resulted in injury
or death to that person or damage to the property of that person.
This subdivision does not prohibit the soliciting of employment
from that injured person’s attorney, insurance company,
self-insured administrator, insurance adjuster, employer, or any
other person having an indirect interest in the investigation of the
injury. This subdivision does not apply to any business agent or
attorney employed by a labor organization. A licensee, officer,
director, partner, or qualified manager of a licensee shall not pay
or compensate any of their employees or agents on the basis of a
bonus, bounty, or quota system whereby a premium is placed on
the number of employer or client rule violations or infractions
purportedly discovered as a result of any investigation made by a
licensee.
A licensee shall not use a fictitious business name in connection with the official activities of the licensee’s business, except as provided by the bureau.

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

SEC. 96. Section 8516 of the Business and Professions Code is amended to read:

8516. (a) This section, and Section 8519, apply only to wood destroying pests or organisms.

(b) A registered company or licensee shall not commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator employed by a registered company, except as provided in Section 8519.5. The address of each property inspected or upon which work is completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.

Every property inspected pursuant to this subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674. Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8518 or this section is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars ($2,500). The address of an inspection report prepared for use by an attorney for litigation purposes shall not be required to be reported to the board and shall not be assessed a filing fee.

A written inspection report conforming to this section and a form approved by the board shall be prepared and delivered to the person requesting the inspection and the property owner, or to the property owner’s designated agent, within 10 business days from the start of the inspection, except that an inspection report prepared for use by an attorney for litigation purposes is not required to be reported to the board or the property owner. An inspection report may be a complete, limited, supplemental, or reinspection report, as defined by Section 1993 of Title 16 of the California Code of Regulations. The report shall be delivered before work is commenced on any
The registered company shall retain for three years all inspection reports, field notes, and activity forms. Reports shall be made available for inspection and reproduction to the executive officer of the board or their duly authorized representative during business hours. All inspection reports or copies thereof shall be submitted to the board upon demand within two business days. The following shall be set forth in the report:

1. The start date of the inspection and the name of the licensed field representative or operator making the inspection.
2. The name and address of the person or firm ordering the report.
3. The name and address of the property owner and any person who is a party in interest.
4. The address or location of the property.
5. A general description of the building or premises inspected.
6. A foundation diagram or sketch of the structure or structures or portions of the structure or structures inspected, including the approximate location of any infested or infected areas evident, and the parts of the structure where conditions that would ordinarily subject those parts to attack by wood destroying pests or organisms exist. Reporting of the infested or infected wood members, or parts of the structure identified, shall be listed in the inspection report to clearly identify them, as is typical in standard construction components, including, but not limited to, siding, studs, rafters, floor joists, fascia, subfloor, sheathing, and trim boards.
7. Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth-wood contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions, evidence of roof leaks, and insufficient ventilation are to be reported.
8. One of the following statements, as appropriate, printed in bold type:
   A. The exterior surface of the roof was not inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractors State License Board.
The exterior surface of the roof was inspected to determine whether or not wood destroying pests or organisms are present.

(9) Indication or description of any areas that are inaccessible or not inspected with recommendation for further inspection if practicable. If, after the report has been made in compliance with this section, authority is given later to open inaccessible areas, a supplemental report on conditions in these areas shall be made.

(10) Recommendations for corrective measures.

(11) Information regarding the pesticide or pesticides to be used for their control or prevention as set forth in subdivision (a) of Section 8538.

(12) The inspection report shall clearly disclose that if requested by the person ordering the original report, a reinspection of the structure will be performed if an estimate or bid for making repairs was given with the original inspection report, or thereafter. An estimate or bid shall be given separately allocating the costs to perform each and every recommendation for corrective measures as specified in subdivision (c) with the original inspection report if the person who ordered the original inspection report so requests, and if the registered company is regularly in the business of performing each corrective measure. If no estimate or bid was given with the original inspection report, or thereafter, then the registered company shall not be required to perform a reinspection.

A reinspection shall be an inspection of those items previously listed on an original report to determine if the recommendations have been completed. Each reinspection shall be reported on an original inspection report form and shall be labeled “Reinspection.” Each reinspection shall also identify the original report by date.

After four months from an original inspection, all inspections shall be original inspections and not reinspections. Any reinspection shall be performed for not more than the price of the registered company’s original inspection price and shall be completed within 10 business days after a reinspection has been ordered.

(13) The inspection report shall contain the following statement, printed in boldface type:

“NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite
infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company.”

(c) At the time a report is ordered, the registered company or licensee shall inform the person or entity ordering the report, that a separate report is available pursuant to this subdivision. If a separate report is requested at the time the inspection report is ordered, the registered company or licensee shall separately identify on the report each recommendation for corrective measures as follows:

(1) The infestation or infection that is evident.

(2) The conditions that are present that are deemed likely to lead to infestation or infection.

If a registered company or licensee fails to inform as required by this subdivision and a dispute arises, or if any other dispute arises as to whether this subdivision has been complied with, a separate report shall be provided within 24 hours of the request but, in no event, later than the next business day, and at no additional cost.

(d) When a corrective condition is identified, either as paragraph (1) or (2) of subdivision (c), and the property owner or the property owner’s designated agent chooses not to correct those conditions, the registered company or licensee shall not be liable for damages resulting from a failure to correct those conditions or subject to any disciplinary action by the board. Nothing in this subdivision, however, shall relieve a registered company or a licensee of any liability resulting from negligence, fraud, dishonest dealing, other violations pursuant to this chapter, or contractual obligations between the registered company or licensee and the responsible parties.

(e) The inspection report form prescribed by the board shall separately identify the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection. If a separate form is requested, the form shall explain the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection and the difference between those conditions. In no event, however, shall conditions deemed likely to lead to
infestation or infection be characterized as actual “defects” or as actual “active” infestations or infections or in need of correction as a precondition to issuing a certification pursuant to Section 8519.

(f) The report and any contract entered into shall also state specifically when any guarantee for the work is made, and if so, the specific terms of the guarantee and the period of time for which the guarantee shall be in effect. If a guarantee extends beyond three years, the registered company shall maintain all original inspection reports, field notes, activity forms, and notices of completion for the duration of the guarantee period and for one year after the guarantee expires.

(g) For purposes of this section, “control service agreement” means an agreement, including extended warranties, to have a licensee conduct over a period of time regular inspections and other activities related to the control or eradication of wood destroying pests and organisms. Under a control service agreement a registered company shall refer to the original report and contract in a manner as to identify them clearly, and the report shall be assumed to be a true report of conditions as originally issued, except it may be modified after a control service inspection. A registered company is not required to issue a report as outlined in paragraphs (1) to (11), inclusive, of subdivision (b) after each control service inspection. If after control service inspection, no modification of the original report is made in writing, then it will be assumed that conditions are as originally reported. A control service contract shall state specifically the particular wood destroying pests or organisms and the portions of the buildings or structures covered by the contract.

(h) A registered company or licensee may enter into and maintain a control service agreement provided the following requirements are met:

(1) The control service agreement shall be in writing, signed by both parties, and shall specifically include the following:

(A) The wood destroying pests and organisms covered by the control service agreement.

(B) Any wood destroying pest or organism that is not covered must be specifically listed.

(C) The type and manner of treatment to be used to correct the infestations or infections.
(D) The structures or buildings, or portions thereof, covered by the agreement, including a statement specifying whether the coverage for purposes of periodic inspections is limited or full. Any exclusions from those described in the original report must be specifically listed.

(E) A reference to the original inspection report.

(F) The frequency of the inspections to be provided, the fee to be charged for each renewal, and the duration of the agreement.

(G) Whether the fee includes structural repairs.

(H) If the services provided are guaranteed, and, if so, the terms of the guarantee.

(I) A statement that all corrections of infestations or infections covered by the control service agreement shall be completed within six months of discovery, unless otherwise agreed to in writing by both parties.

(2) The original inspection report, the control service agreement, and completion report shall be maintained for three years after the cancellation of the control service agreement.

(3) Inspections made pursuant to a control service agreement shall be conducted by a Branch 3 licensee. Section 8506.1 does not modify this provision.

(4) A full inspection of the property covered by the control service agreement shall be conducted and a report filed pursuant to subdivision (b) at least once every three years from the date that the agreement was entered into, unless the consumer cancels the contract within three years from the date the agreement was entered into.

(5) Under a control service agreement, a written report shall be required for the correction of any infestation or infection unless all of the following conditions are met:

(A) The infestation or infection has been previously reported.

(B) The infestation or infection is covered by the control service agreement.

(C) There is no additional charge for correcting the infestation or infection.

(D) Correction of the infestation or infection takes place within 45 days of its discovery.

(E) Correction of the infestation or infection does not include fumigation.
(6) All notice requirements pursuant to Section 8538 shall apply
to all pesticide treatments conducted under control service
agreements.
(i) All work recommended by a registered company, where an
estimate or bid for making repairs was given with the original
inspection report, or thereafter, shall be recorded on this report or
a separate work agreement and shall specify a price for each
recommendation. This information shall be provided to the person
requesting the inspection, and shall be retained by the registered
company with the inspection report copy for three years.

SEC. 99.
SEC. 97. Section 10050 of the Business and Professions Code
is amended to read:
10050. (a) (1) There is in the Business, Consumer Services,
and Housing Agency a Department of Real Estate, the chief officer
of which department is named the Real Estate Commissioner.
(2) Notwithstanding any other law, the powers and duties of the
department, as set forth in this part and Chapter 1 (commencing
with Section 11000) of Part 2, shall be subject to review by the
appropriate policy committees of the Legislature. The review shall
be performed as if this part and that chapter were scheduled to be
repealed as of January 1, 2022.
(b) It shall be the principal responsibility of the commissioner
to enforce all laws in this part and Chapter 1 (commencing with
Section 11000) of Part 2 in a manner that achieves the maximum
protection for the buyers of real property and those persons dealing
with real estate licensees.
(c) Wherever the term “commissioner” is used in this division,
it means the Real Estate Commissioner.
(d) This section shall become operative on July 1, 2018.

SEC. 100.
SEC. 98. Section 11301 of the Business and Professions Code
is amended to read:
11301. (a) (1) There is hereby created within the Department
of Consumer Affairs a Bureau of Real Estate Appraisers to
administer and enforce this part.
(2) Notwithstanding any other law, the powers and duties of the
bureau, as set forth in this part, shall be subject to review by the
appropriate policy committees of the Legislature. The review shall
be performed as if this part were scheduled to be repealed as of January 1, 2022.

(b) Whenever the term “Office of Real Estate Appraisers” appears in any other law, it means the “Bureau of Real Estate Appraisers.”

SEC. 101.

SEC. 99. Section 16100 of the Business and Professions Code is amended to read:

16100. (a) The board of supervisors may in the exercise of its police powers, and for the purpose of regulation, as herein provided, and not otherwise, license any kind of business not prohibited by law, transacted and carried on within the limits of its jurisdiction, including all shows, exhibitions, and lawful games, and may fix the rate of the license fee and provide for its collection by suit or otherwise.

(b) No license fee levied pursuant to subdivision (a) that is measured by the licensee’s income or gross receipts, whether levied by a charter or general law county, shall apply to any nonprofit organization that is exempted from taxes by Chapter 4 (commencing with Section 23701) of Part 11 of Division 2 of the Revenue and Taxation Code or Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, or the successor of either, or to any minister, clergyman, Christian Science practitioner, rabbi, or priest of any religious organization that has been granted an exemption from federal income tax by the United States Commissioner of Internal Revenue as an organization described in Section 501(c)(3) of the Internal Revenue Code or a successor to that section.

(c) Before a county issues a business license to a person to conduct business as a contractor, as defined by Section 7026, the county shall verify that the person is licensed by the Contractors State License Board.

SEC. 102.

SEC. 100. Section 19164 of the Business and Professions Code is amended to read:

19164. The bureau may, by regulation, establish insulation material standards governing the quality of all insulation material sold or installed within this state, including those properties that affect the safety and thermal performance of insulation material during application and in the use intended. The standards shall
specify the initial performance of the insulation material and the performance expected during the design life of the insulation material. Until the bureau has adopted these regulations, the regulations of the State Energy Resources Conservation and Development Commission in effect on the effective date of this section relating to those standards shall remain in full force and effect. However, wherever those regulations specify that the commission shall perform an act, the bureau instead shall perform the act.

Prior to establishing the standards and procedures required by this chapter, the bureau shall conduct at least two public hearings, and shall invite the State Energy Resources Conservation and Development Commission, the State Fire Marshal, manufacturers, distributors, and licensed installers of insulation materials, and appropriate members of the public to participate in the hearings. Immediately upon adoption of the standards and procedures, the bureau shall provide a copy of the standards to the State Energy Resources Conservation and Development Commission, and the Contractors State License Board. Within 30 days after receipt of the bureau’s standards, the Contractors State License Board shall notify all state licensed contractors who install insulation of the standards.

Insulation standards adopted by the bureau, pursuant to this section, and by the State Energy Resources Conservation and Development Commission, pursuant to Section 25402 of the Public Resources Code, which are building standards, as defined in Section 25488.5 of the Public Resources Code, shall be submitted to the California Building Standards Commission for approval pursuant to, and are governed by, the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code). The building standards adopted by the bureau and published in the California Building Standards Code shall comply with, and be enforced as provided in, this section.

SEC. 103.
SEC. 101. Section 1670.8.5 is added to the Civil Code, to read:

1670.8.5. (a) A contract or proposed contract for the provision of a consumer service by a licensee regulated by a licensing board shall not include a provision limiting the consumer’s ability to file
a complaint with that board or to participate in the board’s
investigation into the licensee.
(b) Any waiver of the provisions of this section is contrary to
public policy, and is void and unenforceable.
(c) For purposes of this section, the following terms apply:
(1) “Consumer service” means any service that is obtained for
use primarily for personal, family, or household purposes.
(2) “Licensing board” means any entity described in Section
101 of the Business and Professions Code, the State Bar of
California, the Department of Real Estate, or any other state agency
that issues a license, certificate, or registration authorizing a person
to engage in a business or profession.
(d) Violation of this section by a licensee shall constitute
unprofessional conduct subject to discipline by the licensee’s
licensing board.

SEC. 104.
SEC. 102. Section 94950 of the Education Code is amended
to read:
94950. This chapter shall remain in effect only until January
1, 2022, and as of that date is repealed.

SEC. 105.
SEC. 103. No reimbursement is required by this act pursuant
to Section 6 of Article XIII B of the California Constitution because
the only costs that may be incurred by a local agency or school
district will be incurred because this act creates a new crime or
infraction, eliminates a crime or infraction, or changes the penalty
for a crime or infraction, within the meaning of Section 17556 of
the Government Code, or changes the definition of a crime within
the meaning of Section 6 of Article XIII B of the California
Constitution.
VIII. Enforcement

A. Enforcement Statistical Reports
   1. Fiscal Year 2019/20 Update
Complaint Investigation Phase

Number of Complaint Investigations Opened & Completed by Month
12-Month Cycle

![Bar chart showing the number of complaint investigations opened and completed by month.]

- **Opened** (red bars)
- **Completed** (blue bars)

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<td>Jul-20</td>
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FY20/21 statistics are through July 31, 2020
Number of Open (Pending) Complaint Investigations
(at end of FY or month for current FY)

Average Days from Opening of Complaint Investigation to Completion of Investigation

NOTE: FY20/21 statistics are through July 31, 2020
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<tr>
<th></th>
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</table>
NOTE: FY20/21 statistics are through July 31, 2020
Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.
Cite = Referred for Issuance of Citation
FDA = Referred for Formal Disciplinary Action
NOTE: FY20/21 statistics are through July 31, 2020
Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

NOTE: FY20/21 statistics are through July 31, 2020
### Number of Complaint Investigations Opened & Completed by Month

**12-Month Cycle**

<table>
<thead>
<tr>
<th>Month</th>
<th>Complaint Investigations Opened</th>
<th>Complaint Investigations Completed</th>
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<tbody>
<tr>
<td>August 2019</td>
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<td>September 2019</td>
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<tr>
<td>July 2020</td>
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### Complaint Investigations Opened and Completed Total by Fiscal Year

<table>
<thead>
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<th>Fiscal Year</th>
<th>Complaint Investigations Opened</th>
<th>Complaint Investigations Completed</th>
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</thead>
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<tr>
<td>2017/18</td>
<td>362</td>
<td>349</td>
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<tr>
<td>2018/19</td>
<td>328</td>
<td>334</td>
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<tr>
<td>2019/20</td>
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<tr>
<td>2020/21</td>
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Current Fiscal Year through July 31, 2020

### Number of Open (Pending) Complaint Investigations

(at end of FY or month for current FY)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Open (Pending) Complaint Investigations</th>
</tr>
</thead>
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<tr>
<td>2017/18</td>
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<td>2018/19</td>
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<tr>
<td>2019/20</td>
<td>239</td>
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<tr>
<td>2020/21</td>
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Current Fiscal Year through July 31, 2020
### Complaint Investigation Phase

**Average Days from Opening of Complaint Investigation to Completion of Investigation**  
*(at end of FY or month for current FY)*

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Average Days</th>
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<td>2017/18</td>
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<td>2018/19</td>
<td>236</td>
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<tr>
<td>2019/20</td>
<td>277</td>
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<td>2020/21</td>
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Current Fiscal Year through July 31, 2020

### Outcome of Completed Investigations

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th># Closed</th>
<th>% Closed</th>
<th># Cite</th>
<th>% Cite</th>
<th># FDA</th>
<th>% FDA</th>
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<tbody>
<tr>
<td>2017/18</td>
<td>219</td>
<td>63%</td>
<td>93</td>
<td>27%</td>
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<tr>
<td>2018/19</td>
<td>225</td>
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<td>58%</td>
<td>8</td>
<td>31%</td>
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Current Fiscal Year through July 31, 2020

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.  
Cite = Referred for Issuance of Citation  
FDA = Referred for Formal Disciplinary Action
# Aging of Open (Pending) Complaint Investigation Cases

## 12-Month Cycle

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<tr>
<th>Month</th>
<th>0-30 Days</th>
<th>31-60 Days</th>
<th>61-90 Days</th>
<th>91-120 Days</th>
<th>121-180 Days</th>
<th>181-270 Days</th>
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<th>2-3 Years</th>
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</tbody>
</table>
### Number of Complaint Investigations Referred and Number of Citations Issued

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Complaint Investigations Referred for Issuance of Citation</th>
<th>Citations Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/18</td>
<td>93</td>
<td>83</td>
</tr>
<tr>
<td>2018/19</td>
<td>83</td>
<td>75</td>
</tr>
<tr>
<td>2019/20</td>
<td>87</td>
<td>74</td>
</tr>
<tr>
<td>2020/21</td>
<td>8</td>
<td>5</td>
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Current Fiscal Year through July 31, 2020

### Number of Citations Issued and Final

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Issued</th>
<th>Final</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/18</td>
<td>83</td>
<td>91</td>
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<tr>
<td>2018/19</td>
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<td>74</td>
<td>79</td>
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<tr>
<td>2020/21</td>
<td>5</td>
<td>12</td>
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Current Fiscal Year through July 31, 2020

### Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Days</th>
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<tbody>
<tr>
<td>2017/18</td>
<td>164</td>
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<td>2018/19</td>
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<tr>
<td>2019/20</td>
<td>138</td>
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<tr>
<td>2020/21</td>
<td>169</td>
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</table>

Current Fiscal Year through July 31, 2020

### Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Days</th>
</tr>
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<tbody>
<tr>
<td>2017/18</td>
<td>495</td>
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<tr>
<td>2018/19</td>
<td>587</td>
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<tr>
<td>2019/20</td>
<td>505</td>
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<tr>
<td>2020/21</td>
<td>495</td>
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</table>

Current Fiscal Year through July 31, 2020
### Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Licensees Referred for Formal Disciplinary Action</th>
<th>Number of Final Disciplinary Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/18</td>
<td>28</td>
<td>19</td>
</tr>
<tr>
<td>2018/19</td>
<td>34</td>
<td>30</td>
</tr>
<tr>
<td>2019/20</td>
<td>38</td>
<td>35</td>
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<tr>
<td>2020/21</td>
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<td>4</td>
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</table>

Current Fiscal Year through July 31, 2020

### Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/18</td>
<td>585</td>
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<td>2018/19</td>
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<tr>
<td>2019/20</td>
<td>490</td>
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<tr>
<td>2020/21</td>
<td>355</td>
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Current Fiscal Year through July 31, 2020

### Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Number of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017/18</td>
<td>825</td>
</tr>
<tr>
<td>2018/19</td>
<td>923</td>
</tr>
<tr>
<td>2019/20</td>
<td>737</td>
</tr>
<tr>
<td>2020/21</td>
<td>574</td>
</tr>
</tbody>
</table>

Current Fiscal Year through July 31, 2020
IX. Exams/Licensing
   A. Update on 2020 California State Examinations
   B. 2019-20 Application and Licensing Update
Average Number of Licenses Issued Annually (Fiscal Year)

Average Number of Licenses Issued Annually - Practice Acts

Average Number of Licenses Issued Annually - Title Acts

[Bar charts showing the average number of licenses issued annually for various fields and types of licenses.]

239
Initial Applications

Engineers and Surveyors

Initial PE/PLS Applications Received by Month

Geologists and Geophysicists

Initial PG/PGp Applications Received by Month
Engineer in Training

FE Pass / EIT Issued - Post CBT

2014-2019:
20,250 Total Pass
18,385 Certs Issued
(91%)

Land Surveyor in Training

FS Pass / LSIT Issued - Post CBT

2014-2019:
389 Total Pass
377 Certs Issued
(97%)
X. Executive Officer's Report
   A. Rulemaking Status Report
   B. Update on Board's Business Modernization Project
   C. Personnel
   D. ABET
      1. Fall 2020 and Winter 2021 Board Observer Opportunities
   E. Association of State Boards of Geology (ASBOG)
   F. National Council of Examiners for Engineering and Surveying (NCEES)
      1. Nomination of NCEES Emeritus Member
      2. Annual Meeting Update
   G. Update on Outreach Efforts
Rulemaking Overview

1. **Fees and Certificates (404, 410, 3005, and 3010)**
   - Board staff finalizing rulemaking file for submittal to DCA to begin final review process.
     - Board approved final language and responses to comments on June 25, 2020.
     - Submitted for final review by DCA/Agency on February 26, 2020.
     - Board approved modified language for 15-day public comment period on January 16, 2020.
     - DCA/Agency approved for filing with OAL for publication on November 14, 2019.
     - Submitted for initial (pre-notice) review by DCA Legal on May 30, 2019.
     - Board directed staff to pursue rulemaking proposal on November 1, 2018.

2. **Repeal Professional Engineer and Land Surveyor Appeals (443 and 444)**
   - Submitted for initial (pre-notice) review by DCA Legal on September 5, 2019.
     - Board directed staff to pursue rulemaking proposal on March 1, 2013.

3. **Substantial Relationship Criteria and Criteria for Rehabilitation (416, 418, 3060, and 3061)**
   - Board staff finalizing rulemaking file for submittal to DCA to begin final review process.
     - Board approved final language and responses to comments on June 25, 2020.
     - 45-Day public comment period ended on April 27, 2020.
     - Board approved modified language for 15-day public comment period on March 12, 2020.
     - DCA/Agency approved for filing with OAL for publication on March 2, 2020.
     - Submitted for initial (pre-notice) review by DCA Legal on June 11, 2019.
     - Board directed staff to pursue rulemaking proposal on February 21, 2019.

4. **Definition of Traffic Engineering (404)**
   - Board directed staff to pursue rulemaking proposal on March 8, 2018.

5. **Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (3003 and 3003.1)**
   - Board directed staff to pursue rulemaking proposal on September 6, 2018.

**Note:** Documents related to any rulemaking file listed as “noticed” can be obtained from the Board’s website at [http://www.bpelsg.ca.gov/about_us/rulemaking.shtml](http://www.bpelsg.ca.gov/about_us/rulemaking.shtml).
EXECUTIVE SUMMARY

Narrative Summary of Status

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Budget</th>
<th>Issues</th>
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</thead>
<tbody>
<tr>
<td><strong>GREEN</strong></td>
<td><strong>GREEN</strong></td>
<td><strong>GREEN</strong></td>
</tr>
</tbody>
</table>

Minimum Viable Product (MVP) Product increments of work are currently underway. BPELSG’s MVP is Engineer-In-Training and Land Surveyor-In-Training application submission. Online Complaint Submission has also been developed for MVP. Both processes are customer facing. The project remains on target for budget projections. Training and User Acceptance Testing (UAT) phase commenced on July 23 and is scheduled to end on August 21 with an anticipated Go Live date in early September.

PROJECT MILESTONE STATUS REVIEW

<table>
<thead>
<tr>
<th>Project Milestones</th>
<th>Status</th>
<th>Completion Date</th>
<th>Issues Exist (Yes/No)</th>
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</thead>
<tbody>
<tr>
<td>Project Planning Complete – Project Start</td>
<td>Complete</td>
<td>1/13/2020</td>
<td>No</td>
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<tr>
<td>Onboard Systems Integrator</td>
<td>Complete</td>
<td>1/31/2020</td>
<td>No</td>
</tr>
<tr>
<td>Sprint Planning &amp; Development</td>
<td>In Progress</td>
<td>7/10/2020</td>
<td>No</td>
</tr>
<tr>
<td>User Acceptance Testing (UAT)</td>
<td>In Process</td>
<td>8/21/2020</td>
<td>No</td>
</tr>
<tr>
<td>MVP Product Increment 1 - Dates may adjust depending on final project schedule baseline</td>
<td>In Progress</td>
<td>Sept. 2020</td>
<td>No</td>
</tr>
</tbody>
</table>
## QUARTERLY OUTREACH REPORT (Q2)
### SOCIAL MEDIA: April–June 2020

### TOP 5 FACEBOOK POSTS

<table>
<thead>
<tr>
<th>POST</th>
<th>DATE</th>
<th>VIEWS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PLS Exam cancelled</td>
<td>April 3</td>
<td>792</td>
</tr>
<tr>
<td>Prometric closure extended through May 31</td>
<td>April 22</td>
<td>682</td>
</tr>
<tr>
<td>Pandemic update on Board testing</td>
<td>May 15</td>
<td>611</td>
</tr>
<tr>
<td>Resume testing for state exams at Prometric test centers on July 1</td>
<td>June 24</td>
<td>515</td>
</tr>
<tr>
<td>Proposing modifications to the text of Title 16, California Code of Regulations</td>
<td>June 5</td>
<td>486</td>
</tr>
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</table>

### TOP 5 TWEETS

<table>
<thead>
<tr>
<th>TWEET</th>
<th>DATE</th>
<th>VIEWS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prometric has announced that the temporary closure of its test centers in the U.S. has been extended to May 1</td>
<td>April 10</td>
<td>986</td>
</tr>
<tr>
<td>California state civil engineer exam extension</td>
<td>April 22</td>
<td>858</td>
</tr>
<tr>
<td>Prometric’s temporary closure of its test centers has been extended through May 31</td>
<td>April 22</td>
<td>820</td>
</tr>
<tr>
<td>Complete the Census online</td>
<td>April 8</td>
<td>776</td>
</tr>
<tr>
<td>Census reminder</td>
<td>April 17</td>
<td>592</td>
</tr>
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</table>

### WEB PAGE VIEWS

<table>
<thead>
<tr>
<th>PAGE</th>
<th>VIEWS</th>
</tr>
</thead>
<tbody>
<tr>
<td>License lookup</td>
<td>259,959</td>
</tr>
<tr>
<td>Board home page</td>
<td>159,509</td>
</tr>
<tr>
<td>Applicant information</td>
<td>89,579</td>
</tr>
<tr>
<td>License renewal</td>
<td>81,496</td>
</tr>
<tr>
<td>License information</td>
<td>74,828</td>
</tr>
</tbody>
</table>
OUTREACH EVENTS: April–June 2020

**KEY**

- **ASCE** American Society of Civil Engineers
- **APWA** American Public Works Association
- **CalGeo** California Geotechnical Engineering Association
- **SWE** Society of Women Engineers
- **YMF** Young Members Forum

**APRIL**

**April 24**: California State University, San Bernardino
Webinar on GIT and P.G. license qualifications by Laurie Racca, P.G.

**MAY**

**May 5**: University of California, Riverside
License Zoom presentation to senior design class by Mike Donelson, P.E.

**May 6**: University of California, Los Angeles
ASCE YMF Zoom presentation by Natalie King, P.E.

**May 18**: Geological Society of America (GSA)
Cordilleran Section (Western North America professional society) webinar (GIT and P.G. license qualifications) by Laurie Racca, P.G.
Message from the Executive Officer
Richard B. Moore, PLS

Where do I start? I realize there are literally thousands if not millions of people sharing a similar sentiment right now in an attempt to describe the impact from events that have transpired in the world since the Board’s last Bulletin was published in early January 2020. Simply put, the Board has tried to maintain some semblance of normal operations throughout these events. While the office has been closed to public access for safety and to comply with social distancing requirements, applications are still being received, accepted, and reviewed; licenses are still being issued where allowable; and complaints are still being received and investigated. I would like to thank the Board’s staff, and those at Department of Consumer Affairs (DCA) who have assisted the Board with ensuring our operational responsibilities are being met throughout the unprecedented last several months. There were many bumps and hurdles toward establishing effective teleworking and shift arrangements, some of which are still being fine-tuned along the way, but for the most part, operations continued thanks to the efforts by those individuals.

One of the areas that affected licensing applicants the most was related to the cancellation of all national and state licensing examinations. The Board maintained constant communication with national and contract examination vendors in an effort to adjust as conditions changed, even when those changes occurred on a daily and even hourly basis. By the time this issue of the Bulletin is published, appointments for state exams are happening again, albeit in compliance with continued social distancing measures and less than optimal capacity at testing centers, but nonetheless, examinations are being administered again. On the national scene, both NCEES and ASBOG are finalizing arrangements during the fall 2020 paper/pencil-based administrations to accommodate all the candidates whose examinations were canceled in the spring. As someone who also had to apply in the past and has sat for licensing examinations, I can certainly understand the confusion and dismay being felt by applicants being prohibited from sitting for the necessary examinations and obtaining a license. I would also like to recognize the tremendous patience and forbearance applicants have shown with the Board and staff during this crisis. We are doing everything we can to make sure you have the opportunity to complete your licensing process.

(continued on page 2)

Please visit www.bpelsg.ca.gov for any COVID-19-related communications.
XI. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs
B. Appointment of TAC Members
C. Reports from the TACs
XII. President's Report/Board Member Activities
XIII. Approval of Meeting Minutes

A. Approval of the Minutes of the June 25, 2020, Board Meeting
I. Roll Call to Establish a Quorum
President Amistad called the meeting to order at 9:08 AM, and a quorum was established.

II. Moment of Silence for Robert Alan Stockton
President Amistad observed a moment of silence for Board Member Robert Alan Stockton.

III. Pledge of Allegiance
Mr. Ruffino led everyone in the recitation of the Pledge of Allegiance.

IV. Public Comment for Items Not on the Agenda
During public comment, Alan Escarda, representing PECG, thanked the Board for the continuous flow of information regarding examinations.

V. Consideration of Rulemaking Proposals
A. Adoption of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 416 and 3060 (Substantial Relationship Criteria) and sections 418 and 3061 (Criteria for Rehabilitation) to Conform to Statutory Changes Made by AB 2138 (Chapter 995, Statutes of 2018)
Ms. Eissler reviewed the rulemaking proposal and introduced Alex Millington, from the DCA Legal Office Regulations Review Unit, assigned to work with the Board during the rulemaking process to address any questions.

Dr. Qureshi asked Mr. Millington to explain the process for responding to public comments. Mr. Millington explained that comments received in response to a 15-day noticed change are to be responded to in a final statement of reasons. From the prospective of the Administrative Procedure Act, the formal response to the comments received appears in documentary form. As a matter of procedure, the proposed responses are approved by the Board at a meeting. For reasons that relate to transparency and the Bagley-Keene Open Meeting Act requirements, it is not possible for substantive discussion to be had on the comments prior to a noticed public meeting. Ultimately, the body that approves or does not approve the form of the responses is the Board itself. Anything that occurs in preparing materials prior to the meeting is for the benefit of the Board members to be able to consider and by motion adopt the proposed responses.

The reason for not communicating with the commenter prior to the consideration of the comments is to comply with transparency requirements, to allow for the consideration to occur in front of the body that is allowed to approve comments, and also to ensure that there are no communications that occur off the record.

MOTION: Mr. King and Ms. Alavi moved to adopt the proposed responses to the comments, including the second set of comments submitted after the close of the notice period; adopt the final Rulemaking proposal; and, delegate to the Executive Officer to finalize the rulemaking file.

VOTE: 12-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
<th>Recusal</th>
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<tbody>
<tr>
<td>Fel Amistad</td>
<td>X</td>
<td></td>
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<tr>
<td>Steve Wilson</td>
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<tr>
<td>Natalie Alavi</td>
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<tr>
<td>Alireza Asgari</td>
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<td>Duane Friel</td>
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<td>Andrew Hamilton</td>
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<tr>
<td>Kathy Jones Irish</td>
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<td>Eric Johnson</td>
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<tr>
<td>Coby King</td>
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Mr. Moore introduced the Board’s new Legal Counsel Helen Geoffroy.
B. Adoption of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 407 and 3005 (Fees); to Amend Title 16, California Code of Regulations section 410 (Certificates); and to Adopt to Title 16, California Code of Regulations section 3010 (Certificates)

Ms. Eissler reported that the listing of the date of July 1, 2020, as the date for the change in the renewal fees was no longer feasible and, therefore, needed to be changed to January 1, 2021. This necessitated a 15-day public comment period.

**MOTION:** Ms. Mathieson and Vice President Wilson moved to adopt the amendments to Sections 407, 410, and 3005 and adopt Section 3010 of Divisions 5 and 29 of Title 16 of the CCR, adopt responses to comments, and delegate to the Executive Officer to finalize the rulemaking file for submission to the Department of Consumer Affairs and the Office of Administrative Law.

**VOTE:** 12-0, Motion Carried

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
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</tr>
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<tbody>
<tr>
<td>Fel Amistad</td>
<td>X</td>
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<td>X</td>
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<td>Eric Johnson</td>
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<tr>
<td>Coby King</td>
<td>X</td>
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<tr>
<td>Asha Lang</td>
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<tr>
<td>Betsy Mathieson</td>
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<td>Mohammad Qureshi</td>
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<tr>
<td>Frank Ruffino</td>
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</table>

VI. Administration

A. Fiscal Year 2018/19 Budget Status

Mr. Moore reported that the final updates to Fiscal Year 2018/19 were received and the end comparison between what was projected and actual resulted in an increase of $50,000 in revenue and an increase of $10,000 for expenditures, which means $40,000 net increase between projections.

An updated Fi$Cal report has not been received from Budgets. The numbers that are presented in the activity log are numbers from April. The projections have been updated from those figures plus the Board’s own internal tracking system.
New computers were purchased to replace outdated equipment. The purchase timing was appropriate as laptops were purchased so staff can telework more efficiently. This shows an $18,000 increase from the May Board meeting.

Mr. Moore noted that under the Architectural Revolving Fund (ARF) $200,000 of the $300,000 is expected to be expended.

Mr. King left the meeting at 10:00 a.m.

B. Fiscal Year 2019/20 Budget Report
Changes in the fee regulations will not go into effect July 1, 2020, as anticipated. Updates to the budget report were received June 23, 2020, and therefore, staff has not had an opportunity to review and make adjustments to the fund condition. This information should be available at the next Board meeting.

VII. Legislation
A. 2020 Legislative Calendar
Ms. Eissler reviewed the Legislative Calendar.

Ms. Eissler reported on items that required action.

B. Discussion of Legislation for 2020
Ms. Eissler reported on items that required action.

**AB 2028** State agencies: meetings.

<table>
<thead>
<tr>
<th>MOTION:</th>
<th>Mr. Hamilton and Ms. Irish move to take a position of watch on AB 2028, as amended June 4, 2020.</th>
</tr>
</thead>
<tbody>
<tr>
<td>VOTE:</td>
<td>11-0, Motion Carried</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Yes</th>
<th>No</th>
<th>Abstain</th>
<th>Absent</th>
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<tr>
<td>Steve Wilson</td>
<td>X</td>
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<tr>
<td>Natalie Alavi</td>
<td>X</td>
<td></td>
<td></td>
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AB 2185 Professions and vocations: applicants licensed in other states: reciprocity.

MOTION: Vice-President Wilson and Ms. Alavi moved to take a position of oppose unless amended on AB 2185, as amended May 13, 2020, to exempt the Board because the Board’s existing statutes provide the correct balance between the need for comity/reciprocity licensure and the need to protect the health, safety, welfare, and property of the public.

VOTE: 11-0, Motion Carried

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AB 3334 Professional Land Surveyors’ Act and Professional Engineers Act.

MOTION: Vice-President Wilson and Dr. Qureshi moved to take a position of oppose unless amended on AB 3334, as amended May 11, 2020, and request that the term “remote sensing” and the definition of “remote sensing” be removed from subdivision (b) of Sections 6731.1 and 8726. Staff further recommends the Board delegate to Board Members Steve Wilson, PE, PLS, and Andrew Hamilton the authority to change the Board’s position on the bill should it be amended to address the Board’s concerns prior to the next Board meeting.

VOTE: 11-0, Motion Carried

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SB 865  Excavations: subsurface installations.

**MOTION:**  Ms. Mathieson and Ms. Irish moved to take a position of oppose unless amended on SB 685, as amended June 2, 2020, and request that appropriate language be included to clarify the intent to capture accurate coordinates that would be relied upon to locate and mark subsurface utilities and to indicate that such work would have to be done by, or under the responsible charge of, individuals legally authorized to practice land surveying.

**VOTE:**  11-0, Motion Carried

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

**MOTION:**  Ms. Mathieson and Ms. Alavi moved to take a position of support on SB 878, as amended June 18, 2020.

**VOTE:**  11-0, Motion Carried
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There was no discussion or action on the following items.

**AB 1263** Contracts: consumer services: consumer complaints.

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

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

**AB 2549** Department of Consumer Affairs: temporary licenses.

**AB 2631** License fees: military partners and spouses.

**SB 865** Excavations: subsurface installations.

**SB 1057** Land.

**IX. Exams/Licensing**

A. Update on 2020 California State Examinations

Mr. Kereszt has been in contact with Prometric on a daily basis in an effort to resume State exams July 1, 2020.

The Board applied and has been designated as an essential client by Prometric. This will provide candidates with more flexibility as they will now be able to schedule into any available opening at any test center. This is important for the candidates in terms of having them schedule. Staff will follow up on trying to remind them to schedule for the exams just to make sure that everybody knows that they have that opportunity.

Exams have been canceled, rescheduled, and postponed, and Mr. Kereszt thanked the candidates for being patient during these unprecedented times. Staff is actively trying to respond to candidates’ questions and concerns the same day.

B. Discussion on Alternate Ways to Administer State Examinations

Mr. Kereszt has been researching different exam administration methods should something like this happen again. One method is remote proctoring. Remote proctoring provides the exam candidate an opportunity to take the
exam at a remote location such as their home using their own computer. Prometric would organize the exam and ensure that the area that they are taking the exam is secure and there would be up to three proctors involved in any one candidate’s exam administration. While Prometric has their security methods in place, Mr. Kereszt expressed his hesitation to move forward with this form of exam administration and is concerned with the security and integrity of the exams. More data will need to be collected as more clients are using this method now. There will probably be a better understanding of the security protocols that are involved in remote proctoring by the end of the year. It is also a possibility to have Prometric provide a presentation at a future Board meeting to address any questions or concerns about security protocols.

Mr. Moore has serious reservations about exam security with remote proctoring. He is aware that Prometric has tried to address his concerns and, while he can definitely respect and appreciate their attempt, the Board has a responsibility to the examinees to help them in their process to getting licensed but we must secure the hundreds of thousands, if not millions, of dollars that the Board has invested in exam development, concerns about exam subversion, and the impact of the integrity of the exams.

VIII. Enforcement
A. Enforcement Statistical Reports
   1. Fiscal Year 2019/20 Update
      Ms. Criswell presented the Enforcement Statistics. She had the opportunity to meet with the Division of Investigations’ new Northern Area Commander, Emily Kendrick, who worked with the Board as a Student Assistant years ago. She understood concerns with delays and is committed to addressing matters.

X. Executive Officer’s Report
During the Executive Officer’s Report, Mr. Alameida announced that he has taken an opportunity and accepted another position within DCA, specifically the Office of Information Services. He expressed his appreciation for the mentorship and respect he has received and the positivity in terms of questions and criticisms of his progress. He looks forward to this next step in his career.

A. Rulemaking Status Report
   Mr. Moore reviewed the Rulemaking status report. Dr. Qureshi noted that item number 4, Definition of Traffic Engineering has the incorrect date of when the Board directed staff to pursue the rulemaking proposal.

B. Update on Board’s Business Modernization Project
   Mr. Moore reported that everything is moving along. Mr. Alameida will continue his services with the Board’s Business Modernization Project. User acceptance testing (UAT) will commence the week of July 13, 2020, where users of all four programs will be testing their functionality.
C. Personnel
Mr. Moore reported that Ms. Eissler will be recruiting to hire a new Administrative Services Manager.

As part of the Governor’s efforts regarding Covid-19 concerns, the Governor implemented a Contact Tracing Task Force and requested that all agencies provide staff to assist in that effort. The Board has assigned two staff members to aid in that effort.

D. ABET
Meetings are cancelled for the remainder of 2020.

E. Association of State Boards of Geology (ASBOG)
Mr. Moore reported that communication is being maintained with ASBOG, and all indications are that the fall exams will go on as planned unless we hear otherwise. Since the member boards are each responsible for administering paper-and-pencil exams in person, our staff is continuing to work with our sites that we have previously chosen to confirm whether or not they will be available, and they are also working on back up sights in the event there is an increase in the number of examinees. Mr. Kereszt will provide more information in the coming Board meetings. At this point, everything is going according to plan provided that the pandemic and physical distancing requirements allow the Board to continue to do so.

F. National Council of Examiners for Engineering and Surveying (NCEES)
The plan is to accommodate all of the examinees who were canceled in April plus the people who would normally be taking exams in October. The registration for the fall exams opened June 1, 2020, which was about 2-3 weeks earlier than normal as they wanted to try and accommodate everyone. They are also doing everything they can in the meantime to make sure they have the facilities and have the proper requirements in place to honor any physical distancing requirements.

The CBT (computer-based testing) was shut down briefly during March and April. NCEES uses Pearson VUE, and those CBT centers have slowly opened back up, with limited capacity. There are candidates scheduling and sitting for exams everyday as long as they can continue to schedule.

The Annual Meeting that was scheduled for Chicago in August was canceled. NCEES held three separate webinars, which concluded yesterday, to cover all the reports that the Board would need to finalize everything in the business session. Webinar number 1 was the CEO’s and President’s reports, Webinar number 2 was the Financial Reports, and Webinar number 3 was Elections and Voting. The Annual Meeting will be held in August via webinar.
During the Financial Reports, they were able to quantify the impact of the Covid-19 cancellations. Approximately, 16,000 examinees nationwide and internationally for the April pencil-and-paper exams had their exams cancelled. This accounted for $4 million dollars of what they had projected in their in their budget. The also refunded $1.4 million dollars in administration fees to the candidates. They are expecting that in October 2020, the volumes for the paper-and-pencil exams will be much higher due to the cancellation. They are anticipating that some revenue will be coming back that will offset some but not expecting all of it to be offset. They wanted to ensure that the candidates had the opportunity to get their money back and make a decision on how they wanted to proceed. They also expanded their pencil-and-paper exam dates to accommodate the expected volume.

NCEES also cancelled all in-person Zone meetings and exam development meetings through the end of the year.

Mr. Moore reported that due to the passing of Board Member Robert Stockton, we now only have one candidate for NCEES Treasurer out of the Northeast zone. An email was received during the morning from Steven Arndt, who is on the Maryland P.E. Board, and he is also now running for the Treasurer position. He will forward that information to the Board members.

G. Update on Outreach Efforts
   1. Discussion on Outreach Efforts During Pandemic
      Mr. Moore reviewed the various strategies the Board has integrated into its outreach efforts. He noted that staff is developing traditional outreach presentations and resources through a remote presentation format.

H. Review of Board’s Operating Procedures Related to President and Vice President Elections.
   Mr. Moore reported that both Vice-President Wilson and Mr. Hamilton are ending their grace year and continue to wait for reappointments. Referring to the Board’s Operating Procedures, should one or both not be reappointed to the Board, then new elections would be held. This will be an agenda item at the August Board meeting for the Board to nominate and elect a president and vice-president, if necessary.

   Mr. Moore also suggested that at the August meeting, the first agenda item would be for the Board to choose who would serve as Temporary President for that meeting should it be necessary.

   Dr. Qureshi suggested that the President reformulate the Nominating Committee and have potentially interested Board members contact them should there need to be an election in August.
President Amistad appointed Dr. Qureshi and Ms. Irish to be on the Nominating Committee to assemble potential candidates, if necessary, for the August meeting.

XI. Technical Advisory Committees (TACs)
A. Assignment of Items to TACs
   No report given.

B. Appointment of TAC Members
   No report given.

C. TAC Appointment
   No report given.

D. Reports from the TACs
   No report given.

XII. President’s Report/Board Member Activities
President Amistad honored Robert Stockton.

As President Amistad’s term comes to an end, he thanked the Board members and staff for making his term as Board President a success.

Mr. Ruffino advised the Board that he will not be seeking reappointment and thanked everyone for the opportunity to serve.

XIII. Approval of Meeting Minutes
A. Approval of the Minutes of the May 7, 2020, Board Meeting

   **MOTION:** Dr. Qureshi and Mr. Wilson moved to approve the meeting minutes as amended.

   **VOTE:** 11-0, Motion Carried

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XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting
Mr. Moore thanked President Amistad for his service and will present him with a plaque in recognition for his time as a Board President. He also thanked Mr. Ruffino for his service to the Board.

Mr. Moore expressed his gratitude to Vice-President Wilson and Mr. Hamilton for their service should they not be reappointed. He appreciates their guidance, advice, and the working relationships created during their terms.

XV. Closed Session – The Board met in Closed Session to discuss, as needed:
A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
D. Pending Litigation [Pursuant to Government Code section 11126(e)]

XVI. Adjournment
The meeting adjourned at 2:48 PM

Due to technological limitations, adjournment was not broadcast. Adjournment immediately followed Closed Session, and there were no other items of business discussed.

PUBLIC PRESENT
Alan Escarda
XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting
XV. Closed Session – The Board will meet in Closed Session to discuss, as needed:

A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
D. Pending Litigation [Pursuant to Government Code section 11126(e)]
XVI. **Adjournment**

Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.